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MIRATECH Corporation Emissions Monitor *June 2009*



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Greenhouse Gas Emissions Chronology

In the past two years events in the initiative to address United States emissions of Greenhouse Gases (GHGs) have moved fast. Below is a condensed version of significant dates and related events in chronological order, some which have been previously reported in the Emissions Monitor.

- **April 2007** - In a 5-4 decision, the U.S. Supreme Court upheld [Massachusetts vs. EPA](#) a lawsuit brought by 12 states and several cities against the United States Environmental Protection Agency (EPA) to force the agency to regulate carbon dioxide and other greenhouse gases as pollutants under the Clean Air Act. The court ruled that GHGs were pollutants covered under the Clean Air Act and [instructed EPA](#) to determine whether GHGs endanger public health - or if the science is too uncertain to make a reasoned decision.
- **18 December 2008** - Outgoing Bush Administration EPA Administrator, Stephen L. Johnson issued an ["interpretive memo"](#) that limited the scope of the EPA's regulation regarding GHG's. In effect, Johnson's memo [prohibited placing controls](#) on GHGs in Clean Air Act permits.
- **6 January 2009** - The Sierra Club and other environmental groups [petitioned](#) the EPA to reconsider Johnson's interpretive memo.
- **17 February 2009** - The EPA [notified](#) the Sierra Club that their petition had been granted and, on the same day, EPA ordered a [review](#) of the Stephen Johnson memo prohibiting controls on GHGs.
- **10 March 2009** - In a related action EPA [proposed a mandatory reporting rule](#) for GHGs from large sources.



- **17 April 2009** - After its review of the Stephen Johnson memo, EPA proposed a [finding](#) stating GHG's are dangerous pollutants that must be regulated. EPA entered into a required 60-day comment period before proposing regulations.
- **Next steps** - EPA's proposed finding has entered a 60-day public comment period that has so far included two public hearings in May, 2009. President Obama and EPA Administrator Lisa Jackson have repeatedly indicated their preference for [comprehensive legislation](#) to address GHGs rather than through an EPA rulemaking.

EPA Brings Staff Science Back to Air Quality Standards Decisions

On 21 May 2009 Environmental Protection Agency (EPA) Administrator Lisa P. Jackson [announced changes](#) to the [process](#) for reviewing National Ambient Air Quality Standards (NAAQS). EPA is reinstating the role of a key policy document called "the staff paper."



Created by agency scientists, the staff paper contains analyses of options for the administrator to consider when setting air quality standards. The staff paper will be made available to the agency's science advisors and the public prior to the initiation of formal rulemaking.

Jackson advised that the previous Bush administration had replaced the staff paper with an Advance Notice of Proposed Rulemaking (ANPR) outlining potential options for air quality standards in the Federal Register. In conjunction with this change, EPA will no longer issue a policy assessment in the form of an ANPR.

EPA sets NAAQS for six key pollutants known as "criteria pollutants" that are commonly found across the United States. They are ozone, particle pollution (particulate matter), lead, carbon monoxide, nitrogen dioxide and sulfur dioxide.

Vancouver, BC Launches Non-Road Diesel Emissions Program

On 6 April 2009 Metro Vancouver, BC, Canada, announced it has initiated consultations regarding the development of emission regulations for in-use non-road engines. The program would involve retrofitting, re-powering or replacing older polluting engines with newer engines to reduce fine diesel Particulate Matter (PM2.5) emissions.

In February 2009, the Metro Vancouver Board of Directors approved a Diesel Emission Reduction Program for Metro Vancouver. A significant component of the program is a Non-Road Diesel Engines Regulatory Initiative. The agency states the major sources of diesel PM emissions in the Metro Vancouver area include marine vessels (43% of PM emissions), non-road engines (41%), motor vehicles (8%), and railway locomotives (8%).



The city is also requesting senior government support to develop a diesel emission reduction fund. Requests are being considered for the federal government to provide \$25 million and for the provincial government to provide \$10 million for a non-road diesel emission reduction fund. The \$35 million dollars in senior government funding is expected to result in over \$200 million in economic activity.

Metro Vancouver has produced a video discussing its need to reduce diesel emissions and has posted a [fact sheet](#) on its Internet Web site providing further information about the program's financial incentives and federal and provincial funding requests.

EPA to Review Three New Source Review Rules

On 27 April 2009 the Environmental Protection Agency (EPA) [announced](#) its intent to reconsider portions of three rules under its New Source Review (NSR) permitting program. The three rules under review determine when and how facilities are required to:

- Account for air emissions that are not released through a stack, vent or other confined air stream
- Keep records on emissions
- Account for air emissions associated with fine particle pollution when obtaining a permit.

These reconsiderations are the most recent in a series of actions EPA has taken to ensure the NSR program protects clean air.

The agency will review its rule on "fugitive emissions," (those that come from sources other than smokestacks and vents) when determining whether upgrades trigger NSR rules under the Clean Air Act. NSR requires stationary sources to install new pollution controls when they are modified or upgraded in ways that increase their pollution outputs.

EPA has posted a [fact sheet](#) on its Internet Web site explaining its NSR reconsideration in more detail.



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