



This Week in Review – January 17-21, 2005

(1) EPA Releases Draft AFO Safe Harbor Agreement (January 21, 2005) – EPA released a proposed Animal Feeding Operations Air Quality Compliance Agreement that provides participating animal feeding operations (AFOs) a safe harbor from enforcement of certain provisions of the Clean Air Act in exchange for the AFOs paying a small monetary penalty and providing funds for a monitoring program. In particular, participating AFOs receive from EPA a covenant not to sue for past violations of Clean Air Act permitting requirements in Title V, and Title I Parts C & D Prevention of Significant Deterioration/New Source Review and SIPs arising from emissions of NO_x, hydrogen sulfide, VOCs or PM from animal confinement structures and agricultural livestock waste lagoons. Based on EPA criteria, an independent organization will select for monitoring approximately 28 farms that represent major animal groups (e.g., swine, dairy and poultry), different types of operations and different geographic regions. EPA will publish the agreement in the *Federal Register* and provide a 30-day comment period. AFOs will have 90 days after the agreement is published in the *Federal Register* to sign up. In 2002 and 2003, STAPPA and ALAPCO sent letters to EPA expressing concerns with draft versions of the agreement. [For further information: Air Web – In the News and Agriculture Committee pages]

(2) EPA Releases NO_x Waiver Guidance for the 8-Hour Ozone Standard (January 19, 2005) – EPA released guidance explaining how it intends to interpret and apply the NO_x exemption provisions of section 182(f) of the Clean Air Act for the 8-hour ozone standard. Section 182(f) generally provides that states apply the same requirements to major stationary sources of NO_x as are applied to major stationary sources of VOCs, but it also specifies circumstances in which these NO_x requirements would be limited or not apply (i.e., NO_x exemptions). This guidance covers the procedures for requesting a NO_x exemption, provides further detail on the tests that must be met in order to be granted an exemption and provides technical information related to modeling techniques and emissions analyses that may be carried out in order to support a NO_x exemption request. [For further information: Air Web – Criteria Pollutants Committee page]

(3) EPA to Reconsider Overwhelming Transport Classification in 8-Hour Ozone Rule (January 10, 2005) – EPA announced in a letter to Earthjustice that it will reconsider the “overwhelming transport” classification in the 8-hour ozone rule in

response to a petition filed by Earthjustice. EPA plans to issue guidance “in early 2005” on what requirements should apply to areas that receive an “overwhelming transport” classification, and EPA will seek comments on this guidance and simultaneously reopen the comment period on the 8-hour ozone implementation provisions that will apply to these areas, according to the letter. In the letter, EPA also informed Earthjustice that it will not reconsider two other issues Earthjustice raised. First, with respect to reformulated gasoline (RFG), EPA said it has not decided whether RFG requirements will continue to apply in nonattainment areas and will provide its views “in an action separate from the April 2004 final rule.” Second, EPA said that Earthjustice was mistaken in interpreting a provision of the final rule (section 51.905(a)(3)(ii)(B)) as constraining EPA’s authority to redesignate an attainment area as a nonattainment area if the area violates the 8-hour standard in the future. [For further information: Air Web – Criteria Pollutants Committee]

(4) Researchers Find Link Between Prenatal Exposure to Air Pollution and Childhood Cancers (January 18, 2005) – According to a study published in the *Journal of Epidemiology and Community Health*, the majority of childhood cancers likely are the result of mothers being exposed to pollutants while pregnant. Researchers at the University of Birmingham, United Kingdom, found that women who live near industrial areas and are exposed to pollutants in the air are up to four times more likely to have children who develop cancer. Significant birth proximity relative risks were found within 1 kilometer of hotspots for carbon monoxide, PM₁₀ particles, VOCs, nitrogen oxides, benzene, dioxins, 1,3-butadiene and benz(a)pyrene. [For further information: jech.bmjournals.com/cgi/reprint/59/2/101]

(5) Forests are Key to Cost-Effective Climate Policy (January 19, 2005) – A new report by the Pew Center on Global Climate Change says that carbon storage in forests should form a key part of U.S. strategy for dealing with climate change. The estimated cost of sequestering up to 500 million tons of carbon per year – an amount that would offset up to one-third of current annual U.S. carbon emissions – ranges from \$30 to \$90 per ton. On a per-ton basis, this is comparable to the cost estimated for other options for addressing climate change, including fuel switching and energy efficiency. However, to meet the report’s goals, a significant amount of land and up-front investment is required. [For further information: www.pewclimate.org/global-warming-in-depth/all_reports/carbon_sequestration/index.cfm]

The Week Ahead

- U.S. Court of Appeals for the District of Columbia Circuit’s Oral Argument in *New York v. EPA* on the NSR Case – January 25, 2005
- EPA’s Office of Air and Radiation Training Seminar for Regional Planning Organizations, Multi-Jurisdictional Organizations and Inter-tribal Consortia, EPA Region III Office, Philadelphia, Pennsylvania – January 25-26, 2005

- STAPPA and ALAPCO Testify Before the Senate Environment and Public Works Committee Hearing on the Need for Multi-pollutant Legislation and, Specifically, on Clear Skies, as Amended (S. 1844) – January 26, 2005
- STAPPA and ALAPCO Boards of Directors and Committee Chairs Winter Meeting, Belleview Biltmore Hotel, Clearwater, Florida – January 29-31, 2005

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