

Alert

dvrpc | September 2013

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



Air Quality Regulations

U.S. Court of Appeals Rules on 2008 Ozone Standard

On July 23, 2013, the D.C. Circuit Court of Appeals upheld the U.S. Environmental Protection Agency's (EPA) primary 2008 ozone standard which was established at 75 parts per billion (ppb). The Court did require the agency to review the secondary standard for the pollutant which had been established at the same 75 ppb level. Primary standards are established at levels to protect human health while secondary standards are established to account for economic and environmental considerations. Ozone damages forest and crop plants and the Clean Air Act requires that the secondary standards be established to protect the environment from this damage.

The Court's ruling in *Mississippi v. EPA*, is a defeat for environmental groups suing the EPA, stating that the new standard is not protective enough of human health and that the EPA did not follow their own Clean Air Scientific Advisory Committee (CASAC) recommendations for setting the primary ozone standard somewhere between 60 and 70 ppb. The ruling is also a defeat for the state of Mississippi and industry groups that were hoping to have the standard overturned because they view it as too stringent and costly to implement.

The EPA is required by the Clean Air Act to review the National Ambient Air Quality Standards (NAAQS) every five years. The EPA is currently reviewing the 2008 ozone standards and is expected to address the secondary standard as part of that review.

Scientific and epidemiologic evidence of the negative health effects of exposure to ozone below 70 ppb has been building since the last standard review and it is anticipated that the EPA will strengthen the 2008 ozone standard to lower than 70 ppb in accordance with the CASAC's recommendations.

The EPA's five - year standard review schedule would require a proposal regarding the ozone NAAQS by the end of 2013, but many health advocates anticipate that the action will slip into 2015. Should the EPA miss the 2013 deadline, a number of health and environmental advocacy groups are poised to file litigation that would establish a deadline for the agency to release a proposal for a new ozone NAAQS.

For more information on D.C. Court of Appeals Ruling on the 2008 Ozone NAAQS, please visit: <http://www.eenews.net/stories/1059984890>



Save the Date

**Monday,
September 23, 2013
Philadelphia Diesel
Difference Working Group
10:00 am**

*Location of Meeting:
DVRPC Conference Center
8th Floor
6th and Race Streets
Philadelphia, PA*

**Saturday,
October 5, 2013
LaSalle University
Community Health Fair**

12:00 – 3:00 pm
*Location of Meeting:
LaSalle University
St. Benilde Tower Atrium
Wister Street
Philadelphia, PA*



Air Quality Information

President Obama Announces Plan to Reduce Greenhouse Gas Emissions from Power Generation

On June 25, 2013, President Obama announced that he would use his executive authority, granted by the Clean Air Act, to implement a Climate Action Plan that would reduce greenhouse gas (GHG) emissions by 17 percent by 2020, as compared to 2005 levels.

The Supreme Court ruled in 2007 that the Clean Air Act can be used to regulate GHG emissions, and the President is relying on this ruling to direct the U.S. Environmental Protection Agency (EPA) to devise an emissions control plan to reduce emissions from power generation. While there seems to be a legal basis for the EPA's regulating GHGs emissions, there is a major challenge to accomplishing that goal and setting limits within the technical requirements of the law.

In his announcement, President Obama stressed that his plan will be flexible and intended to spur innovation while reducing GHG emissions. The President's plan would set target emissions rates for each state based on historical patterns and allow the states to develop strategies for meeting those targets. States' strategies could range from limiting emissions from individual power plants, reducing overall power usage through energy conservation programs, or increasing the use of alternative energy sources.

The President recognized that unilateral action by the United States to reduce GHG emissions will not be enough to curb the effects of the world's rising emissions and also called for investments to protect the nation's infrastructure from climate change. The President specifically mentioned the need to protect the nation's coasts from rising sea levels, securing the nation's food systems, and hardening the electrical grid.

The first draft of the EPA's proposal is due in June of 2014 and is expected to spawn years of litigation and legal battles. Congressional Republicans have already labeled the President's proposal as ruinously expensive and claim that it will result in the closing of numerous coal burning power plants.

President Obama's Climate Action Plan is being praised by environmental advocates as a positive step but is acknowledged as a poor substitute for congressional action on climate change. Even the proponents of the President's action recognize that the Clean Air Act is an awkward tool to address GHG emissions. The Clean Air Act was devised to address localized air pollution issues with specific sources while GHG emissions are ubiquitous and many of the technologies necessary to seriously address GHG emissions are still being developed.

For more information on President Obama's Climate Action Plan, please visit: www.whitehouse.gov and search for "Climate Change".

New Jersey Achieves Attainment of the 1997 and 2006 Fine Particle Standards

On September 4, 2013, the EPA finalized its approval of the New Jersey Attainment State Implementation Plan for fine particle pollution or PM_{2.5}. The EPA published the approval in the *Federal Register*, which effectively re-designates the state's two nonattainment areas as attainment areas for the 1997 and 2006 PM_{2.5} National Ambient Air Quality Standards.



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