

# ALERT! *January 2009*

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



## CONFORMITY

### **Court Reinstates Clean Air Interstate Rule**

The U.S. Appeals Court for the District of Columbia has temporarily reinstated the federal Clean Air Interstate Rule (CAIR). This decision reverses the court's previous decision to vacate the CAIR in July 2008. The CAIR required significant emissions reductions from power plants in states in the eastern U.S. These reductions were cited in State Implementation Plans (SIPs) to attain federal air quality standards for ozone and fine particle pollution. When the rule was vacated, those emissions reductions were no longer required by federal rule and no longer available for the SIP implementation. In reinstating the CAIR, the court made it possible for states to rely on these reductions to help meet air quality goals. The Appeals Court opinion stated that allowing the country to go without the benefits of the CAIR, while the Environmental Protection Agency (EPA) fixes the rule, "would sacrifice clear benefits to the public health and the environment."

Pennsylvania began enforcement of the reinstated CAIR on December 31, 2008. This is an important date because the nitrogen oxide (NO<sub>x</sub>) emission reductions called for in the rule are required to be phased in beginning on January 1, 2009.

The EPA estimates that the CAIR would reduce NO<sub>x</sub> emissions in the 28-state CAIR region by almost 45 percent or 1.2 million tons and sulfur dioxide (SO<sub>2</sub>) emissions by 71 percent (3.6 million tons) in 2010. The rule focuses on power plant emissions and is designed improve air quality in states that are downwind of polluting power plants. These pollutants contribute to ground level ozone and particle pollution in many northeastern states that are not meeting federal air quality standards.

For more information on the December 22, 2008 U.S. Court of Appeals decision please visit:

<http://www.depweb.state.pa.us/news/site/default.asp>



**SAVE  
THE  
DATE**

**Thursday,  
January 8<sup>th</sup>, 2008  
Sustainable Transportation  
Workshop  
8:00 am**

NJ DOT Headquarters  
Multi-purpose Room  
Ewing, NJ

**Monday,  
January 12<sup>th</sup>, 2008  
Philadelphia Diesel  
Difference  
Working Group  
10:00 am**

DVRPC Conference Center  
8<sup>th</sup> Floor  
6<sup>th</sup> and Race Streets  
Philadelphia, PA

## EPA Finalizes Designations for 24-Hour PM<sub>2.5</sub> Non-attainment Areas

On December 22, 2008 the EPA designated the final non-attainment areas for the new 24-hour fine particle pollution (PM<sub>2.5</sub>) standard. The standard was established at 35 ug/m<sup>3</sup> in an earlier EPA action in 2006. State Departments of Environmental Protection (DEP) submitted recommendations for counties to be included in non-attainment areas. Counties were selected that are currently violating the standard or contribute to another county's violation of the standard.

EPA accepted the recommendations of the Pennsylvania and New Jersey DEPs and has assigned all nine counties in the DVRPC region to two non-attainment areas. Mercer County, New Jersey is in the New York NY-NJ-CT non-attainment area and the remaining eight counties are included in the Philadelphia – Wilmington PA-NJ-DE non-attainment area. These areas are identical to the Annual PM<sub>2.5</sub> standard non-attainment areas.

Designations will become effective 90 days after they are published in the Federal Register. This is expected to occur in April 2009. DVRPC will have one year from that date to demonstrate transportation conformity for the new rule. The states will be required to submit 24-hour PM<sub>2.5</sub> State Implementation Plans within three years of the designation (April 2012) and attain the standard between 2014 -2019 depending on the severity of the air pollution problem.

For more information on the 24-hour PM<sub>2.5</sub> non-attainment area designations please visit: <http://www.epa.gov/pmdesignations>



### Air Pollution and Health

#### **USA Today Articles Raise Questions About Air Quality Near Nation's Schools**

In December, the *USA Today* newspaper ran a series of articles raising public concerns about the ambient air quality near the nation's schools and childcare facilities. The newspaper used data collected from the Environmental Protection Agency (EPA) in 2005 to analyze exposure to industrial pollution at 128,000 schools across the country. The stories cited five Pennsylvania schools where the newspaper's air quality testing showed elevated levels of carcinogens and / or heavy metals. The stories identified 38 other schools that the newspaper calculated were located in high pollution zones based on EPA data.

The Pennsylvania Department of Environmental Protection (DEP) has responded to these articles by monitoring air quality near the identified schools and working with the Allegheny County Health Department and Philadelphia Air Management Services to measure air quality around other schools in those counties. DEP is reviewing the newspaper's methodology to determine if further information can be gleaned from the research.

To read the USA Today article please visit: [http://www.usatoday.com/news/nation/environment/2008-12-29-newschools\\_N.htm](http://www.usatoday.com/news/nation/environment/2008-12-29-newschools_N.htm)

ALERT! is a DVRPC publication.



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