



This Week in Review – March 21-25, 2005

(1) **DOE Releases GHG Reporting Guidance (March 24, 2005)** – The U.S. Department of Energy (DOE) released revised guidelines for its voluntary program for reporting greenhouse gas (GHG) emissions and emissions reductions (Voluntary Reporting of GHGs Program). In particular, DOE issued as an interim final rule general reporting guidelines and proposed for comment draft technical guidelines; these two components will form the revised DOE Voluntary Reporting of GHGs Program. In the *Federal Register* notice, DOE says by issuing the general guidelines as an interim final rule with an effective date 180 days later, DOE will be able to make any changes to the guidelines that may become necessary due to public review of the draft technical guidelines. The interim final rule retains the distinction between reporting and registering emissions reductions, with more stringent criteria applied to the latter. The main distinction between registering and reporting under the revised guidelines concerns the degree to which individual reports cover all of the entity's emissions and emissions reductions. On the issue of "transferable credits," DOE states in the interim final rule that no commenter argued that DOE has the legal authority to give emissions reductions that are reported or registered in the DOE Voluntary Reporting of GHGs Program a regulatory or financial value under some future climate policy. Nevertheless, DOE believes that by providing a more stringent program for registering (as opposed to reporting) reductions, it has fulfilled the direction of the President to improve the DOE Voluntary Reporting of GHGs Program. With respect to emissions reductions achieved indirectly, the draft technical guidelines specify methods that will attribute reductions associated with the declines in the emissions intensity of generation to the owners of the energy generating facilities that resulted in these declines; emissions reductions associated with reductions in the use of electricity or other forms of energy would be attributed to the end users. DOE will hold a public workshop on April 26 and 27, 2005, to discuss the guidelines and to receive public comment; on May 5, 2005, the U.S. Department of Agriculture and DOE will jointly sponsor a workshop on the agricultural and forestry elements of the guidelines. Comments are due on the draft technical guidance by May 23, 2005; the general guidance will become effective on September 20, 2005. [For further information: Air Web – Global Warming Committee page – and 70 *Federal Register* 15163]

(2) **EPA Releases Proposed Rule to Exempt Five Area Source Categories from Title V Permitting (March 22, 2005)** – EPA signed a proposed rule that would exempt permanently from the Title V operating permit program five categories of

nonmajor area sources subject to National Emission Standards for Hazardous Air Pollutants (NESHAP). In a long-anticipated proposed rule, EPA proposed that compliance with Title V operating permit requirements for five source categories was impracticable, infeasible and unnecessarily burdensome. The five categories are dry cleaners, halogenated solvent degreasers, chrome electroplaters, ethylene oxide sterilizers and secondary aluminum smelters. Secondary lead smelters, however, are not proposed for exemption. The deferral from permitting for these sources expired on December 9, 2004. With regard to states that have issued Title V operating permits to various area sources that have been subject to these deferrals, EPA states that it believes that "the Act does not authorize permitting authorities, including State and local agencies and EPA, to permit area sources under title V after EPA finalizes exemptions from title V for them." Furthermore, EPA notes, states will have to take actions to revoke, terminate or deny permits through reopening for cause procedures after the effective date of any EPA exemption for such an area source. Citing alternative compliance oversight programs that have resulted in high compliance rates with NESHAP requirements, EPA concluded that Title V was not necessary to achieve compliance. [For further information: Air Web – Permitting and Enforcement Committee pages]

(3) Canadian Government and Automakers Reach Agreement on Voluntary Program to Reduce GHGs (March 23, 2005) – Canadian Natural Resources Minister John Efford announced that the Canadian government has reached an agreement with automakers on a voluntary program to reduce vehicle greenhouse gas (GHG) emissions over the next five years. According to press reports, the agreement – which is part of a larger strategy to help the country meet its Kyoto Protocol target (a 6-percent reduction in GHGs from 1990 levels by the end of the 2008-2012 period) – will reduce 5.3 million tons of GHGs by 2010 through such steps as increased fuel efficiency, more alternative-fueled and hybrid vehicles and an advertising campaign encouraging the purchase of efficient vehicles. Five automakers were involved in the development of this agreement: GM, Ford, DaimlerChrysler, Honda and Toyota; others are expected to sign on as well. A formal signing of the agreement is expected in the next few weeks.

(4) EPA Office of the Inspector General (OIG) Releases a Report on BioWatch (March 23, 2005) – EPA's Office of Inspector General (OIG) released a report on EPA's role in the BioWatch program funded and overseen by the Department of Homeland Security (DHS). EPA's BioWatch responsibilities include managing cooperative agreements with state and local agencies to collect filter samples. Finding that EPA has neither provided adequate oversight of sampling operations nor ensured that quality assurance guidance was adhered to, the OIG recommended that EPA's Assistant Administrator for Air and Radiation should ensure compliance with quality assurance guidance. Furthermore, the OIG recommends, the Assistant Administrator should "assist DHS in identifying and testing alternative technologies...for detecting biological agents." EPA should also ensure that it is prepared to assist with consequence management in the event of a biological agent release, according to the OIG. The BioWatch program is a comprehensive monitoring

and analysis program to ensure the early detection of biological agents released into the air. [For further information: Air Web – Monitoring Committee page]

(5) NJ Governor Signs Law to Remove Mercury Switches from Scrapped Vehicles (March 23, 2005) – Acting New Jersey Governor Richard J. Codey signed legislation to reduce mercury emissions in the state by establishing a program to remove mercury switches from vehicles before melting them down for scrap metal. Mercury switches in scrapped vehicles represent one of New Jersey's largest remaining sources of mercury contamination. The approximately 500,000 vehicles scrapped in the state each year may contain as much as 1,000 pounds of mercury. In taking this action, New Jersey becomes the third state in the nation – joining Arkansas and Maine – to have a mandatory collection and recovery program for mercury switches. [For further information: www.state.nj.us/cgi-bin/governor/njnewsline/default.pl]

(6) EPA Concludes Criminal Prosecution of Company that Knowingly Failed to Obtain Air Permits (March 22, 2005) – A Texas pipe manufacturer that razed its south plant cupola and replaced it with a new one without obtaining permits under the Clean Air Act's provisions for prevention of significant deterioration pled guilty to two felony counts and will pay a criminal fine of \$4.5 million. In addition, Tyler Pipe Company, a division of McWane Inc., has agreed to undertake extensive upgrades at its iron foundry facility near Tyler, Texas. According to EPA's Thomas V. Skinner, Assistant Administrator for Enforcement and Compliance Assurance, "[T]his is the first federal criminal prosecution of its kind...[in which] the company failed to secure required air permits when it undertook construction, and...attempted to conceal its actions." [For further information: www.epa.gov]

(7) Estimates of Possible Level of Global Warming Double (March 23, 2005) – According to research conducted by scientists at the United Kingdom's Climateprediction.net, the Earth's temperature could rise by as much as 11 degrees Celsius (°C) by 2050; previous predictions estimated increases between 1.5 and 4.5 °C by 2050. This new higher estimate comes as a result of an innovative distributive computing project. The researchers enlisted 95,000 people from 150 countries to download a general circulation model and run it using the idle processing capacity on their personal computers. The distributed computing project enabled the researchers to run thousands of versions of the model, in which 21 parameters were set to alternative values considered plausible by experts. When carbon dioxide (CO₂) concentration doubles from pre-industrial levels -- as is expected to happen by about 2050 – the simulations predict that global mean temperature could rise over a period of many years anywhere from 1.9 to 11.5 °C. One of the main researchers noted that an important message of the study results is that the *minimum* warming predicted was 1.9 °C, so policy makers can be increasingly confident that global temperature will rise by no less than 2 °C in response to doubling CO₂ levels – but it is also possible that temperatures could rise by as much as 11 °C. [For further information: pubs.acs.org/subscribe/journals/esthag-w/2005/mar/science/jp_greenhouse.html]

(8) Maryland State Senate to Vote on 4-P Bill (March 25, 2005) – The Maryland State Senate is scheduled to vote today on S. 744, a four-pollutant bill designed to reduce emissions from the state's seven oldest power plants. The bill would reduce mercury emissions by 90 percent, sulfur dioxide by 80 percent, nitrogen oxides by 65 percent and carbon dioxide by 10 percent. A vote on the bill was preceded by a voluntary study, in which one-third of Maryland's state Senators and Delegates took part, to test (using hair samples) for levels of mercury in their bodies. Of the 22 legislators tested, all had at least some level of mercury in their system and seven, including four women, had levels that EPA has declared unsafe for women of childbearing age.

The Week Ahead

Congressional Recess Continues – March 28-April 1, 2005

STAPPA/ALAPCO
444 North Capitol Street, NW, Suite 307
Washington, DC 20001
Tel: (202) 624-7864/Fax: (202) 624-7863
4cleanair@4cleanair.org