



This Week in Review – July 5-9, 2004

(1) STAPPA and ALAPCO to Release Final NSR “Menu” of Options on Monday (July 9, 2004) – STAPPA and ALAPCO have completed work on *NSR: A Menu of Options*, a project undertaken due to state and local concerns that implementation of EPA’s December 31, 2002 and October 27, 2003 NSR rules will jeopardize progress toward clean air. The final *Menu*, which will be released on Monday, July 12 at a press briefing in Washington, DC, includes a nonattainment section as well as a prevention of deterioration (PSD) section (the review draft included only PSD). In addition, the final document reflects comments and suggestions made during stakeholder discussions of the review draft, in which members of EPA, industry and the environmental and health communities met with representatives of the associations. The *Menu* includes a comprehensive preamble that sets forth the EPA rules, the rationales for each of the alternatives identified by STAPPA and ALAPCO and a history of the process that culminated in this effort. In addition, EPA’s and STAPPA/ALAPCO’s regulatory language are provided in a side-by-side format for both the PSD and nonattainment sections, to facilitate easy comparison. [For further information: Air Web – In the News and NSR Subcommittee pages]

(2) STAPPA and ALAPCO Comment on EPA’s Proposed Hazardous Waste Incinerator MACT (July 6, 2004) – STAPPA and ALAPCO submitted comments to EPA on the agency’s proposed Maximum Achievable Control Technology (MACT) standard to regulate emissions of hazardous air pollutants from hazardous waste incinerators. The associations’ comments focus on the alternative risk-based standard for total chlorine, which would allow sources to comply with risk-based emission levels, rather than standards determined by technology performance. STAPPA and ALAPCO express opposition to the risk-based exemption primarily because it is contrary to the intent of the Clean Air Act, which calls for EPA to first develop standards based on technology under the MACT process and then to follow with a risk-based approach to augment and improve upon a technology-based MACT standard that does not adequately protect the public. STAPPA and ALAPCO have made similar comments on previous EPA MACT proposals that called for risk-based exemptions. [For further information: Air Web – In the News and Air Toxics Committee pages]

(3) House Holds Hearing on Gasoline Prices (July 7, 2004) – The House Government Reform Subcommittee on Energy Policy, Natural Resources and

Regulatory Affairs held a hearing on "Driving Down the Cost of Filling Up" to take testimony on the factors affecting gasoline prices in the U.S. In his opening remarks, Subcommittee Chairman Doug Ose (R-CA) stated "we must look at ways to simplify the permitting processes and to reduce the burden and uncertainty of regulations so as to encourage infrastructure upgrades and expansions." He further asserted that "we must begin to consider the cumulative affect of governmental regulations on gasoline supply and prices. Due to the dizzying array of Federal and State environmental regulations, there are approximately 60 different types of fuel in the U.S....Boutique fuels and mandates add complexity to the production, distribution, and storage of gasoline, thereby increasing volatility and prices. Rather than continuing to dictate exactly what goes into a gallon of gasoline, we should set high environmental and performance standards and allow the industry to meet them." Among the witnesses appearing at the hearing was EPA Assistant Administrator Jeff Holmstead, who testified that "with the exception of several instances of serious disruptions in the production and distribution system, such as pipeline breaks and refinery fires, fuel suppliers have provided a sufficient supply of gasoline to motorists. The run-up in gasoline prices earlier this year was primarily the result of a steep increase in crude oil process. We believe that environmental regulations have had a minimal effect on gasoline prices." Other agencies and organizations represented at the hearing included the Department of Energy, the DOE Energy Information Administration, the Federal Trade Commission, the General Accounting Office, the National Petrochemical & Refiners Association, the Society of Independent Gasoline Marketers of America, the National Association of Convenience Stores, the Competitive Enterprise Institute and the American Lung Association. [For further information: reform.house.gov/EPNRRRA]

(4) U.S. Provides Input to United Nations on International Cooperation on Mercury (July 1, 2004) – The U.S. State Department submitted comments to the United Nations Environment Programme in response to a request for input on international efforts related to mercury and other heavy metals. In its comments, the U.S. identifies several actions the government has taken to reduce domestic releases and uses of mercury, including the issuance of regulations for chlor-alkali plants, industrial boilers and iron and steel foundries. The U.S. also mentions the proposal of standards to reduce mercury from coal-fired power plants, joint fish advisories by EPA and the Food and Drug Administration, lamp-recycling efforts and other activities. In response to a question about the development of international legally or non-legally binding instruments or other measures or actions, the U.S. indicates that it is appropriate to help countries better understand their mercury problems before "embarking on a different set of activities." [For further information: www.chem.unep.ch/mercury/Preparations-GC23-Responses-GOV.htm]

(5) NOAA, NASA Begin Comprehensive Sampling and Monitoring Effort (July 5, 2004) –The National Oceanic and Atmospheric Administration and the National Aeronautics and Space Administration have begun a massive air quality sampling project based in the Northeast. The effort, undertaken by the International Consortium for Atmospheric Research on Transport and Transformation, also includes governmental agencies from Canada and Europe. The University of New

Hampshire is co-leading a subpart of the study, which will focus on air quality in New England. Sampling will be performed throughout the summer using research aircraft from several countries as “flying laboratories” to study the chemistry and meteorology of the atmosphere. The project will operate from the Gulf of Maine. Project leaders expect to develop comprehensive information about the chemistry of the air as it leaves the U.S. coast and heads east over the Atlantic and expect as well to accumulate data relating to climate change. [For further information: www.noaa.gov]

(6) Report Charts Growth in Aviation GHG Emissions and Recommends 60-Percent Reduction by 2050 (July 6, 2004) – A report by the Stockholm Environment Institute details the impacts of the aviation sector on the environment, including its contributions to global warming. Aviation currently accounts for 1 to 2 percent of anthropogenic GHG emissions worldwide, but because these emissions occur at high levels of the atmosphere, they have three times the damaging impact of the same emissions occurring at ground level. Aviation is expected to contribute 15 percent of anthropogenic GHG emissions by 2050. These emissions are currently excluded from national inventories and from the U.N. Framework Convention on Climate Change. The report, *Aviation and Sustainability*, includes recommendations for creating improved methods for recording and monitoring GHG emissions from aviation globally, and incorporating aviation’s emissions in national and international reduction strategies to achieve a 60-percent reduction in GHGs from aviation by 2050. The report also addresses the contribution to local air pollution by airports, and includes a recommendation for adopting the “environmental bubble” concept to give airports clear quantitative limits for a small set of pollutants. [For further information: www.sei.se/aviation/SEI-Aviation-Report.pdf]

(7) Seven Out of Ten of Hispanics Live in Nonattainment Areas (July 9, 2004) – In a new report, the League of United Latin American Citizens, Clear the Air and the National Hispanic Environmental Council conclude that 71 percent of Hispanic Americans are breathing air that violates federal pollution standards. According to *Air of Injustice: How Power Plant Pollution Affects the Health of Hispanics and Latinos*, Hispanic Americans face a threat 16 percent greater than the overall population living in nonattainment areas. In addition, the incidence of asthma in children of Latino mothers is two-and-a-half times that of non-Latino white children. [For further information: cta.policy.net/proactive/newsroom/release.vtml?id=25660]

(8) Comment Period on Proposed BART Rule Extended to July 15, 2004 (July 8, 2004) – EPA published in the *Federal Register* an extension of the comment period on the proposed revisions to the Best Available Retrofit Technology guidelines in the regional haze rule; the comment period now expires July 15, 2004, instead of July 6, 2004. EPA had informed STAPPA and ALAPCO members of this extension on a Criteria Pollutants Committee call. [For further information: 69 *Federal Register* 41225]

The Week Ahead

- STAPPA/ALAPCO Press Briefing to Release Final NSR Menu of Options, in Washington, DC – July 12, 2004
- Congressional Transportation Conference Committee Meeting, in Washington, DC – July 13, 2004

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