

ALERT! *November 2006*

ALERT! is a monthly update on transportation and air quality planning activities in the Delaware Valley.



CONFORMITY

DVRPC Opens Public Comment Period for Conformity Determination

On November 1, DVRPC opened a thirty day comment period to give the public and state and federal agencies an opportunity to review the latest conformity determination for the region for Ozone, PM 2.5 and carbon monoxide as required by the Clean Air Act.

Federal law requires that significant amendments or changes in regionally significant projects included in the Transportation Improvement Program (TIP) or Long Range Plan (LRP) must demonstrate conformity to the State Transportation Improvement Plan (STIP) and Clean Air Act.

Currently there are several amendments to the FY 07 Pennsylvania TIP, one of which is also a *Destination 2030* LRP amendment, awaiting DVRPC board adoption, that have necessitated an update of the conformity determination for the region.

The draft conformity determination indicates that the LRP and PA and NJ TIPs, as amended, do conform with both states' STIPs. Projects included in those TIPs are therefore eligible for federal funding.

The public meeting will be held at the DVRPC offices on Tuesday November 21, immediately following the Regional Citizen's Committee meeting. Comments will be accepted from 4:00 – 6:00 pm.

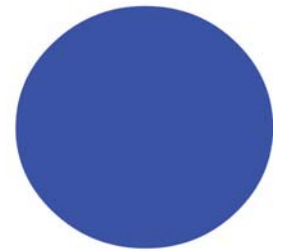
The draft conformity documents are available for review at libraries through-out the region or can be downloaded at: <http://www.dvrpc.org/transportation/longrange/airquality/conformity.htm>

TRANSPORTATION – AIR QUALITY

Greater Philadelphia Clean Cities Program Receives Funding to Coordinate E85 Fueling Station Corridor in Pennsylvania

The Greater Philadelphia Clean Cities Program (GPCCP) has received a grant for \$283,380 from the U.S. Department of Energy to establish a corridor of 14, E85 fueling stations from State College to Montgomery County, Pennsylvania.

The grant money will be used to convert tanks and pumps at the stations to enable them to dispense E85, which is a blend of 85% Ethanol and 15% gasoline. Ethanol is



**Monday,
November 20th, 2006
Philadelphia Diesel
Difference Working Group
Meeting
10:00 am**

DVRPC Conference Center
ACP Building, 8th Floor
6th and Race Streets
Philadelphia, PA

**Tuesday,
November 21st, 2006
Public Meeting
Conformity Determination
4:00-6:00 pm**

DVRPC Conference Center
ACP Building, 8th Floor
6th and Race Streets
Philadelphia, PA



a domestically produced fuel derived from renewable sources such as corn and soy beans. Ethanol is gaining popular and governmental support as an alternative fuel because ethanol replaces imported oil while reducing carbon dioxide emissions.

The E85 corridor project is a cooperative effort between public and private organizations to provide fueling infrastructure for Flex Fuel Vehicles (FFV) which are available from major auto manufacturers. There are approximately 160,000 FFVs operating in Pennsylvania which are able to run on gasoline or gasoline and ethanol blends. This corridor project will greatly increase the availability of E85 in the state. Currently there are three E85 stations operating in Allegheny County and one in Lancaster County.

The grant will also fund GPCCP to perform educational outreach to increase public awareness of the benefits of E85 and to encourage other station owners in the state to offer E85.

For more information about the E85 corridor project contact Brinda Shetty at Greater Philadelphia Clean Cities at coordinator@phillycleancities.org

[Other News](#)

Supreme Court Reviews Case Claiming Violations of New Source Review Provisions of the Clean Air Act

On November 1, 2006 the U.S. Supreme Court began listening to arguments in the case *Environmental Defense, et al. v. Duke Energy Corporation*. The suit, originally, filed in 2001, claims that Duke Energy of North Carolina violated the New Source Review (NSR) requirements of the Clean Air Act when it refurbished and overhauled a number of coal fired generators, as part of a "modernization program" begun in 1988, without the required EPA permits. The resulting repairs did not affect the hourly emissions from the generators but allowed the generators to operate for longer periods each day, effectively increasing the annual emissions from the power plant.

At that time the petitioners contended that these upgrades constituted a "major modification" of the power plant and should have triggered an EPA review process that would require permits and potential emission monitoring of the upgraded facility.

The case was initially heard in the Middle District Court of North Carolina and settled in favor of Duke Energy. The 4th Circuit Court of Appeals upheld the district court's findings that Duke did not violate emission standards as defined by the Clean Air Act and amendments.

The U.S. Supreme Court agreed to review the case in May 2005. The court's decision could ultimately affect lower court cases in ten states, including Pennsylvania, where utility companies are being sued under the NSR program.

For more information about *Environmental Defense, et al. v. Duke Energy Corporation* visit the Medill School of Journalism website at <http://docket.medill.northwestern.edu/archives/003646.php>



<p>ALERT! is a DVRPC publication.</p>	 <p>Delaware Valley Regional Planning Commission DVRPC, 8th Floor 190 N. Independence Mall West Philadelphia, PA 19106-1520 Phone 215.592.1800 Fax 215.592.9125 www.dvrpc.org</p>
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