Allegheny County Sportsmen's League

www.acslpa.org

Conservation Committee Report

Volume 18 Issue 5 Jack Walters—Conservation Chairman August—September -2016

The Conservation Pledge

I give my pledge as an

American to save and faithfully defend from waste, the natural resources of my country; the soil, the water, the air, the minerals, the plant life and the wildlife.

This is my Pledge!

Inside this issue:

DEP Will Require Pittsburgh Water and Sewer Authority to Implement Measures to Address Lead in Drinking Water

The Department of Environmental Protection's (DEP) Bureau of Safe Drinking Water staff will oversee and work with Pittsburgh Water and Sewer Authority (PWSA) following results showing an action level exceedance from the first round of lead and copper sampling from 100 Tier 1 sites in the Authority's distribution area. An action level exceedance is not a violation but triggers other requirements that include water quality parameter monitoring, corrosion control treatment, source water monitoring, public education and lead service line replacement.

"This is a serious concern, and DEP will be working with PWSA to inform and educate consumers of the risks of lead in drinking water, and find solutions to reduce the lead levels

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EPA Moves Swiftly to Carry Out New Chemical Reform Legislation

Agency tackles new legislative mandates set forth in first major update to environmental statute in 20 years

U.S. Environmental Protection Agency (EPA) is taking action to ensure that the Frank R. Lautenberg Chemical Safety for the 21st Century Act, signed this June 22, 2016, delivers on the promise of better protecting the environment and public health. This bipartisan bill to reform the Toxic Substances Control Act (TSCA) outlines a number of responsibilities for EPA that must be completed within a tight timeframe.

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Pittsburgh Water and Sewer Authority to Implement Measures to Address Lead in Drinking Water (continued)

in the water," said Acting DEP Secretary Patrick McDonnell. "The top priority is to return the system to below the action level as quickly as possible."

An action level exceedance occurs if more than 10% of the results are above the action level. Those results, obtained in early July from samples collected in May and June, show that the 90th percentile compliance value for lead is 22 parts per billion (ppb), which exceeds the federal action level of 15 ppb.

DEP Safe Drinking Water staff in Pittsburgh and Harrisburg will continue to analyze test results and monitor actions by PWSA staff as they carry out the Authority's regulatory obligations triggered by the lead action level exceedance.

PWSA must conduct the following activities because of the exceedance of the lead action level:

- Develop public education materials and implement a public education program by September 1, 2016.

- Develop a complete listing of all lead service lines and begin a lead service line replacement program where at least 7% of lead service lines are replaced annually.

Tier 1 sites are homes with lead service lines or internal piping made of lead or with lead solder. These homes represent houses likely to have the highest lead level readings in the system, and by federal and state law must be sampled on a regular basis. PWSA was last required to sample homes for lead and copper in 2013, and reported a 90th percentile lead level of 14.8 ppb, just under the lead action level.

In April, DEP issued an Administrative Order citing PWSA for making a substantial modification to its drinking water treatment system without prior DEP approval. DEP required PWSA to initiate detailed technical analyses to assess the effect the change might have had on corrosion levels in the system and to optimize corrosion control treatment. DEP also ordered PWSA to complete two rounds of 100 samples each of lead and copper tap monitoring. The second set of monitoring must be completed by December 31, 2016 with results delivered to DEP by January 10, 2017. DEP's Order also requires the Authority to provide public notice to its customers within 30 days after the end of each of the two rounds of lead and copper sampling to report the 90th percentile value it obtained as well as the Authority's progress with its system investigation and corrosion control optimization study.

PWSA has cooperated with DEP throughout the investigation into the water treatment changes. The Authority has launched its own investigation of the elevated lead levels to determine where and how the lead is getting into the drinking water, and they continue to offer customers free lead testing kits. Information from PWSA is available online at http://www.pgh2o.com/lead-facts.

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Pittsburgh Water and Sewer Authority to Implement Measures to Address Lead in Drinking Water (continued)

DEP has extensive information on lead in drinking water available at http://www.dep.pa.gov/lead.

For more information on DEP actions related to PWSA, please click here.

Although most lead exposure occurs when people eat paint chips, inhale lead-contaminated dust, or ingest lead-contaminated residential soil, the U.S. Environmental Protection Agency (EPA) estimates that 10 to 20 percent of human exposure to lead may come from drinking water. Lead is rarely found in the source of a public water supply such as a river or creek. Rather, it enters tap water through the corrosion of a home's service line or plumbing materials. Homes built before 1986 are more likely to have lead pipes, fixtures and solder. However, newer homes may also be at risk from corrosion of brass or chrome-plated brass faucets and fixtures. The purpose of the Lead and Copper Rule is to protect public health by minimizing lead and copper levels in drinking water, primarily by making water less corrosive.

Lead can cause serious health problems if too much enters your body from drinking water or other sources. It can cause damage to the brain and kidneys, and interfere with the production of red blood cells that carry oxygen to all parts of your body. The greatest risk of lead exposure is to infants, young children and pregnant women. Scientists have linked the effects of lead on the brain with lowered IQ in children.

There are steps consumers can take to reduce lead in drinking water:

- **Run your water to flush out lead**. If water hasn't been used for several hours, run water for 15-30 seconds or until it becomes cold or reaches a steady temperature before using it for drinking or cooking.

- **Use cold water for cooking and preparing baby formula.** Do not cook with or drink water from the hot water tap and do not use water from the hot water tap to make baby formula; lead dissolves more easily into hot water.

- **Do not boil water to remove lead**. Boiling water will not reduce lead.

- **Test your water for lead**. Contact your water system for more information about getting your water tested. Your water system can also provide information about local laboratories that conduct lead testing.

For more information, visit http://www.dep.pa.gov/.

Source: The PA Department of Environmental Protection

EPA Moves Swiftly to Carry Out New Chemical Reform Legislation (continued)

The milestones accomplished by the agency include:

A plan released on June 29, 2016, that outlines activities for the first year of implementing the new law;

The first determinations completed on seven pre-manufacture notices under TSCA in July, 2016. The new law requires the agency to make affirmative determinations on new chemical substances before they can enter the marketplace. Additional determinations will be released as they are completed;

A series of public meetings held from August 9-12, 2016, to obtain comments and feedback from stakeholders on the processes that will be used to establish fees and prioritize and evaluate chemicals under the new law;

A list of five mercury compounds released on August 26, 2016, that will be prohibited from export as of January 1, 2020. This action will prevent the ability to convert these compounds to elemental mercury after export from the United States.

Additionally, the agency is establishing the Science Advisory Committee on Chemicals (SACC) to provide independent advice and expert consultation on scientific and technical aspects on risk evaluations, methodologies, and pollution prevention measures or approaches. The call for nominations to serve on this committee was issued on August 26, 2016.

The new amendments to TSCA will help bring significant improvements to public health as EPA continues to take the steps necessary for its successful implementation.

More about the Frank R. Lautenberg Chemical Safety for the 21st Century Act and EPA's implementation activities and to sign up for updates, visit: https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act

Source: U.S. Environmental Protection Agency (EPA)

EPA Awards $4.5 Million to Advance Air Monitoring Technology

Technology will be used to help communities tackle unique air quality challenges

The U.S. Environmental Protection Agency (EPA) announced grants to six research organizations to develop and use low-cost air pollution sensor technology, while engaging communities to learn about their local air quality.

“Through these projects, scientists and communities will join together to develop and test new low-cost, portable, easy-to-use ways to measure air pollution,” said Thomas A. Burke, EPA science advisor and deputy assistant administrator of EPA’s Office of Research and Development. “This research will provide tools communities can use to understand air pollution in their neighborhoods and improve public health.”

While recent advances in technology have led to the development of low-cost air pollution sensors, they have not been widely tested, especially under field conditions. These grants will help fund research projects that explore how scientific data can be effectively gathered and used by communities to learn about local air quality.

The grantees will also study the accuracy of data produced by sensors and sensor networks. For example, comparing high-quality data from existing monitoring technology that are used to support air quality regulations.

The grants, which are funded through the EPA’s Science to Achieve Results (STAR) program, are being awarded to the following:

- Carnegie Mellon University, Pittsburgh, Pa., will research the accuracy of air pollution sensors and the usefulness of the sensor data. Air quality modeling will be combined with sensor data to develop maps and other tools for displaying air quality information. Researchers will collaborate with local community groups in Pittsburgh to help them understand the data and how the findings might be used to reduce exposure to air pollutants.
- Kansas State University, Manhattan, Kan., will create a partnership with local organizations in South Chicago to evaluate the effects of community-led research on the community’s understanding of air pollution. Researchers will develop sustainable, local strategies to monitor, analyze, and share measurement results about air pollutants.
- Massachusetts Institute of Technology, Cambridge, Mass., will create a Hawaii Island Volcanic Smog Sensor Network (HI-Vog) of air pollution sensors to track air quality changes caused by the emissions from the Kilauea volcano that impacts health and agricultural crops. The project will emphasize community engagement in collaboration with the Kohala Center in Waimea, Hawaii, local schools and health centers.
- Research Triangle Institute, Research Triangle Park, N.C., will create a framework to empower and support communities near Denver, Colo. to design and conduct air quality monitoring studies. Researchers will use low-cost sensors to address local concerns in collaboration with National Jewish Health in Denver and the communities of Globeville and Elyria Swansea, Colo.

EPA Awards $4.5 Million to Advance Air Monitoring Technology (continued)

- The South Coast Air Quality Management District, Diamond Bar, Calif., will engage California communities on the use, accuracy, and application of “low-cost” air monitoring sensors in collaboration with the University of California, Los Angeles. The project will also develop a toolkit with best practices for data collection and data interpretation from these sensors.
- University of Washington, Seattle, Wash., will use low-cost, next-generation air particle sensors to address wood smoke exposures within the Yakama Nation and Latino populations in a rural area of Washington State. Researchers will work with local students to understand and help reduce the community’s exposure to wood smoke. The team will also create a curriculum adaptable for other settings in collaboration with Heritage University, Toppenish, Wash.

More about the grant recipients: https://www.epa.gov/research-grants/air-research-grants

More information on EPA’s air, climate and energy research: http://www.epa.gov/airresearch

Source: The U.S. Environmental Protection Agency (EPA)

EPA Determines that Aircraft Emissions Contribute to Climate Change Endangering Public Health and the Environment

The U.S. Environmental Protection Agency (EPA) finalized a determination under the Clean Air Act that greenhouse gas (GHG) emissions from certain types of aircraft engines contribute to the pollution that causes climate change and endangers Americans' health and the environment. The findings are for carbon dioxide (CO2), methane, nitrous oxide, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF6), all of which contribute to GHG pollution that represents the largest driver of human-caused climate change. These particular GHGs come primarily from engines used on large commercial jets.

"Addressing pollution from aircraft is an important element of U.S. efforts to address climate change. Aircraft are the third largest contributor to GHG emissions in the U.S. transportation sector, and these emissions are expected to increase in the future," said Janet McCabe, EPA's Acting Assistant Administrator for Air and Radiation. "EPA has already set effective GHG standards for cars and trucks and any future aircraft engine standards will also provide important climate and public health benefits."

The agency is not issuing emissions standards for aircraft engines in this action. The final endangerment and contribution findings for aircraft engine GHG emissions are an important step that EPA must take prior to adopting domestic GHG engine standards. EPA anticipates that the International Civil Aviation Organization (ICAO) will formally adopt its environmental committee's February 2016 agreement on international aircraft CO2 standards in March 2017. EPA anticipates moving forward on standards that would be at least as stringent as ICAO's standards.

The rulemaking process for aircraft GHG emissions will provide opportunities for industry, NGOs and other interested parties to provide their input through public review and comment.

In 2009, EPA issued similar findings regarding GHG emissions from new cars and light trucks. The agency determined that those vehicles contribute to GHG pollution that threatens Americans' health and welfare by leading to long-lasting changes in our climate that can have a range of negative effects today and in the future. Since then, the science on human-induced climate change has strengthened, further supporting today's final determination.

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EPA Determines that Aircraft Emissions Contribute to Climate Change Endangering Public Health and the Environment (continued)

Today's findings support the goals of the President's Climate Action Plan to reduce emissions from large sources of carbon pollution. U.S. aircraft emit roughly 12 percent of GHG emissions from the U.S. transportation sector and 29 percent of GHG emissions from all aircraft globally. Under the Clean Air Act, EPA consults with the Federal Aviation Administration as it develops aircraft engine emissions standards.

By law, any standards EPA sets must not cause a significant increase in noise or adversely affect safety.

Today's findings do not apply to small piston-engine planes (the type of plane often used for recreational purposes), or to military aircraft.

For more information on the final aircraft endangerment and cause or contribute findings, visit http://epa.gov/otaq/aviation.htm.

Source: The U.S. Environmental Protection Agency (EPA)

Oil Refiners to Reduce Air Pollution at Six Refineries Under Settlement with EPA and DOJ

U.S. Environmental Protection Agency (EPA) and the U.S. Department of Justice announced a $425 million settlement with subsidiaries of Tesoro Corp., and Par Hawaii Refining that resolves alleged Clean Air Act violations and protects public health by reducing air pollution at six refineries. Under the settlement, the two companies will spend about $403 million to install and operate pollution control equipment, and Tesoro will spend about $12 million to fund environmental projects in local communities previously impacted by pollution. Tesoro will also pay a $10.45 million civil penalty.

“The advanced technologies Tesoro and Par are required to implement are the future for protecting people from toxic air emissions,” said Cynthia Giles, EPA Assistant Administrator for Enforcement and Compliance Assurance. "This settlement puts new enforcement ideas to work that will dramatically cut pollution and protect communities."

“This settlement, achieved in partnership with states, will benefit the air quality in communities across the Western United States,” said Assistant Attorney General John C. Cruden for the Justice Department’s Environment and Natural Resources Division. “It uses cutting edge technology to address global environmental issues like climate change by controlling flaring and provides important reductions of harmful air pollution in communities facing environmental and health challenges.”

Today’s settlement, a consent decree lodged in U.S. District Court for the Western District of Texas, includes provisions that resolves ongoing Clean Air Act violations at refineries in Kenai, Alaska; Martinez, California; Kapolei, Hawaii; Mandan, North Dakota; Salt Lake City, Utah; and Anacortes, Washington. Of the $10.45 million civil penalty that Tesoro will pay, the United States will receive $8,050,000, and co-plaintiffs including the states of Alaska and Hawaii, and the Northwest Clean Air Agency will share $2.4 million.

Once the companies install the pollution controls required by the settlement, annual emissions reductions at the six refineries will total an estimated 773 tons of sulfur dioxide, 407 tons of nitrogen oxides, 1,140 tons of volatile organic compounds, 27 tons of hazardous air pollutants, 20 tons of hydrogen sulfide and the equivalent of 47,034 tons of carbon dioxide, which is a greenhouse gas. A large number of the emissions reductions will occur in areas with impaired air quality and protect populations at risk for respiratory illnesses. In particular, this settlement will reduce greenhouse gas emissions from flaring at the subject refineries by over 60 percent.

The settlement addresses a range of alleged leak detection and repair and flaring violations under the Clean Air Act at all six refineries as well as violations of the Act’s Prevention of Significant Deterioration, Non-Attainment New Source Review, New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants at certain refineries. The settlement also addresses various violations of state clean air laws, programs and permits.

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Oil Refiners to Reduce Air Pollution at Six Refineries Under Settlement with EPA and DOJ
(continued)

Refineries process crude oil into products like gasoline, diesel fuel, kerosene, jet fuel, asphalt and liquefied petroleum gas and emit pollutants from a number of different sources. At the refineries subject to this settlement, fluid catalytic cracking units, sulfuric acid plants, heaters, boilers and sulfur recovery units, are substantial emitters of nitrogen oxides (NOx) and sulfur dioxide (SO_2). Flaring results in emissions of SO_2, greenhouse gases and toxic air pollutants, including volatile organic compounds (VOCs) and hazardous air pollutants. Fugitive emissions of VOCs result from leaking valves and pumps and can result in numerous health effects, including eye, nose and throat irritation, headaches, loss of coordination, nausea and damage to liver, kidney and the central nervous system, among other effects.

Leaks, flares, and excess emissions from refineries emit hazardous air pollutants, or air toxics, that are known or suspected to cause cancer, birth defects, and seriously impact the environment. SO_2 and NOx have numerous adverse effects on human health and are significant contributors to acid rain, smog and haze. Refineries also emit greenhouse gases that contribute to climate change, as well as fugitive VOCs.

The settlement incorporates the latest technological approaches to reducing flaring and making the flaring that does occur as efficient as possible. And in addition to installing pollution control equipment, the settlement requires Tesoro to use a series of state-of-the-art Next Generation Compliance tools to monitor pollution. Tesoro will use infrared gas-imaging cameras at four refineries to supplement the company's enhanced leak detection and repair program. These cameras are able to locate fugitive VOC emissions that may not be otherwise detected and to address these fugitive emissions and in doing so protect refinery employees from them. Tesoro will also pay for third-party auditing of compliance with the enhanced leak detection and repair requirements at all six facilities. EPA's Next Generation Compliance strategy works to advance the use of state-of-the-art technology to identify and reduce pollution.

Under the settlement, Tesoro will also spend about $12.2 million to fund three pollution mitigation projects. In addition to installing infrared cameras, Tesoro will install ultra-low NOx burners on a furnace at its Salt Lake City refinery. Tesoro estimates that the cost of this mitigation project is $10.8 million and is expected to result in significant quantifiable reductions in NO_X emissions. Tesoro will also contribute $1 million to fund the replacement of old diesel school buses in Contra Costa County, California, with new compressed natural gas (CNG) school buses. Replacing existing school buses that run on diesel with vehicles that are powered by CNG decreases emissions of NO_X, SO_2, PM, greenhouse gases and other air pollutants.

This settlement is part of EPA's National Enforcement Initiative to control harmful emissions from large sources of pollution, which includes refineries, under the Clean Air Act's Prevention of Significant Deterioration requirements. The total combined SO_2 and NOx emission reductions secured from all settlements under this initiative will exceed 2 million tons each year once all the required pollution controls have been installed and implemented.

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Oil Refiners to Reduce Air Pollution at Six Refineries Under Settlement with EPA and DOJ
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Tesoro Corp., is headquartered in San Antonio, Texas, and its subsidiaries, Tesoro Alaska Company LLC, Tesoro Logistics L.P. and Tesoro Refining & Marketing Company LLC operate five of the refineries covered by this settlement. Par Pacific Holdings, Inc., formerly known as Par Petroleum Corp. and a parent corporation of Par Hawaii Refining, purchased the Kapolei refinery from Tesoro in 2013.

There will be a 30 day public comment period on the consent decree lodged today. Information on how to comment on the consent decree will be available in the Federal Register and on the Department of Justice's website: www.justice.gov/enrd/consent-decrees.

For more information on the settlement or to read the consent decree, go to https://www.epa.gov/enforcement/tesoro-and-par-clean-air-act-settlement

Source: The U.S. Environmental Protection Agency (EPA)

EPA Settlement with Dairy Company Improves Safety for Johnstown, Pa. Residents

The U.S. Environmental Protection Agency has settled alleged violations with the Galliker Dairy Company for failing to safely manage a hazardous substance at its dairy products manufacturing plant in Johnstown, Pa. EPA cited Galliker Dairy for not safely managing the anhydrous ammonia – an extremely hazardous substance – used in its refrigeration system. The settlement requires the company to pay a $35,991 penalty.

Under the federal Clean Air Act's general duty clause, facilities with extremely hazardous substances are required to identify and assess the hazards posed by the substances, design and maintain a safe facility, to prevent accidental releases to the air, and minimize the consequence of accidental releases if they occur.

The company violated these requirements by failing to ensure that the design and maintenance of the anhydrous ammonia refrigeration system was consistent with industry safety standards. These violations include deficiencies in training, maintenance documentation, detector/alarm settings, personal protective equipment, and protection of the system.

Ensuring safety measures are in place can prevent a release to the air which protects employees as well as the community from potentially harmful effects. It also increases the effectiveness and efficiency of local responders who may be called to respond to an emergency.

As part of the settlement, the company has not admitted liability for the alleged violations, but has documented its current compliance with industry standards and corrected all of the deficiencies.

See EPA's fact sheet on the Clean Air Act's general duty clause requirements: https://www.epa.gov/sites/production/files/2013-10/documents/gdc-fact.pdf

Source: The U.S. Environmental Protection Agency

New GIS Application and Tutorial to Help Users Find Information

The Department of Environmental Protection (DEP) released an updated version of a GIS application that allows users to learn information and download reports about oil and gas wells in Pennsylvania. DEP also released a new video tutorial that explains how to use the PA Oil and Gas Well Mapping application and what information is available to retrieve. The video is available on DEP's YouTube Channel.

"This updated Oil and Gas Well Mapping application puts information about both conventional and unconventional oil and gas wells at your fingertips," DEP Acting Secretary Patrick McDonnell said. "Making such data available and easy to use promotes transparency and allows the public to generate the information they want on demand."

Users can locate wells by searching based on the permit number, or specific address, county, latitude and longitude, municipality or zip code. In addition to being able to view the location of oil and gas wells, users can also access specific information about each well, including inspection, violation, and enforcement information as well as production data. Additionally, users can access and view a number of documents associated with those wells, including well permit applications, well permits, inspection reports, operator responses to violations, and well site emergency response plans. DEP plans to make additional information available as we transition to collecting more oil and gas well data in an electronic format.

Users can also pinpoint a particular point on the map and draw a proximity buffer around it to learn what other features are located within that buffer zone such as coal mining operations, landfills and waste facilities.

"This application is also beneficial to county and emergency responders who can quickly access unconventional well site emergency response plans in the case of emergencies," Acting Secretary McDonnell said.

The PA Oil and Gas Well Mapping application is available on DEP's website.

http://www.dep.pa.gov/

Source: The Department of Environmental Protection (DEP)

Settlement with U.S. and Pennsylvania Requires Consol Energy to Implement Water Management Upgrades to Protect Ohio River

The U.S. Environmental Protection Agency, and the state of Pennsylvania, announced today that Consol Energy Inc., CNX Coal Resources and Consol Pennsylvania Coal Co., LLC ("Consol") have agreed to implement extensive water management and monitoring activities to prevent contaminated discharges of mining wastewater from the Bailey Mine Complex (Complex) in Greene and Washington Counties, Pa., to the Ohio River and its tributaries.

In a consent decree filed in federal court today in Pittsburgh, the company also agreed to continue to prevent certain discharges from the Complex, conduct regular long-term-monitoring to ensure sufficient storage capacity to prevent future discharges, develop contingency plans should future discharges become likely, and implement an environmental management system to ensure compliance with the Clean Water Act and other applicable environmental laws. In addition, Consol, the largest producer of coal from underground mines in the United States, will pay a $3 million civil penalty for Clean Water Act violations.

"Mining operations that discharge to our rivers, lakes and streams have an obligation to comply with our nation's laws that protect those water bodies, as well as public health," said EPA Regional Administrator Shawn M. Garvin. "The actions required by today's settlement represent a major step forward in protecting local waterways and the health of communities."

The U.S. government's complaint, filed concurrently with the settlement, alleges chronic exceedances of osmotic pressure (OP) and other limits in Consol's Clean Water Act discharge permits. The discharges primarily enter into tributaries of the Ohio River. OP is the standard used in Pennsylvania to protect aquatic life from excess amounts of total dissolved solids (TDS). Too much TDS going into a water body can increase the salinity of the water and harm aquatic life and impact drinking water quality.

"We will continue to vigorously protect our District's waterways and other vital natural resources," said U.S. Attorney David J. Hickton for the Western District of Pennsylvania. "Today's settlement ensures that our rivers remain safe for future generations to use and enjoy."

"Protecting Pennsylvania's waterways is a top priority of the Pennsylvania Department of Environmental Protection (DEP), and we will not allow companies to pollute our rivers and streams," said Acting DEP Secretary Patrick McDonnell. "CONSOL has agreed to improve their facilities to prevent future discharges, and the actions today will go a long way towards ensuring Pennsylvania's waters are protected."

Under the terms of the consent decree, Consol has agreed to:

- Complete and maintain certain water management measures to prevent discharges from certain outfalls at Complex;
- Monitor and report quarterly and annually, to ensure adequate storage capacity to prevent future discharges;

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Settlement with U.S. and Pennsylvania Requires Consol Energy to Implement Water Management Upgrades to Protect Ohio River (continued)

- Submit and implement a plan for achieving long term compliance through advanced treatment in the event of projected exhaustion of storage capacity;
- Develop and implement an environmental management system to ensure environmental compliance throughout the Complex; and,
- Pay a $3 million civil penalty.

These measures will continue to reduce TDS in mining waters discharged to streams from the Complex. EPA estimates that implementation of the consent decree by Consol will eliminate more than 2.5 million pounds of pollutants in the form of TDS.

The consent decree, which is subject to a 30-day public comment period and final court approval, is available at: www.justice.gov/enrd/

Source: The U.S. Environmental Protection Agency

Harley-Davidson to Stop Sales of Illegal Devices that Increased Air Pollution from the Company's Motorcycles

The U.S. Environmental Protection Agency (EPA) and the U.S. Department of Justice (DOJ) announced a settlement with Harley-Davidson, Inc., Harley-Davidson Motor Company Group, LLC, Harley-Davidson Motorcycle Company, Inc., and Harley-Davidson Motor Company Operations, Inc. (collectively Harley-Davidson), that requires the companies to stop selling and to buy back and destroy illegal devices that increase air pollution from their motorcycles, and to sell only models of these devices that are certified to meet Clean Air Act emissions standards. Harley-Davidson will also pay a $12 million civil penalty and spend $3 million to mitigate air pollution through a project to replace conventional woodstoves with cleaner-burning stoves in local communities.

The government's complaint, filed today along with the settlement, alleges that Harley-Davidson manufactured and sold approximately 340,000 illegal devices, known as "super tuners," that, once installed, caused motorcycles to emit higher amounts of certain air pollutants than what the company certified to EPA. Aftermarket defeat devices like these super tuners alter a motor vehicle's emissions controls and are prohibited under the Clean Air Act for use on vehicles that have been certified to meet EPA emissions standards. Harley-Davidson also made and sold more than 12,000 motorcycles that were not covered by an EPA certification that ensures a vehicle meets federal clean air standards.

"This settlement immediately stops the sale of illegal aftermarket defeat devices used on public roads that threaten the air we breathe," said Cynthia Giles, assistant administrator for EPA's Office of Enforcement and Compliance Assurance. "Harley-Davidson is taking important steps to buy back the 'super tuners' from their dealers and destroy them, while funding projects to mitigate the pollution they caused."

"Given Harley-Davidson's prominence in the industry, this is a very significant step toward our goal of stopping the sale of illegal aftermarket defeat devices that cause harmful pollution on our roads and in our communities," said Assistant Attorney General John C. Cruden, head of the Justice Department's Environment and Natural Resources Division. "Anyone else who manufactures, sells, or installs these types of illegal products should take heed of Harley-Davidson's corrective actions and immediately stop violating the law."

Since January 2008, Harley-Davidson has manufactured and sold two types of tuners, which when hooked up to Harley-Davidson motorcycles, allow users to modify certain aspects of a motorcycle's emissions control system. These modified settings increase power and performance, but also increase the motorcycles' emissions of hydrocarbons and nitrogen oxides (NOx). These tuners have been sold at Harley-Davidson dealerships across the country.

The Clean Air Act requires motor vehicle manufacturers to certify to EPA that their vehicles will meet applicable federal emissions standards to control air pollution, and every motor vehicle sold in the U.S. must be covered by an EPA-issued certificate of conformity.

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Harley-Davidson to Stop Sales of Illegal Devices that Increased Air Pollution from the Company's Motorcycles (continued)

The Clean Air Act prohibits manufacturers from making and selling devices that bypass, defeat, or render inoperative a motor vehicle's EPA-certified emissions control system. The Act also prohibits any person from removing or rendering inoperative a motor vehicle's certified emissions control system and from causing such tampering. The complaint alleges violations of both these provisions.

Under the settlement, Harley-Davidson will stop selling the illegal aftermarket defeat devices in the United States by August 23, 2016. Harley-Davidson will also offer to buy back all such tuners in stock at Harley-Davidson dealerships across the country and destroy them. The settlement requires the company to obtain a certification from the California Air Resources Board (CARB) for any tuners it sells in the United States in the future. The CARB certification will demonstrate that the CARB-certified tuners do not cause Harley-Davidson's motorcycles to exceed the EPA-certified emissions limits. Harley-Davidson will also conduct tests on motorcycles that have been tuned with the CARB-certified tuners and provide the results to EPA to ensure that its motorcycles remain in compliance with EPA emissions requirements. In addition, for any super tuners that Harley-Davidson sells outside the United States in the future, it must label them as not for use in the United States.

The complaint also alleges that Harley-Davidson made and sold more than 12,000 motorcycles from model years 2006, 2007 and 2008 that were not covered by an EPA certificate of conformity. A certificate of conformity covers only the motorcycle models that were included in the certification application and that are listed on the certificate. These 12,000 motorcycles were models that were not included in Harley-Davidson's applications and that were not listed as covered by the relevant certificate. Under the consent decree, Harley-Davidson will ensure that all of its future motorcycle models intended for sale in the United States are fully certified by EPA.

Hydrocarbon and NOx emissions contribute to harmful ground-level ozone, and NOx also contributes to fine particulate matter pollution. Exposure to these pollutants has been linked with a range of serious health effects, including increased asthma attacks and other respiratory illnesses. Exposure to ozone and particulate matter has also been associated with premature death due to respiratory-related or cardiovascular-related effects. Children, the elderly, and people with pre-existing respiratory disease are particularly at risk of health effects from exposure to these pollutants. The woodstove project, which Harley-Davidson will undertake in conjunction with an independent third party, will eliminate excess air pollution caused by using the illegal tuners by providing cleaner-burning stoves to designated local communities, thereby assuring better air quality in the future.

EPA discovered the violations through a routine inspection and information Harley-Davidson submitted after subsequent agency information requests.

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Harley-Davidson to Stop Sales of Illegal Devices that Increased Air Pollution

The settlement, a proposed consent decree lodged in the United Stated District Court for the District of Columbia, is subject to a 30-day public comment period before it can be entered by the court as final judgment. To view the consent decree or to submit a comment, visit DOJ's website:
www.justice.gov/enrd/Consent_Decrees.html

More information about today's settlement:
https://www.epa.gov/enforcement/harley-davidson-clean-air-act-settlement

Source: The U.S. Environmental Protection Agency (EPA)

US EPA, US DOT, California's Air Resources Board Issue Draft Technical Assessment Report of Greenhouse Gas Emissions and Fuel Economy Standards for Model Year 2022-2025 Cars and Light Trucks

The U.S. Department of Transportation (DOT), the U.S. Environmental Protection Agency (EPA), and the California Air Resource Board (CARB) took the first step in the mid-term evaluation of the National Program for greenhouse gas emissions and fuel economy standards for light duty cars and trucks by releasing a draft Technical Assessment Report (TAR) for public comment. The release of the TAR delivers on a commitment that EPA made in 2012 as part of the rulemaking establishing a National Program for the 2017-2025 period. The draft TAR covers model years 2022-2025.

The draft TAR shows that automotive manufacturers are innovating and bringing new technology to market at a rapid pace, and that they will be able to meet the MY 2022-2025 standards established in the 2012 rulemaking with a wide range of cost-effective technologies. Moreover, it indicates that these standards can be achieved by relying primarily on advanced gasoline vehicles. The report also shows that manufacturers will be able to meet the stricter standards at similar or even a lower cost than was anticipated in the 2012 rulemaking, with substantial savings on fuel costs for consumers.

"Today's draft report shows that automakers are developing far more technologies to improve fuel economy and reduce greenhouse gas emissions, at similar or lower costs, than we thought possible just a few years ago. And they are adopting these fuel-saving technologies into their fleets even faster than anticipated," said Janet McCabe, acting assistant administrator for EPA's Office of Air and Radiation. "This is simply great news for consumers, manufacturers, workers and the climate."

"Automakers have already implemented new technologies that are saving American drivers money and cut national fuel consumption and carbon emissions today," said National Highway Traffic Safety Administrator Dr. Mark Rosekind. "The draft report supports that the administration's fuel economy program can continue to incentivize innovation and reduce fuel consumption while also ensuring that consumers can continue to choose the vehicles they want to drive. The agencies welcome public comments to assist the agencies' analysis and decision making."

"After almost four years of close collaboration on the draft Technical Assessment Report with our federal partners, the conclusions are clear: costs are lower for many technologies than we originally thought, market uptake is strong, and expected consumer benefits remain high," said CARB Chair Mary D. Nichols.

The National Program is designed to enable consumers to choose the car or truck they want, while ensuring that the vehicles they select will reduce carbon emissions and save on fuel costs. The program was developed jointly by the EPA and DOT, in coordination with CARB, and it applies to passenger cars and light duty trucks through model year 2025. It requires manufacturers to improve average fuel efficiency and reduce average greenhouse gas emissions over time.

Report of Greenhouse Gas Emissions and Fuel Economy Standards for Model Year 2022-2025 Cars and Light Trucks (continued)

In recent years, and responding to the standards established in the National Program, automakers have been rapidly adopting fuel-efficient technologies like turbo charging, engine downsizing, more sophisticated transmissions, vehicle weight reduction, aerodynamics, and idle stop-start, along with improved accessories and air conditioning systems. There are over 100 car, SUV, and pick-up truck versions on the market today that already meet 2020 or later standards, suggesting that automakers should be well-positioned to meet future average standards through additional application of those technologies.

Today's draft report is the first of several steps the agencies will take as part of assessing the standards for new vehicles in the 2022-2025 model years (MY). The report itself is not a rulemaking and does not change any of the existing requirements under the existing National Program.

The National Program does not set a single fuel economy target number for all vehicles, but instead it establishes separate footprint-based standards for passenger cars and light trucks. A manufacturer's compliance obligation depends on the mix of vehicles that it produces for sale in each model year – if a manufacturer produces mostly larger vehicles, its average standard will be less stringent than if it produces mostly smaller vehicles, reflecting the reality that smaller vehicles often have better fuel economy and lower carbon emissions than larger vehicles. This approach ensures that consumers can continue to choose from the full range of fuel efficient vehicles on the market, and at the same time, it improves efficiency and emissions for all types of vehicles.

While the Draft TAR analysis focuses on the MY 2022-2025 standards, the report also shows that auto manufacturers over-complied with the standards for each of the first three years of the program, and in 2014 outperformed the standards by 1.4 miles per gallon. This occurred during a period during which the automotive industry has seen six consecutive years of sales increases and a new all-time sales record in 2015, reflecting positive consumer response to vehicles complying with the standards.

For more information on today's announcement, visit:
https://www3.epa.gov/otaq/climate/mte.htm

Source: The U.S. Department of Transportation (DOT),