dvrpc | March 2018

Alert

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

Air Quality Regulations

US Court of Appeals Upholds Challenge to 2008 Ozone Standard Implementation Rule

On February 16, 2018, the US Court of Appeals for the District of Columbia Circuit found that the US Environmental Protection Agency (EPA) unlawfully weakened air quality protections when it decided to revoke the 1997 standard as part of the implementation rule for the 2008 ground-level ozone standard. The three-judge panel unanimously ruled that several parts of EPA's rule were "inconsistent with the clear text" of the Clean Air Act.

This ruling will also impact current EPA efforts to enact an implementation rule for the 2015 ozone standard, which was expected to be based on the previous implementation rule.

In 2008, the EPA set the national ambient air quality standards (NAAQS) for ozone at 75 parts per billion (ppb). In the rulemaking for that standard, the EPA revoked the 1997 ozone standards which had been 84 ppb. The EPA argued that it was impossible to meet the 2008 ozone standard of 75 ppb without also meeting the 1997 standard of 84 ppb. However, along with the revocation of that standard came the relief of meeting certain procedural requirements that states would need to fulfill in order to be designated as “in attainment” of the 1997 ozone NAAQs. These requirements included the development and approval of a re-designation request and Maintenance Plan for the areas that were in nonattainment of the 1997 ozone standard.

The plaintiffs argued that Maintenance Plan requirements are important to prevent areas from “backsliding” into nonattainment of the standard and worsening air quality. Maintenance Plans often include regulatory limits on emissions sources and the requirement for transportation conformity demonstrations, which impose emissions limits or “budgets” on regional transportation plans.

The plaintiffs also argued that the revocation of the 1997 standard allowed nonattainment areas to avoid certain deadlines to meet air quality goals. Missing these goals would require the implementation of more stringent air quality regulatory requirements. The court agreed with the plaintiffs that the EPA had unlawfully allowed areas that still hadn't met the 1997 standard to avoid deadlines associated with that standard.

It is still unclear what the EPA will be required to do to address this court ruling and whether states will be required to submit Maintenance Plans for the former 1997 Ozone Nonattainment Areas. It is also unclear how this ruling will impact the transportation conformity process for the upcoming Pennsylvania Transportation Improvement Program update.

Save the Date

Wednesday
March 21, 2018

Air Quality Partnership Board
10:00 am

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

Monday – Wednesday
April 16-18, 2018

NTI Conformity Class
8:00 am – 3:00 pm

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

It is clear that the ruling will impact the implementation rule for the 2015 Ozone standard. The EPA has yet to finalize that rule but the draft rule is modeled on its counterpart to the 2008 standard.

The new draft rule includes two options for revocation of the 2008 ozone standard. One, similar to the approach struck down by the D.C. Circuit, would revoke the 2008 standard in all areas one year after the effective date of the attainment designations for the 2015 benchmark, with anti-backsliding requirements put in place for all areas that still don't meet the 2008 standards at that point. The other option would leave the 2008 standard in place in all areas designated as being in nonattainment for that threshold until they are re-classified as in attainment.

The EPA is reviewing both of these options in light of the recent court ruling.

For more information on the *South Coast Air Quality Management District v. EPA*, please visit: https://www.eenews.net/stories/1060074153

Air Quality Information

Study Shows that Suburban Sprawl is Worse than Urban Expansion for CO_2 Emissions

In an article published in the current issue of the *Proceedings of the National Academy of Sciences*, researchers from the University of Utah detail the results of over fifteen years of Carbon Dioxide (CO_2) monitoring in the Salt Lake Valley at locations that include revitalizing urban areas, suburban areas , and areas that have converted from rural to suburban.

CO_2 is a key greenhouse gas leading to anthropogenic climate change, with cities around the world identified as major emitters of CO_2. Researchers have installed five CO_2 sensors in the Salt Lake Valley since February 2001 (before Salt Lake City hosted the Winter Olympics). It is the only multi-site urban CO_2 network in the world with more than a decade of continuous measurements and it's showing how urban and suburban growth impacts a metro area's CO_2 emissions.

The team, led by atmospheric scientists Logan Mitchell and John Lin, reports that suburban sprawl increases CO_2 emissions more than similar population growth in a developed urban core.

"The general thought is that more compact cities on a per capita basis emits less carbon," Lin says. "Some of these cities also have these expanding fringes. These places are less 'green'. That expanding frontier is moving."

In 2004,an additional sensor was placed in the southwest corner of the valley, intended to represent rural areas. But that sensor, located in what is now the Daybreak community, has yielded some of the most interesting results. Although the area consisted of open fields when the sensor was first placed in 2004, it's now a bustling, developed area home to more than 13,000 people.

The Daybreak sensor provided an opportunity to directly compare the effect of population growth on emissions in different land-use areas. Over the same time that population in the southern part of the Salt Lake Valley and neighboring Utah Valley exploded, Salt Lake City grew by around 10,000 people. But the growth in CO_2 emissions wasn't comparable with the growth associated with suburban expansion in the southern end of Salt Lake Valley.

The research team concluded that population growth does not directly correlate with growth in CO_2 emissions. Other factors, specifically the types of neighborhoods where population is growing, are much bigger factors.

For more information on the University of Utah research on land use impacts on CO_2 emissions, please visit: http://www.pnas.org/content/early/2018/02/27/1702393115

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