



### *This Week in Review – April 19-23, 2004*

(1) **STAPPA and ALAPCO Testify Before Congress on Proposed CAA Exemptions for Military Readiness (April 21, 2004)** – Bill Becker testified on behalf of STAPPA and ALAPCO at a hearing convened by the House Energy and Commerce Subcommittees on Energy and Air Quality and Environment and Hazardous Waste on “Current Environmental Issues Affecting the Readiness of the Department of Defense.” Through its Range Readiness and Preservation Initiative, the Department of Defense (DOD) is seeking exemptions from the Clean Air Act (CAA), RCRA and CERCLA for purposes of military readiness. With respect to the CAA, DOD is seeking to exempt military readiness activities from the statute’s general conformity provisions for three years (per activity) and to require EPA to designate as attainment any area that would attain the ozone, PM or CO NAAQS but for emissions from the exempted activity. This is the third year in a row that DOD has sought congressional action for such exemptions; STAPPA and ALAPCO have opposed them each time. As the associations state in their congressional testimony, the exemptions are 1) unnecessary, because the CAA and the general conformity regulations already provide exemptions that allow compliance to be suspended if it is in the “paramount interest” of the U.S. or in the case of emergencies, including terrorism and military mobilizations; 2) unjustified, because DOD has not cited a single example of a military readiness activity that has been prevented or delayed due to general conformity; and 3) unfair, because of the impact of the resulting excess emissions on public health and the extra burden that would be placed on other regulated sources to make up for the military’s emissions. All testimonies provided at the hearing, as well as a video of the hearing, are available on the Energy and Commerce Committee web site. [For further information: Air Web – In the News and Mobile Sources and Fuels Committee pages – and [energycommerce.house.gov/108/Hearings/04212004hearing1252/hearing.htm](http://energycommerce.house.gov/108/Hearings/04212004hearing1252/hearing.htm)]

(2) **ECOS Adopts Resolution on Control of Mercury from Utilities (April 20, 2004)** – During its annual meeting earlier this week, the Environmental Council of the States (ECOS) considered and adopted a resolution regarding EPA’s proposed standards to control the emissions of mercury from electric utilities. Specifically, ECOS expresses disappointment that EPA’s proposal does not represent the views of the Federal Advisory Committee Act working group and voices concern that EPA’s proposed approaches are inadequate to protect the public health of sensitive populations, are inconsistent with requirements of the Act and do not fully take into account the current status of available technology. Additionally, ECOS urges EPA to “modify its existing

proposal to require the most aggressive mercury reductions achievable, in as early a timeframe possible in concert with the earliest of other air pollutant emission reduction schedules, and in such a way that would preclude the creation of localized, adverse health or environmental impacts.” [For further information: Air Web – Air Toxics Committee page and [www.sso.org/ecos/policy/resolutions/Resolution%2004-2.pdf](http://www.sso.org/ecos/policy/resolutions/Resolution%2004-2.pdf)]

**(3) Connecticut Legislature Approves Clean Car Bill (April 22, 2004)** – By a nearly unanimous vote, the Connecticut legislature adopted SB 119, the Clean Cars Bill. In doing so, Connecticut adopts California’s vehicle emission standards beginning with the 2008 model year. The program includes requirements for sales of hybrid-electric and other low-emitting advanced-technology cars and trucks. Motor vehicles are the single largest source of toxic air emissions and ozone precursors in Connecticut. Estimates show that the Clean Car program will reduce toxic emissions in the state by 33 percent and NO<sub>x</sub> and VOCs by 21 percent and 11 percent, respectively. Connecticut Governor John Rowland has pledged to sign the bill when it reaches his desk.

**(4) Connecticut to Significantly Increase Purchase of Renewable Energy (April 22, 2004)** – Connecticut Governor John Rowland signed an executive order requiring state agencies to purchase increasing amounts of renewable energy, leading to state agencies relying on renewable energy for 100 percent of their power by 2050. Under the order, state agencies must purchase 20 percent renewable energy by 2010, 50 percent renewable energy by 2020 and 100 percent renewable energy by 2050. The 20-percent-by-2010 initiative is one of over three dozen recommendations Governor Rowland accepted last month from a year-long climate change committee’s report that will help significantly reduce the state’s emissions of GHGs. [For further information: [www.ct.gov/governor/](http://www.ct.gov/governor/)]

**(5) U.S. Supreme Court Hears Oral Argument on Mexican Trucks (April 21, 2004)** – The U.S. Supreme Court heard oral arguments in *DOT v. Public Citizen* (No. 03-358). The question before the Court, by appeal of the federal government, is whether the air quality impacts of Mexican trucks should be evaluated before the vehicles are allowed to enter the country. The U.S. Court of Appeals for the Ninth Circuit has held that the National Environmental Policy Act (NEPA) and the Clean Air Act both mandate such evaluation. The government argues that direct actions by the President are not subject to environmental review under NEPA and that the decision to allow the Mexican fleet into the country was such a direct action.

**(6) EPA Publishes Proposed MACT for Hazardous Waste Combustors (April 20, 2004)** – EPA published in the *Federal Register* a proposed rule to reduce emissions of hazardous air pollutants from hazardous waste combustors, which include hazardous waste burning incinerators, cement kilns, lightweight aggregate kilns, industrial/commercial/institutional boilers and process heaters and hydrochloric acid production furnaces. The rule, which applies to all new and existing sources, regardless of whether or not they are major sources, would apply to an estimated 150 facilities that operate 276 hazardous waste-burning sources. EPA proposes to set technology-based standards for several pollutants, but also allow an alternative

standard for chlorine emissions based on risk. The proposal also seeks comment on a tentative decision to repeal an existing site-specific risk assessment policy under the Resource Conservation and Recovery Act for hazardous waste incinerators. EPA will accept public comment until July 6, 2004. [For further information: 69 *Federal Register* 21197]

**(7) NO<sub>x</sub> SIP Call Phase II Requirements Published in *Federal Register* (April 21, 2004)** – EPA published the Phase II requirements of the NO<sub>x</sub> SIP Call; the requirements take effect June 21, 2004. In this rulemaking, EPA 1) finalizes the definition of electric generating unit as applied to certain small cogeneration units, 2) establishes control levels for stationary internal combustion engines, 3) excludes portions of Georgia, Missouri, Alabama and Michigan from the NO<sub>x</sub> SIP Call, 4) revises statewide emissions budgets in the NO<sub>x</sub> SIP Call to reflect the disposition of the first three issues above, 5) sets a SIP submittal date, 6) sets the compliance date for implementation of control measures and 7) excludes Wisconsin from NO<sub>x</sub> SIP Call requirements. Under the NO<sub>x</sub> SIP Call, EPA determined that sources in 22 states and the District of Columbia were emitting NO<sub>x</sub> in amounts that significantly contribute to nonattainment of the 1-hour ozone standard in downwind states and set forth requirements for each of the affected upwind states to submit SIP revisions prohibiting those amounts of NO<sub>x</sub> emissions that significantly contribute to downwind air quality problems. [For further information: 69 *Federal Register* 21603]

**(8) CEC Issues Draft Report on Toxic Chemicals and Children's Health (April 21, 2004)** – The North American Commission for Environmental Cooperation (CEC) – an international organization created by Canada, Mexico and the U.S. under the North American Agreement on Environmental Cooperation – has issued a draft report entitled, *Taking Stock: A Special Report on Toxic Chemicals and Children's Health in North America*. The report includes an analysis, from the perspective of children's health, of publicly available data from the National Pollutant Release Inventory (NPRI) in Canada and the Toxics Release Inventory (TRI) in the U.S. (comparable information from Mexico was not available). The CEC will take comment on the draft until May 15, 2004. [For further information: [www.cec.org/pubs\\_docs/documents/index.cfm?varlan=english&ID=1457](http://www.cec.org/pubs_docs/documents/index.cfm?varlan=english&ID=1457)]

**(9) Existing Technology Can Reduce GHG Emissions of Vehicles by 20 Percent (April 19, 2004)** – The Union of Concerned Scientists (UCS) has concluded that technology exists today to reduce GHG emissions from vehicles by 20 percent for \$600 per vehicle, with a payback period of three years (i.e., consumers recoup the \$600 in three years through increased efficiency). In *Climate Control: Global Warming Solutions for California*, UCS reports that technologies available in the near term could reduce GHG emissions by 40 percent and recoup costs in just over four years. UCS released its report in conjunction with workshops the California Air Resources Board is holding on developing GHG emission standards for motor vehicles as required by California law AB 1493. In the report, UCS notes that since California accounts for 10 percent of all new vehicles sold, the state's GHG standards for motor vehicles will have a significant impact. [For further information: [www.ucsusa.org](http://www.ucsusa.org)]

**(10) North Carolina Holds Clean Smokestacks Act Mercury and Carbon Dioxide Workshop (April 21, 2004)** – North Carolina held a workshop April 19-21, 2004 to assess and collect information regarding mercury and carbon dioxide (CO<sub>2</sub>) control options for fossil-fueled power plants. North Carolina's Clean Smokestacks Act directed the North Carolina Division of Air Quality (NCDAQ) to study the issues and costs related to controlling mercury and CO<sub>2</sub> and provide reports in September 2003, September 2004 and September 2005, with the last report containing NCDAQ's final recommendations. NCDAQ held the workshop to help it prepare these reports. Amy Royden (STAPPA/ALAPCO) provided an overview of actions by states and localities to address CO<sub>2</sub> emissions from coal-fired power plants, and described the associations' innovative software tool, the Clean Air and Climate Protection Software, which allows state and local officials to develop reduction strategies that target GHGs (including CO<sub>2</sub>) and criteria pollutant emissions.

**(11) EPA Issues Iron and Steel Foundry MACT (April 22, 2004)** – EPA has published in the *Federal Register* the final standard to reduce emissions of hazardous air pollution (HAP) from iron and steel foundries. There will be approximately 100 foundries affected by the rule, most of them operated by manufacturers of automobiles and large industrial equipment and their suppliers. EPA estimates that the rule will reduce HAP emissions by over 820 tons per year and emissions of other pollutants by about 2,550 tons per year. [For further information: 69 *Federal Register* 21905]

**(12) EPA Publishes Final MACT for Plastic Parts Coating (April 19, 2004)** – EPA published in the *Federal Register* the final rule regulating HAP emissions from surface coating of plastic parts and products. These sources apply a coating, such as paints, stains, sealers, topcoats, inks and adhesives, to plastic parts and products. There are over 200 major sources that will be affected by the rule. EPA estimates that the final standard will reduce HAP emissions from the source category by 80 percent. [For further information: 69 *Federal Register* 20968]

### ***The Week Ahead***

- Senate Energy and Natural Resources Committee Hearing on Sustainable Electricity Generation, in Washington, DC – April 27, 2004
- NGA Center for Best Practices Conference on Integrating Energy, Environment and Economic Goals: State Best Practices for Saving Energy, Improving Air Quality, and Reducing GHGs, in Scottsdale, Arizona – April 29-30, 2004

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