

# WASHINGTON UPDATE

STAPPA

ALAPCO

State and Territorial Air Pollution Program Administrators  
Association of Local Air Pollution Control Officials

## *This Week in Review – October 11-15, 2004*

(1) **STAPPA and ALAPCO Memberships to Hold Fall Meeting in Idaho (October 15, 2004)** – STAPPA and ALAPCO will hold their 2004 Fall Membership Meeting on October 23-27, 2004 in Coeur d'Alene, Idaho. Highlights of the meeting will include in-depth open discussion sessions with the directors and senior managers of EPA's Office of Air Quality Planning and Standards and Office of Transportation and Air Quality, as well as sessions on issues related to burning and fires; the National Academies of Science (NAS) Report on Air Quality Management in the U.S. and EPA's workgroup initiative to respond to the NAS recommendations; reforming the Prevention of Significant Deterioration program; federal enforcement activities; recent NSR actions and activities; technology innovations; and innovative regional, state and local initiatives. In addition, Martin Bauer, Administrator of the Idaho Air Quality Program, will profile key air quality issues facing the state, and Bharat Mathur, Acting Regional Administrator of EPA Region 5, and Jay Ringenberg, Past President of the Association of State and Territorial Solid Waste Management Officials, will be lunch speakers. During the associations' business meeting on October 26, 2004, STAPPA will elect new officers and directors for 2004-2005. The slate proposed by the STAPPA Nominating Committee (which was distributed to all STAPPA members last month) is as follows:

President	Nancy Seidman (MA/Reg 1)	Nominated for 1-yr term
Vice President	Eddie Terrill (OK/Reg 6)	Nominated for 1-yr term
Treasurer	Shelley Kaderly (NE/Reg 7)	Nominated for 2-yr term
Continuing Director	John Benedict (WV/Reg 3)	Elected for 2-yr term in 2003
Continuing Director	Colleen Cripps (NV/Reg 9)	Elected for 2-yr term in 2003
Continuing Director	Bill O'Sullivan (NJ/Reg 2)	Elected for 2-yr term in 2003
New Director	Andy Ginsburg (OR/Reg 10)	Nominated for 2-yr term
New Director	Vinson Hellwig (MI/Reg 5)	Nominated for 2-yr term
New Director	Don Vidrine (MT/Reg 8)	Nominated for 2-yr term
Immediate Past Pres.	Jim Joy (SC/Reg 4)	Nominated for 1-yr term

[For further information: Air Web – Calendar page]

(2) **EPA Proposes Consent Decree on Coke Oven and Dry Cleaner MACT Deadlines (October 15, 2004)** – In a proposed consent decree, EPA has agreed to deadlines for final action on whether or not to revise the MACT standards for coke oven batteries and dry cleaning facilities. The proposed consent decree addresses lawsuits filed by Sierra Club – in May 2002 for coke oven batteries and November 2003 for dry cleaning facilities – claiming that EPA had failed to carry out its mandatory duties under section 112 of the Clean Air Act with respect to

determining, by specific deadlines, whether or not to revise the technology-based standards for these two source categories. Under the consent decree, EPA is obligated to either sign a final rule revising the MACT standards, or determine that such standards are not necessary, by March 31, 2005 for coke oven batteries and by April 28, 2006 for dry cleaning facilities. (With respect to coke oven batteries, EPA has proposed to amend the MACT standard; the comment period on that proposal closed on October 8, 2004 – see related article in last week's *Washington Update*.) Comments on the proposed consent decree must be received by EPA by November 15, 2004. [For further information: 69 *Federal Register* 61246]

**(3) EPA Announces \$1 Million in Anti-Idling Grants (October 13, 2004)** – EPA has announced \$1 million in grants to reduce tailpipe emissions from truck idling through programs such as truck-stop electrification and shore power. These grants are being awarded through EPA's SmartWay Transport Partnership program, a voluntary partnership between EPA and the freight industry to increase energy efficiency and energy security in the U.S. while significantly reducing air pollution and greenhouse gases. According to EPA, extended truck idling consumes over 1 billion gallons of fuel at an annual cost of \$2 billion and releases 11 million tons of carbon dioxide, 18,000 tons of nitrogen oxides and 5,000 tons of particulate matter into the environment each year. The \$1 million in grants will be shared by the Arkansas Department of Environmental Quality, Centralina Council of Governments (NC), Massachusetts Executive Office of Environmental Affairs, Missouri Department of Natural Resources, New York State Energy Research and Development Authority, Oregon State University, Pennsylvania Department of Environment Protection, South Coast Air Quality Management District and Washington State Department of Ecology. [For more information: [www.epa.gov/smartway](http://www.epa.gov/smartway)]

**(4) EIP Releases Report on Downward Trend in EPA Enforcement Actions (October 12, 2004)** – In a new report, the Environmental Integrity Project (EIP) uses publicly available data to conclude that “enforcement of the Clean Air Act has come to an almost complete stop.” Between January 19, 2001 and January 18, 2004, nine lawsuits were filed alleging violations of the Act, compared to 61 in the three years ending on January 18, 2001. With regard to the energy sector, in particular, EIP states that, although the Department of Justice continues to litigate the cases it inherited from the previous Administration, it has filed new lawsuits against only three new energy companies in the last three years – a 90-percent decline in enforcement when compared to the previous three years (1998-2000) in which 28 lawsuits were filed against power companies, oil companies and pipelines. The 14 NSR cases that have been referred by EPA to the Department of Justice for litigation have not been filed. In *Polluters Breathe Easier – EPA Environmental Court Actions Decline*, EIP also quantifies the enforcement statistics for the Clean Water Act (down 56 per cent in the last three years), the Safe Drinking Water Act (one lawsuit in the last three years) and the Resource Conservation and Recovery Act (five lawsuits in the last three-year period compared to 19 in the previous three years). [For further information: [www.environmentalintegrity.org/pub260.cfm](http://www.environmentalintegrity.org/pub260.cfm)]

**(5) Clear the Air Identifies Increase in State Warnings of Mercury in Fish, Urges Action on Mercury Emissions from Power Plants (October 14, 2004)** – In *Fishing for Trouble: How Toxic Mercury Contaminates the Fish in U.S. Waterways*, the national public education campaign “Clear the Air” identifies the fish consumption advisories issued by states in 2003 due to mercury pollution in local waterways. In particular, Clear the Air reports that in 2003 15 states issued mercury warnings that cover a greater portion of their waterways than previously and five additional states raised their level of alert, resulting in mercury advisories covering 32 percent of all lake acres and 22 percent of all river miles nationwide. Consequently, in 2003, 44 states had active mercury consumption advisories, compared to 27 states in 1993 and 37 states in 1997, representing a 63-percent increase over the past decade. To remedy this problem, Clear the Air concludes that “[t]he Bush Administration should abandon its mercury-trading proposal and faithfully implement the Clean Air Act by finalizing a MACT rule that reduces mercury emissions from power plants by at least 90% from existing levels by 2008.” Clear the Air is a joint project of the U.S. PIRG Education Fund, the Clean Air Task Force and the National Environmental Trust. [For further information: [cta.policy.net/proactive/newsroom/release.vtml?id=25800](http://cta.policy.net/proactive/newsroom/release.vtml?id=25800)]

**(6) Pew Center Report Looks at Climate Policy, Technological Change and Costs of Reducing GHG Emissions (October 14, 2004)** – The costs of reducing greenhouse gas (GHG) emissions are lower when the government regulates GHG emissions and provides funding for climate technology research and development (R&D), according to a new report commissioned by the Pew Center on Global Climate Change. *Induced Technological Change and Climate Policy* examines what types of policies spur additional or induced technological change (ITC) and how much ITC can reduce the cost of climate policy. This report finds that ITC lowers the cost of achieving GHG reductions, and that the impact of ITC is especially pronounced when policies are announced in advanced. Most economic models do not consider ITC in calculating the costs of reducing GHG emissions, and thus overestimate these costs. The report also concludes that in order to reduce GHG emissions most cost-effectively, both “technology-push” (funding for R&D) and emissions reduction policies are required. [For further information: [www.pewclimate.org/global-warming-in-depth/all\\_reports/itc/index.cfm](http://www.pewclimate.org/global-warming-in-depth/all_reports/itc/index.cfm)]

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

- EPA Air Quality Management Workgroup Meeting, in Indianapolis, Indiana – October 20-21, 2004
- STAPPA/ALAPCO 2004 Fall Membership Meeting, in Coeur d’Alene, Idaho – October 23-27, 2004

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