



## ***This Week in Review – September 20-24, 2004***

**(1) Senate Appropriations Committee Approves FY 2005 EPA Budget Bill (September 21, 2004)** – The Senate Appropriations Committee held mark-up on the VA, HUD, and Independent Agencies appropriations bill that contains EPA's budget for FY 2005. The Senate Committee's bill includes \$228.6 million for grants to state and local air agencies, equal to the Administration's request. The House Appropriations Committee, which acted on its version of the legislation earlier in the summer, called for a cut of \$2.5 million in Section 103/105 grants. The Senate Committee's legislation does not include any funding for the Clean School Bus Initiative (the Administration had requested \$65 million and the House called for \$10 million), but includes \$62 million for particulate matter research, compared to \$59 million in the House bill. The Senate's bill has accompanying report language indicating that EPA may not grant funds to national associations without prior written approval from the member states. The total amount recommended in the Senate bill for EPA's budget is \$8.5 billion, an increase of \$741 million over the Administration's request and \$700 million over the House version. It is unlikely that the bill will be considered by the full Senate prior to the pre-election recess; rather, the bill will probably be folded into omnibus legislation containing appropriations for a variety of federal departments and programs and considered after the election. [For further information: Air Web – Program Funding Committee page]

**(2) Total Emissions of Criteria Pollutants Dropped in 2003 (September 22, 2004)** – According to EPA's *2003 Emissions Report*, total emissions of the six criteria air pollutants – carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter (PM), volatile organic compounds (VOCs) and lead (Pb) -- dropped in 2003 from 2002 levels. In addition, between 1970 and 2003, total emissions of these six air pollutants dropped by 51 percent. However, emissions of SO<sub>2</sub> increased from 2002 to 2003 and emissions of PM<sub>2.5</sub> have not changed since 2000. These estimates do not include fires or dust. EPA also released a progress report on its acid rain program, in which the agency states that the acid rain program has reduced emissions of SO<sub>2</sub> and NO<sub>x</sub> by 32 percent and 37 percent respectively since 1990. [For further information: Air Web – In the News and Criteria Pollutants Committee pages]

**(3) Environmental Group Spotlights Children's Exposure to Air Pollution (September 21, 2004)** – Environmental Defense released a report that lists the 50

major metropolitan areas in the U.S. with the most “dangerous days of summer” for children. The rankings included in the report are based on children's person-days in exceedance of the National Ambient Air Quality Standards for ozone and fine particulates during the summers of 2001-2003 (i.e., the rankings combine the number of days with unhealthy air quality and the number of children affected). In addition to ranking cities, Environmental Defense lays out its strategy to achieve an 80-percent reduction in power plant and diesel engine emissions as well as to reduce population exposures to roadway pollution. [For further information: [www.environmentaldefense.org/dangerousdays.cfm](http://www.environmentaldefense.org/dangerousdays.cfm)]

**(4) U.S. PIRG Reports on High Number of Exceedances of Ozone and Particulate Standards in 2003 (September 23, 2004)** – The U.S. PIRG Education Fund released a report in which the group identifies areas that exceeded the annual  $PM_{2.5}$  standard, the 24-hour  $PM_{2.5}$  standard and the ozone standard in 2003. The report states that the annual  $PM_{2.5}$  standard was exceeded in 20 states in 2003, and the 24-hour  $PM_{2.5}$  standard was exceeded 106 times on 39 days in 13 states. Ozone levels in 40 states and the District of Columbia exceeded the 8-hour ozone standard 4,583 times and the 1-hour ozone standard 684 times on 187 days in 2003. This report also includes preliminary ozone data for 19 states and the District of Columbia for 2004; ozone levels have exceeded the 8-hour ozone standard 602 times and the 1-hour standard 84 times in these areas. *Danger in the Air: Unhealthy Levels of Air Pollution in 2003* is the fifth annual analysis of air quality based on a survey of environmental agencies in all 50 states and the District of Columbia. The report further provides policy recommendations for federal, state and local officials. [For further information: [uspirg.org/uspirg.asp?id2=14418&id3=USPIRG&](http://uspirg.org/uspirg.asp?id2=14418&id3=USPIRG&)]

**(5) New York Adopts Renewable Portfolio Standard (September 22, 2004)** – New York's Public Service Commission approved a renewable portfolio standard (RPS) that requires that 24 percent of electricity sold in the state be generated by renewable resources by 2013. Governor Pataki had called for a 25-percent RPS, but the Commission lowered the target because it believes retail marketers of green energy that sell directly to consumers represent an additional percent of renewable energy. The RPS is expected to reduce nitrogen oxide emissions by 6.8 percent, sulfur dioxide emissions by 5.9 percent and carbon dioxide emissions by 7.7 percent. New York currently obtains 19 percent of its energy from renewable sources, according to the Commission. [For further information: [www.dps.state.ny.us/03e0188.htm](http://www.dps.state.ny.us/03e0188.htm)]

**(6) Sierra Club Files NSR Citizen Suit Against Dayton Power and Light (September 21, 2004)** – The Sierra Club filed a lawsuit against Dayton Power and Light's J.M. Stuart generating station, alleging that numerous modifications of the facility had been made without installation of pollution control equipment or NSR permits. The Stuart station, which is owned by Dayton Power and Light, Cinergy Corp. and Columbus & Southern Power Company, a subsidiary of American Electric Power, has a long history of environmental violations, according to the Sierra Club. The Sierra Club further asserts that if the plant were to comply with the law “it would be required to reduce its sulfur dioxide emissions by over 100,000 tons per year as well as to make significant reductions in nitrogen oxides and soot.” Although EPA issued a

notice of violation against the power plant in 1999, following an investigation of its compliance record, it did not follow up with further enforcement action. The Sierra Club states, “[a]ccording to the Ohio Environmental Protection Agency, Stuart Station is the largest source of particulate matter, or soot, in the state.” [For further information: [www.sierraclub.org/pressroom/releases/pr2004-09-21](http://www.sierraclub.org/pressroom/releases/pr2004-09-21)]

**(7) Business and EPA Highlight GHG Emission Reductions from Voluntary Activities (September 22, 2004)** – ENERGY STAR and other EPA voluntary programs prevented 48 million metric tons of greenhouse gas (GHG) emissions in 2003, up from 43 million in 2002, according to EPA’s annual report on these programs. The Business Roundtable released a report stating that 70 percent of its member companies are taking voluntary actions to address GHG emissions by participating in its Climate RESOLVE program. Climate RESOLVE (Responsible Environmental Steps, Opportunities to Lead by Voluntary Efforts) seeks to help meet the President’s goal of an 18-percent reduction overall in GHG intensity in the U.S. economy by 2012. The voluntary program does not set a specific target for each company or require any specific actions to reduce GHG emissions. According to EPA’s annual report for 2003, EPA’s climate protection programs remain on track to provide 40 percent of the GHG reductions required to meet the President’s 18-percent GHG intensity improvement goal by 2012. [For further information: [www.epa.gov/appdstar/annualreports/annualreports.htm](http://www.epa.gov/appdstar/annualreports/annualreports.htm) and [www.businessroundtable.org/pdf/ClimateRESOLVE/2004CRAnnualReport.pdf](http://www.businessroundtable.org/pdf/ClimateRESOLVE/2004CRAnnualReport.pdf)]

**(8) Congress Passes Bill that Includes Extension of Wind Power Tax Credit (September 23, 2004)** – Congress passed a \$146-billion tax-cut bill that includes extensions of the Section 45, or renewable power, tax credit that expired when Congress failed to pass the energy bill last year. Wind energy production tax credits were extended through the end of 2005. The bill also includes tax credits for power production using closed-loop biomass and chicken waste, and continues the full tax credit for electric vehicles and the full deduction for clean-fuel vehicles (powered by fuels including natural gas, electricity or 85 percent or more ethanol) until 2006.

**(9) \$20 Million Available for School Bus Retrofit/Refueling Projects (September 23, 2004)** – EPA has released \$20 million for Supplemental Environmental Programs (SEPs) under a consent decree signed with Toyota. The Toyota SEP is designed to reduce diesel emissions from in-service fleet vehicles, including increased availability of ultra-low-sulfur diesel (ULSD) fuel. Funding will be available to school districts for school bus retrofit projects and to increase availability and use of ULSD fuel. This is not a grant program; awards will be made using a lottery-type process. Next week, Toyota will notify every school district in the country about the availability of funds. The mailing will also go to state and trade organizations, and other interested parties that have previously expressed interest in the program. [For further information: [www.cleanschoolbusesforkids.com](http://www.cleanschoolbusesforkids.com)]

**(10) EPA Publishes Final Rule Reclassifying Nine Areas as Marginal for 8-Hour Ozone (September 22, 2004)** – EPA published in the *Federal Register* a final rule that reclassifies nine ozone nonattainment areas from Moderate to Marginal. The

following areas are now classified as Marginal: Cass and Muskegon Counties, Michigan; Detroit, Michigan; Greensboro, North Carolina; Kent/Queen Anne Counties, Maryland; Lancaster, Pennsylvania; LaPorte, Indiana; Memphis, Arkansas/Tennessee; and Richmond, Virginia. The rule is effective November 22, 2004. [For further information: 69 *Federal Register* 56697]

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

- Environmental and Energy Study Institute Briefing on State and Local Government Initiatives to Combat Climate Change, in Washington, DC – September 28, 2004
- STAPPA/ALAPCO Press Briefing to Announce *Cleaning Up Diesel Trucks: A Model Rule for States* (the associations' model rule for adopting California's 2007 heavy-duty diesel standards), in Washington, DC – September 29, 2004

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