

# A!ert

dvrpc | January 2014

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



## Air Quality Regulations

### Pennsylvania Joins Eight Northeastern States Petition to U.S. EPA to Expand Ozone Transport Region

On December 10 2013, Pennsylvania Governor Tom Corbett joined eight other northeastern state governors (Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont) in petitioning the U.S. Environmental Protection Agency (EPA) to add nine southern and Midwestern states (Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Tennessee, Virginia, and West Virginia) to the Ozone Transport Region (OTR). The petition claims that these nine states contribute significant amounts of ozone precursor pollutants to the OTR states and should therefore be subject to the same air pollution control rules as the current OTR states.

The OTR was created in 1990 as part of the amendments to the Clean Air Act and consists of parts of Northern Virginia, the District of Columbia, Maine, and New Jersey, as well as the previously mentioned nine states that petitioned the EPA. The purpose of the OTR was to implement region-wide air pollution controls that would prevent upwind states from contributing to the nonattainment of the National Ambient Air Quality Standards (NAAQS) in downwind states. The OTR regulations require control measures on emissions sources in the entire region, not just areas that were not attaining the NAAQS. Sources of ozone precursors (nitrogen oxides and volatile organic compounds) in the OTR are 1) subject to new source review permitting procedures when new pollutant sources come online or are significantly modified, 2) must implement reasonably available control technology on sources of ozone precursors, 3) must implement vehicle inspection and maintenance programs in metropolitan statistical areas with a population greater than 100,000 people, and 4) must implement Stage II vapor recovery (for vehicle refueling) programs.

The states in the OTR have reduced emissions of ozone precursors by as much as 70 percent since 1990 but continue to experience poor summertime air quality and elevated levels of ground-level ozone. Governors of the OTR states claim that much of their ozone pollution is originating in the states named in the petition. Governor Corbett stated that he hopes that EPA will level the playing field by ensuring that other states are being good neighbors by enforcing the same standards to which Pennsylvania is subjected. This sentiment was reflected in similar statements issued by the governors of the other petitioning states.

The petitioning states have previously approached the upwind states requesting implementation of voluntary air pollution control measures with mixed results, but the responses fell well short of what would be required if the midwestern and southern states were added to the OTR.



## Save the Date

**Monday,  
January 13, 2014  
Comments on DVRPC Work  
Program Due**

*Submit Comments to:  
Mr. John Griffies  
DVRPC  
8<sup>th</sup> Floor, 190 N. Independence  
Mall West  
Philadelphia, PA  
Or  
jgriffies@dvrpc.org*

**Wednesday,  
February 13, 2014**

**U.S. EPA**

*Application deadline for  
Funding Projects to Improve  
Air Quality at Ports program*

Please visit [www.epa.gov](http://www.epa.gov) for  
more information

The EPA has 18 months to respond to the petition and review the supporting data that the petitioners used to implicate the upwind states' contributions to air pollution in the northeastern states. The EPA can decide to add all or some of the petitioned states to the OTR or continue to pursue other regulatory actions to control interstate transport of air pollutants.

For more information on the petition to expand the OTR, please visit: [www.bna.com/eastern-states-petition-n117988604/](http://www.bna.com/eastern-states-petition-n117988604/)

### U.S. Supreme Court Hears Oral Arguments on the Cross State Air Pollution Rule

On December 10, 2013, the U.S. Supreme Court heard oral arguments in EPA's appeal of the vacatur of the Cross State Air Pollution Rule (CSAPR). The purpose of the CSAPR was to address emissions from 28 states in the southern and Midwestern U.S. that contribute to nonattainment of the National Ambient Air Quality Standards (NAAQS) in northeastern and mid-Atlantic states that are downwind from emissions sources. The rule requires reductions in locations where the costs of reducing emissions were the lowest and creates a trading system in which states can buy and sell pollution credits in an attempt to encourage cost effective pollution control.

The U.S. Court of Appeals for the District of Columbia ruled in 2012 that this control strategy required some states to reduce emissions by more than their own significant contribution to downwind state's air quality problems. The court of appeals also ruled that EPA should have allowed individual states to submit their own plans to comply with the regulation before they were subjected to the federal rule.

The Supreme Court listened to oral arguments for ninety minutes and is expected to issue a ruling on the case in June 2014. Justice Alito recused himself from the case presumably due to a financial conflict of interest. Alito's recusal opens the possibility of a tied 4-4 ruling on the case. A tie would leave the decision of the appeals court in place.

For more information on *EPA v. EME Homer City Generation*, please visit: <http://nytimes.com/2013/12/11>

## Air Quality Information



### U.S. EPA Announces Funding for Projects to Reduce Diesel Emissions from Ports

On December 11, 2013 the U.S. Environmental Protection Agency (EPA) announced four million dollars of available funding for projects that reduce diesel emissions from the nation's ports. The funds are available to public port authorities with jurisdiction over transportation or air quality at marine or inland ports. The grants will fund between 25 and 100 percent of a project cost that reduces diesel emissions through anti-idling technology, verified exhaust system controls, or early retirement or re-power of older diesel engines. The percentage of EPA's share is dependent on the strategy implemented. The EPA has published a list of priority areas with air quality issues, where the agency will fund projects. All of the counties in the DVRPC region that host a port appear on this priority list.

The deadline for applications is February 13, 2014 and successful applicants will be notified of award in April 2014.

For more information on *the Funding for Projects to Improve Air Quality at Ports* program, please visit: <http://epa.gov/otaq/ports/ports-dera-rfp.htm>



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