



## ***This Week in Review – May 17-21, 2004***

**(1) STAPPA and ALAPCO Hold Successful Spring Membership Meeting; ALAPCO Elects Officers for 2004-2005 (May 16-19, 2004)** – STAPPA and ALAPCO held their 2004 Spring Membership Meeting in Point Clear, Alabama. Highlights of the meeting included panel discussions on state and local air toxics initiatives; taking action on climate change; air quality and public health; the sources, pathways and health effects of mercury; NAAQS and regional haze implementation; EPA's mobile source, fuel and transportation priorities; federal enforcement priorities; innovative funding strategies; and innovative regional initiatives. A joint STAPPA and ALAPCO business meeting was also held, during which ALAPCO elected the following slate of officers for 2004-2005:

President:	Dennis McLerran (Seattle, WA)
Vice-President:	John Paul (Dayton, OH)
Secretary:	Brian Jennison (Lane County, OR)
Treasurer:	Gary Young (Des Moines, IA)
Director:	Ursula Kramer (Tucson, AZ)
Director:	Christine Robinson (Las Vegas, NV)
Immediate Past Pres.:	Cory Chadwick (Cincinnati, OH)

[For further information: A compilation of the PowerPoint presentations made at the meeting will be available on the In the News page of Air Web early next week]

**(2) Senate Names Transportation Conferees; STAPPA and ALAPCO Compare Air Quality Provisions of Senate and House Bills (May 20, 2004)** – The Senate has named 21 conferees to the transportation bill conference committee. Republican conferees include Senators Christopher Bond (MO), Charles Grassley (IA), Orrin Hatch (UT), James Inhofe (OK), Trent Lott (MS), John McCain (AZ), Mitch McConnell (KY), Don Nickles (OK), Richard Shelby (AL), George Voinovich (OH) and John Warner (VA). Democratic conferees include Senators Max Baucus (MT), Barbara Boxer (CA), Kent Conrad (ND), Tom Daschle (SD), Bob Graham (FL), Ernest Hollings (SC), Joseph Lieberman (CT), Harry Reid (NV) and Paul Sarbanes (MD). Senator James Jeffords (VT), an Independent, is also a conferee. Over the past month, Senate Democrats used procedural motions to prevent the transportation bill from proceeding to conference, due to concerns over their role in the conference discussions and an ultimate agreement. However, earlier this week, they received assurance from Republicans that the Senate leadership would not pursue a conclusion to the transportation conference, nor sign any conference report, that

would undermine the bipartisan working relationship that resulted in S. 1072 – the Senate transportation bill. The House is expected to name conferees after the Memorial Day recess. Of key interest to STAPPA and ALAPCO are the air quality-related provisions of the Senate and House transportation bills (S. 1072 and H.R. 3550, respectively), particularly those related to transportation conformity and the Congestion Mitigation and Air Quality Improvement Program. The associations have prepared a comparison of the respective bills and have included a recommendation for each issue identified. [For further information: Air Web – Mobile Sources and Fuels Committee page – and Clean Air World]

**(3) EPA Releases Supplemental Proposal on Clean Air Interstate Rule; Hearing Scheduled for June 3 (May 19, 2004)** – EPA released its supplemental proposal on the Clean Air Interstate Rule (CAIR, formerly called the Interstate Air Quality Rule). The supplemental proposal includes regulatory text for the entire rule, including text for a model cap-and-trade program. If a state chooses to participate in this program, it must adopt EPA's model trading rules. The supplemental proposal also includes the criteria EPA will use for approving CAIR SIPs. EPA is proposing its determination that the emissions reductions under this proposed rule, if achieved by power plants under the model cap-and-trade program, would satisfy the Best Available Retrofit Technology (BART) requirements of the regional haze program as a "better than BART" alternative. EPA is not proposing to expand the rule nationwide to include western states, as it had considered under the original proposal published January 30, 2004. EPA will take comments on the supplemental proposal for 45 days following publication in the *Federal Register*. The agency will hold a public hearing to solicit comments on the supplemental proposal on June 3, 2004 in Alexandria, Virginia. [For further information: Air Web – In the News and Criteria Pollutants Committee pages]

**(4) EPA Announces Dates and Locations for Two Public Hearings on BART Proposal (May 20, 2004)** – EPA will hold two public hearings to solicit comments on its proposed guidelines for implementing the Best Available Retrofit Technology requirements of the regional haze program, as published in the *Federal Register* on May 5, 2004 (69 FR 25184). The first hearing will be held on June 4, 2004, in Alexandria, Virginia. The second will take place in Denver, Colorado, on June 15, 2004. [For further information: 69 *Federal Register* 29118 and Air Web – Criteria Pollutants Committee page]

**(5) EPA Seeks Members for Title V Task Force (May 17, 2004)** – EPA published a *Federal Register* notice soliciting potential members for a task force that will examine the effectiveness of the operating permits program under Title V of the Clean Air Act. The agency is seeking between 12 and 24 task force members, including representatives of industry, state and local air pollution control agencies and environmental groups. The Title V task force will draft a report, for consideration by EPA's Clean Air Act Advisory Committee, documenting how the Title V program has been working and offering recommendations for improvement. Those interested in serving on the task force should submit their name, organization, telephone number, e-mail address and a short statement of interest, qualifications and ability to fulfill the

duties of the task force to EPA by May 31, 2004. [For further information: 69 *Federal Register* 27921 or Ray Vogel of EPA at 919-541-5509 or [vogel.ray@epa.gov](mailto:vogel.ray@epa.gov)]

**(6) Four States Give Notice of Intent to Sue Allegheny Energy, Inc. (May 20, 2004)**

– Four downwind states – New York, Connecticut, New Jersey and Pennsylvania – have notified Allegheny Energy, Inc. and several related power companies of their intent to sue over alleged modifications at various facilities in violation of NSR permitting requirements for prevention of significant deterioration (PSD). The possible lawsuit would be the first NSR lawsuit to be filed by states without federal government participation. The four states assert in a letter issued pursuant to Clean Air Act section 7604 that the plants “have emitted excess amounts of nitrogen oxides and sulfur dioxide, which have damaged the environment and contributed to the endangerment of public health in downwind locations...” Four West Virginia plants were singled out in the letter; three Allegheny Energy plants located in Pennsylvania may also be the subject of litigation pending further negotiations between the Pennsylvania Department of Environmental Protection and company officials. [For further information: Air Web – Enforcement Committee page]

**(7) Congressman Questions Leavitt and Horinko About Development of Utility Mercury Proposal (May 13, 2004)**

– Rep. Tom Allen (D-ME) sent a letter to EPA Administrator Michael Leavitt questioning why the agency did not perform additional modeling of options for controlling emissions of hazardous air pollutants, especially mercury, from electric utilities. Specifically, the Congressman inquired about modeling analyses that the Federal Advisory Committee Act workgroup had recommended and requested clarification of statements Assistant Administrator Jeff Holmstead made on that subject during an April 21, 2004 congressional hearing. In his letter, Rep. Allen quotes extensively from a letter he received from John Paul (Dayton, OH), Co-Chair of the FACA workgroup, in response to a letter of inquiry Rep. Allen sent him following the hearing. Rep. Allen also wrote to Marianne Lamont Horinko, who was EPA's Acting Administrator following the resignation of Christine Todd Whitman, asking her to explain in detail EPA's activities with respect to the development of the proposed mercury utility rule during her tenure as Acting Administrator. [For further information: [tomallen.house.gov/showart.asp?issueID=0&contentID=1316](http://tomallen.house.gov/showart.asp?issueID=0&contentID=1316)]

**(8) MOBILE6.2 Model Released by EPA (May 19, 2004)**

– EPA has released its new MOBILE6.2 Model, which calculates PM precursors, including air toxics and ammonia, as well as emissions from vehicle exhaust and brake and tire wear. Like the predecessor model, MOBILE6, the improved model also calculates volatile organic compounds, nitrogen oxides and carbon monoxide from vehicles. EPA separated from the MOBILE6.2 Model the particulate component related to re-entrained road dust resulting from vehicle activity. This component was addressed in the AP-42 Re-Entrained Road Dust Emission Factor promulgated by EPA in December 2003. EPA expects that the AP-42 and the MOBILE6.2 Model will be used for PM<sub>10</sub> SIP development and, when the PM<sub>2.5</sub> implementation rule is finalized, for PM<sub>2.5</sub> SIP development as well. States are not expected to use the new model or the AP-42 for PM<sub>10</sub> SIP development unless they are in the initial stages of such planning.

Furthermore, the revised model and AP-42 will generally not be required for the new transportation conformity analyses until May 19, 2006. [For further information: 60 *Federal Register* 28830, [www.epa.gov/otaq/m6.htm](http://www.epa.gov/otaq/m6.htm) and [www.epa.gov/ttn/chief/ap42/ch13/index.html](http://www.epa.gov/ttn/chief/ap42/ch13/index.html)]

**(9) EIA Completes Analysis of Multi-Pollutant Bills (May 14, 2004)** – The Department of Energy's Energy Information Administration (EIA) released a report on its analysis of three multi-pollutant bills that have been introduced in Congress – S. 1844, the Clear Skies Act of 2003, which is the Administration's multi-pollutant approach, introduced by Senator James Inhofe (R-OK); S. 843, the Clean Air Planning Act, introduced by Senator Tom Carper (D-DE); and the Clean Power Act of 2003, introduced by Senator James Jeffords (I-VT). The analysis was conducted at the request of Senator Inhofe. The report includes background on and summaries of the three bills, as well as the results of EIA's analyses – using the National Energy Modeling System – of the impacts of the three bills on generation and fuel use; generating capacity and pollution control equipment additions; electricity prices, consumer electricity, natural gas expenditures and industry resource costs; emissions and allowance prices; and economics and employment. [For further information: Air Web – Energy Committee page – and [www.eia.doe.gov/oiaf/service/rpt/csa/pdf/sroiaf\(2004\)05.pdf](http://www.eia.doe.gov/oiaf/service/rpt/csa/pdf/sroiaf(2004)05.pdf)]

**(10) EPA Delays Response to North Carolina's 126 Petition (May 20, 2004)** – EPA is extending by six months its final action on a petition from North Carolina filed under section 126 of the Clean Air Act. In the petition, North Carolina requests that EPA make a finding that emissions of sulfur dioxide and nitrogen oxides from large electric generating units in 13 states are contributing significantly to fine particulate matter and/or 8-hour ozone nonattainment and maintenance problems in North Carolina. EPA is delaying its response because it has determined that the 60-day time limit provided under section 126(b) is not sufficient for the agency to develop an adequate proposal on whether the sources identified in the petition contribute significantly to nonattainment problems downwind and, further, to allow public input regarding the promulgation of any controls to mitigate or eliminate those contributions. Citing authority under Clean Air Act section 307(d)(10), EPA will extend to November 18, 2004 the deadline for its response to North Carolina's petition. [For further information: [www.epa.gov/airlinks/airlinks1.html](http://www.epa.gov/airlinks/airlinks1.html)]

**(11) U.S. Geological Survey Reports Higher Mercury Concentrations in Fish in Forested Wetlands (May 17, 2004)** – A recent study by the U.S. Geological Survey concluded that concentrations of total mercury are higher in sediments in urban watersheds (in studies conducted in New England). However, concentrations of total mercury in fish are higher in forested watersheds, mostly due to the amount of wetlands. The forested wetland conditions, with the right mix of sulfur, carbon, organic matter and dissolved oxygen, allow the mercury to methylate more easily and be absorbed into the fish. [For further information: [water.usgs.gov/pubs/fs/2004/3045/](http://water.usgs.gov/pubs/fs/2004/3045/)]

## *The Week Ahead*

- Congressional Recess – May 24 - 31, 2004
- Public Session of the First Meeting of the National Academy of Sciences' National Research Council Committee on Changes in New Source Review Programs for Stationary Sources of Air Pollutants, in Washington, DC – May 24, 2004

---

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