

ALERT! *September 2008*

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



CONFORMITY

U.S. District Court of Appeals Vacates Clean Air Interstate Rule

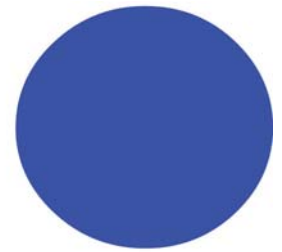
On July 11, 2008 The U.S. District Court of Appeals for Washington D.C. vacated the U.S. Environmental Protection Agency's (EPA) Clean Air Interstate Rule (CAIR), citing several "fatal flaws" in the rule. EPA promulgated the CAIR in 2005 to address the interstate transport of sulfur dioxide (SO₂) and nitrogen oxides (NO_x). SO₂ and NO_x are precursors for the formation of fine particle pollution (PM_{2.5}) and NO_x is an important ozone precursor. The Clean Air Act requires that upwind states adopt control measures on emissions that interfere with downwind states' ability to meet or maintain National Ambient Air Quality Standards (NAAQS). The Clean Air Act requires that these measures be included in legally enforceable State Implementation Plans (SIPs).

EPA used the CAIR to establish emissions budgets for SO₂ and NO_x for 28 states in the Eastern U.S. The CAIR would have required the states to meet those budgets through two phases with compliance deadlines of 2010 and 2015 for SO₂ and 2009 and 2015 for NO_x.

EPA had designed a number of other air quality programs so that compliance with the CAIR would constitute compliance with the other program. For example, EPA's implementation rule for PM_{2.5} and ozone air quality standards allows states to meet "Reasonable Available Control Technology" requirements by demonstrating compliance with the CAIR. States can also show compliance with EPA's Regional Haze Rule by complying with the CAIR provisions. A number of Attainment SIPs also relied on emissions reductions contained in the CAIR to demonstrate how non-attainment areas for PM_{2.5} and ozone would meet the NAAQS.

Since the CAIR was vacated in its entirety, EPA will most likely need to promulgate a new rule to address interstate transport of emissions. The new rule would probably include more states and will need to address how states in non-attainment areas seek relief from interstate emissions transport.

For more information on this important court decision please visit:
<http://www.mondaq.com/article.asp?articleid=63602>



**Monday,
September 15th, 2008
Philadelphia Diesel
Difference
Working Group
10:00 am**

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

**Friday,
September 19th, 2008
Greater Philadelphia
Clean Cities
Working group
10:00 am**

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

US EPA Opens Thirty Day Comment Period on 24-Hour PM_{2.5} Non-attainment Area Designations

In 2006, the US EPA revised the 24-hour standard for fine particle pollution (PM_{2.5}) from 65 micrograms per cubic meter of air (µg/m³) to 35µg/m³. As a result of this strengthening of the standard, a number of counties throughout the nation will be classified "non-attainment areas" (NAA) because they do not meet this air quality standard or they contribute to another county's non-attainment. The nine counties in the DVRPC region are currently designated as non-attainment for the annual PM_{2.5} standard and will be included in NAAs for the 24-hour standard.

In 2007, states were charged with recommending counties for non-attainment of the revised standards. Pennsylvania recommended that Bucks, Chester, Delaware, Montgomery and Philadelphia counties be included in an NAA together. New Jersey recommended that Burlington, Camden and Gloucester Counties be included in an NAA with the five Pennsylvania counties and New Castle County, Delaware. New Jersey recommended that Mercer County be grouped into the Northern New Jersey NAA. This recommendation would make the 24-hour PM_{2.5} NAAs geographically the same as the annual standard NAAs.

EPA released draft NAA designations in August 2008. The draft designations recommend keeping the 24-hour PM_{2.5} NAAs identical to the annual PM_{2.5} NAAs. These designations are expected to become final in 2009 and effective for transportation conformity purposes in early 2010.

EPA will accept comments on the designations for 30 days after the notice is published in the Federal Register. Instructions for submitting comments are available at: www.epa.gov/air/pmdesignations



ENERGY CONSERVATION

PA DEP Offers Information and Applications for Energy Conservation Funding

Governor Rendell signed a \$650 million Alternative Energy Investment Fund into law in July 2008. This fund makes tax credits, low interest loans and grants available to businesses and individuals that invest in alternative energy, energy conservation technologies or implement energy conservations projects.

The PA Department of Environmental Protection (DEP) is working with the Department of Community and Economic Development and Commonwealth Financing Authority to develop guidelines and applications for each program called for in the law.

DEP is encouraging interested individuals, small governments and businesses to sign up for email alerts on the status of these funding sources by visiting: www.ahs2.dep.state.pa.us/aeifsignup/

ALERT! is a DVRPC publication.



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