

# A!ert

The **Alert** newsletter provides monthly updates on transportation and air quality planning activities within the Delaware Valley.

**February 2024**

## Air Pollution News

### EPA Settles with Cummins over Cheating on Emissions Tests

On January 10, 2024, the U.S. Environmental Protection Agency (EPA) and the State of California [announced](#) that they reached a settlement with Cummins in which the diesel engine manufacturer agreed to pay \$1.675 billion in civil penalties for allegedly using engine control software to circumvent emissions requirements. The total value of the settlement, which includes \$1.642 billion for violating the federal Clean Air Act, \$325 million for remediation, and \$33 million for violations of California state law, is over \$2 billion.

The EPA alleges that over 600,000 Ram trucks with Cummins diesel engines had engine control software installed that caused the vehicles to emit higher than permitted levels of nitrogen oxides (NO<sub>x</sub>) during normal operation but not during emissions tests. [NO<sub>x</sub>](#) are a group of reactive gases that contribute to the formation of ground-level [ozone](#). Both ozone and NO<sub>x</sub> itself can irritate the respiratory system and aggravate lung diseases such as asthma.

In addition to paying the civil penalties, Cummins, which admits no wrongdoing, also agreed to recall the affected vehicles and mitigate its excess emissions by financing a railroad locomotive replacement program. The recall, which affects Ram 2500 and 3500 pick-up trucks model years 2013-2019, will only involve an update to the vehicles' software and will not require any physical modifications. For the mitigation program, Cummins will pay to repower 27 locomotive engines and install idle reduction technology on 50 locomotives. These actions are intended to reduce NO<sub>x</sub> emissions in communities near railyards, which tend to be overburdened with the effects of air pollution and other environmental issues.

The EPA says it first noticed inconsistent behavior in the emissions control system of the vehicles during testing at the National Vehicle and Fuel Emissions Laboratory. These tests used methods developed in the wake of the Volkswagen "Dieselgate" scandal, which was when the German automaker was found to be using software to detect and defeat emissions tests. Like other diesel vehicles, the recalled trucks employ technologies such as selective catalytic reduction (SCR) and exhaust gas recirculation (EGR) systems to control emissions. These emissions systems are coordinated by a vehicle's on-board computer or electronic control module (ECM). Upon further testing, researchers found that the vehicle's ECM was calibrated to limit emissions to allowed levels during the conditions used in federal emissions tests, but the effectiveness of the emissions control systems would be reduced during some normal operating conditions. The EPA also alleges that Cummins did not disclose these calibrations when it applied for emissions certification, which is illegal.

In the press release, both EPA Administrator Michaela Regan and Attorney General Merrick Garland cited the settlement as an example of their commitments to protecting the health of the American people. The \$1.642 billion penalty is the largest in the history of the Clean Air Act, even larger than the \$1.45 billion penalty Volkswagen paid for its emissions cheating. However, Volkswagen ended up paying over [\\$14 billion](#) for remediation programs, vehicle buybacks, customs violations, and penalties for violating advertising law.



## Save the Date

**Wednesday**

**March 27, 2024**

**DVRPC Transportation  
and Community  
Development Initiative**

Applications Due

Information is available at:  
[www.dvrpc.org/tcdi/](http://www.dvrpc.org/tcdi/)

**Thursday**

**November 21, 2024**

**EPA Environmental and  
Climate Justice  
Community Change Grant**

Applications Due

For more information visit:  
[epa.gov/inflation-reduction-act/inflation-reduction-act-community-change-grants-program](https://epa.gov/inflation-reduction-act/inflation-reduction-act-community-change-grants-program)

# Air Quality Regulations

## EPA Proposes Stricter Standards for Municipal Waste Incinerators

Last month, the U.S. EPA [proposed a new set of emissions standards](#) for large incinerators that burn municipal solid waste (MSW). The new Large Municipal Waste Combustor (LMWC) regulations will lower the permissible amount of emissions for nine air pollutants from facilities that have the capacity to combust over 250 tons of MSW per day.

The EPA's press release notes that 4 million people live within three miles of the 57 LMWCs that operate across the country, and these facilities are disproportionately located in low-income communities and communities of color. While these environmental justice concerns exist nationwide, they are of particular interest to the Delaware Valley due to the presence of five LMWCs, sometimes called waste-to-energy facilities, in the region. According to a [list](#) published by the National Association of Clean Air Agencies, the five LMWCs in the DVRPC region are operated by two companies: Covanta and Wheelabrator Technologies. Covanta operates waste-to-energy facilities in Chester, Conshohocken, and Camden. Wheelabrator Technologies, a subsidiary of Waste Management, operates incinerators in West Deptford, Gloucester County, and Falls Township, Bucks County.

The Clean Air Act requires the EPA to reevaluate its air pollution standards every five years to reflect advances in pollution control technology. The standards for large MSW incinerators were last revised in 2006. EPA is now accepting public comments on the proposed rule.

# Clean Energy

## Pennsylvania Has Now Installed One Gigawatt of In-State Solar Power

The Pennsylvania Department of Environmental Protection (DEP) and Public Utility Commission (PUC) recently [announced](#) that the amount of solar power installed in the Commonwealth has surpassed one gigawatt of generation capacity. According to DEP, this is enough energy to power a city the size of Pittsburgh. The press release highlights the role the Alternative Energy Portfolio Standards Act played in achieving this milestone.

The [Alternative Energy Portfolio Standards Act](#) was first signed into law in 2004 and subsequently amended at least three times. The law requires a certain portion of the electricity sold to retail customers in Pennsylvania to be produced from two categories, or "tiers," of alternative sources. In 2021, after 15 years of gradual increases, the minimum thresholds were set at 8 percent for Tier I sources, which include wind and geothermal energy, and 10 percent for Tier II sources, which include large-scale hydroelectric and waste coal. The law also requires that 0.5 percent of electricity sold in the Commonwealth come from solar panels located in Pennsylvania.

PUC Chairman Stephen M. DeFrank said, "Over the past five years the number of new solar projects being installed in Pennsylvania has grown by 160 percent, and the total capacity of the new systems coming online has doubled, despite a global pandemic and various supply chain issues. This growth is being driven by small rooftop solar systems on homes and businesses, which account for about two-thirds of current solar capacity, along with increasing development of larger utility-scale solar systems that connect directly to the power transmission grid." DEP also notes that 0.55 gigawatts of solar are under construction and are expected to be online by this summer.

In addition to policy, economics is another major force driving the adoption of solar. According to [CNET](#), developments in the solar industry have led the average price for a residential solar installation to drop 50% over the last decade, and many expect this trend to continue as solar manufacturers and installers further improve their operations. The U.S. Energy Information Administration (EIA) also sees a bright future for solar. In their latest [Short-term Energy Outlook](#), the EIA forecasted solar generation in the U.S. to increase 75 percent over the next two years.



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