



This Week in Review – August 16-20, 2004

(1) STAPPA and ALAPCO Express Concerns With Transport Rule Notice of Data Availability (August 20, 2004) – STAPPA and ALAPCO submitted comments to EPA expressing concern with the agency's notice of availability of additional data on the Clean Air Interstate Rule (CAIR), which is designed to deal with transported air pollution contributing to nonattainment of the 8-hour ozone and PM_{2.5} standards. In their letter, STAPPA and ALAPCO express disappointment that EPA did not notify the associations in a timely way of the CAIR Notice of Data Availability (NODA) and has provided insufficient time to review the information in the NODA. The associations also express concern that EPA has not published the results of using the new modeling inputs. EPA indicates in the NODA that the agency has made many changes to the modeling platform and inputs to the CAIR modeling. However, no results of modeling runs have been provided to indicate what impact these changes and revisions have. STAPPA and ALAPCO have requested that EPA make available the results of the modeling runs prior to finalizing CAIR and provide an opportunity for comment on the agency's interpretation of the modeling results. [For further information: Air Web – In the News and Criteria Pollutants Committee pages]

(2) EPA Releases Guidance on Submitting 5-Percent Increment RFP for 8-Hour Ozone In Lieu of 1-Hour Ozone Attainment Plan (August 19, 2004) – EPA has issued guidance on how states that have outstanding 1-hour ozone attainment demonstration obligations can implement a different option provided under EPA's 8-hour ozone implementation rule. This option provides that such states may instead submit a Reasonable Further Progress (RFP) plan for the 8-hour ozone NAAQS no later than one year following 8-hour designations, providing for a 5-percent increment of emissions reductions from the area's 2002 emissions baseline. (There are also two other options for these states; these two options are not covered by the guidance. See 40 CFR 51.905(a)(1)(ii).) The guidance further provides information on how to determine baseline and target level emissions and on which emission reductions are creditable. [For further information: Air Web – Criteria Pollutants Committee page]

(3) Tighter Transport Rule Reductions Are Economical and Will Better Protect Public Health in Eastern States, According to Environmental Group Report (August 17, 2004) – Environmental Defense (ED) released a report that marshals economic and public health arguments for strengthening EPA's proposed Clean Air Interstate Rule (CAIR). In *Stop Blowing Smoke in the Heartland: Protecting Human*

Health from Smokestack Pollution, ED notes that EPA selected a cost-effectiveness threshold of \$1,000 per ton of sulfur dioxide (SO₂) reduction, yet other sectors have been required by EPA to invest many thousands of dollars per ton to clean up SO₂. A \$1,500-per-ton threshold for SO₂ and a similar increase for nitrogen oxides (NO_x) would annually prevent some 16,000 premature deaths from particulate pollution and 1,000,000 asthma episodes in children in 28 eastern states. ED also reports that 15 states in particular will realize the greatest protection from strengthened SO₂ and NO_x standards: Texas, Ohio, Florida, Indiana, Pennsylvania, West Virginia, Georgia, Kentucky, Illinois, Michigan, Alabama, Missouri, North Carolina, New York and Tennessee. Specifically, ED recommends that SO₂ from power plants in the 28 eastern states be limited to 1.6 to 2.0 million tons per year and that NO_x emissions in the region be capped at 1.0 million tons per year. To illustrate the impact of its recommendations, ED includes in the report a state-by-state breakdown of the potential health benefits. [For further information: www.environmentaldefense.org/documents/3887_blowingsmoke.pdf]

(4) EIP Releases Report on “Upset” Emissions (August 18, 2004) – The Environmental Integrity Project (EIP) released a report concluding that “upset” air pollution episodes are 1) allowed in at least 29 states, 2) not monitored by many states, 3) often unreported by industrial facilities and 4) particularly affecting low-income communities. According to *Gaming the System: How the Off-the-Books Industrial Upset Emissions Cheat the Public Out of Clear Air*, “[a]t least 29 states have loopholes in their laws that allow ‘accidental’ pollution emissions to exceed federal Clean Air Act limits, while many other states simply choose not to take enforcement against industrial facilities for such emissions.” EIP concludes as well that many states fail to accurately track upsets or to include upset emissions in their emission inventories. For example, of 26 states that responded to an EIP questionnaire, half responded that they did not include or only sometimes include upset emissions in their annual emission inventories. Moreover, when EIP studied upset emissions from 37 facilities in the states of Texas and Louisiana, it found that “the facilities released 63,411,603 pounds of excess pollution during upsets over just one year.” Ten of the 37 facilities studied in depth by EIP had upset emissions of at least one pollutant that exceeded the facility’s reported annual emissions for that pollutant. The 37 facilities also released more than 167,133 extra pounds of benzene and 142,754 extra pounds of butadiene during one year’s worth of upsets. EIP also concluded that upset emissions from refineries and chemical plants, which are frequently clustered together near low-income neighborhoods, “release toxic and carcinogenic chemicals that threaten the health and safety of communities already overburdened with toxic pollution.” [For further information: www.environmentalintegrity.org]

(5) New Reports Estimate Costs of Mercury Contamination to Sportfishing Industry (August 18, 2004) – According to a series of reports released recently by a coalition of over 50 regional environmental groups, the loss of revenue to the sportfishing industry in Michigan, Minnesota, Ohio and Wisconsin due to mercury contamination may be in excess of \$1.8 billion per year. The reports indicated that a 25-percent decrease in sportfishing in Minnesota because of mercury could cost the state \$706 million annually and threaten 25,955 jobs. Similar declines in revenue

would occur for the other three states: \$516 million for Wisconsin, \$308 million for Ohio and \$280 million for Michigan. The estimated 34 million sportfishermen in the U.S. spend \$41.5 billion annually on the sport. [For further information: www.iwla.org/pressrel]

(6) Illinois Governor Enacts Statewide Energy Efficiency Building Code (August 13, 2004) – Illinois Governor Rod R. Blagojevich signed into law the Energy Efficient Commercial Building Act, which requires the state's Capital Development Board and Department of Commerce and Economic Opportunity to draft and enforce the state's first energy efficiency code. The new law applies to all new commercial buildings and all commercial buildings undergoing renovations, alterations, repairs or construction of an addition. The Illinois Environmental Protection Agency estimates that the code will result in annual energy savings of between 6 and 16 percent, depending on the size and type of building. According to the Illinois Environmental Law and Policy Center, SO₂ emissions will be reduced by 317 tons per year and NO_x emissions by 141; reductions in carbon monoxide, particulate matter and volatile organic compounds will also result. [For further information: www.illinois.gov/news/newsgov.cfm]

(7) New York Enacts Emergency Rules for Acid Rain (August 17, 2004) – New York adopted emergency regulations to insure that the provisions of the Acid Deposition Reduction Program (ADRP) are implemented promptly. The ADRP requires some utilities to reduce SO₂ emissions to 50 percent below Phase 2 levels of the federal acid rain program. The state's Department of Environmental Conservation (DEC) estimates that the reductions, which will be phased in from January 2005 to January 2008, will mean that 35,000 fewer tons of SO₂ and 6,000 fewer tons of NO_x will be emitted in New York next year. These same standards were approved by the New York State Environmental Board in March, but subsequently invalidated by the Albany County Supreme Court because the state missed a deadline for publishing the notice of proposed changes. However, the court did uphold the state's authority to promulgate regulations. DEC is appealing the court's decision and simultaneously moving forward with a regular rulemaking. [For further information: www.dec.state.ny.us/website/press/pressrel/2004/200495.html]

(8) Scientists Model Impact of Global Warming on California; More Heat Waves and Disruption of California's Water Supply Projected (August 16, 2004) – An article published in the *Proceedings of the National Academy of Sciences* reports the results of a study that took two possible global warming scenarios and used two state-of-the-art climate models to project the impacts of the scenarios on California. One scenario assumed a heavy dependence on fossil fuels and the other assumed more use of alternative energy sources and more fuel-efficient technologies. Even under the more optimistic scenario, by the end of the century heat waves and extreme heat in Los Angeles quadruple in frequency while heat-related mortality increases two to three times; alpine and subalpine forests are reduced by 50 to 75 percent and the Sierra Nevada snowpack, upon which California relies for water and power generation, is reduced by 30 to 70 percent. [For further information: www.pnas.org/cgi/doi/10.1073/pnas.0404500101]

(9) GAO Recommends Measures Designed to Improve Accounting of Flaring and Venting of Natural Gas (August 17, 2004) – The Government Accountability Office (GAO) issued a report (GAO-04-809) finding that opportunities exist to better account for flaring and venting of natural gas and thus reducing resulting GHG emissions. GAO found that data on natural gas flaring and venting is imperfect because, among other things, the Energy Information Administration (EIA) has provided limited guidance to states on how to report this data. GAO recommends that EIA use its authority to collect data directly from oil and gas producers; to obtain more consistent data, EIA could improve its guidelines for reporting. In addition, GAO recommends that the Secretary of the Interior consider regulatory changes for federal leases to reduce the most harmful emissions from flaring and venting and to improve oversight. Finally, because flaring and venting of natural gas have different environmental impacts, these should be reported separately; currently the data EIA collects does not distinguish between vented gas (methane, which has a higher global warming potential) and flared gas (carbon dioxide). [For further information: www.gao.gov/new.items/d04809.pdf]

(10) EPA Solicits Nominations for 2005 Climate Protection Awards (August 16, 2004) – EPA is requesting nominations for its 2005 Climate Protection Awards. These awards recognize exceptional leadership, outstanding innovation, personal dedication and technical achievements in protecting the climate. Accomplishments eligible for an award can include stewardship, product introduction, pollution prevention, policy innovation and engineering innovation. Candidates can be individuals or organizations from the public or private sector and may be either self-nominated or nominated by a third party. Nominations are due by October 15, 2004. [For further information: www.epa.gov/cpd/awards/climproawards.htm]

The Week Ahead

- EPA Emissions Factors Improvement Workshops in Washington, DC – August 25-26, 2004

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