

MEMORANDUM

To: ELI Clean Air Act Overview Course Participants

From: Patrick D. Traylor

Re: **Environmental Law Institute Clean Air Practice: Annotated Bibliography for Recommended Additional Reading and Resources**

Recommended Reading

ENVTL. PROT. AGENCY, NEW SOURCE REVIEW WORKSHOP MANUAL: PREVENTION OF SIGNIFICANT DETERIORATION AND NONATTAINMENT AREA PERMITTING (Draft 1990). Despite the fact that this text has been in “draft” form since 1990, this volume is the definitive treatment of how federal and state air permitting agencies conduct new source review permitting decisions. This text absolutely must be on the bookshelf of any attorney who ventures into the realm of air quality permitting. Available online at <http://www.epa.gov/ttn/nsr/gen/wkshpman.pdf>.

AIR & WASTE MANAGEMENT ASSOC., AIR POLLUTION ENGINEERING MANUAL (John Wiley & Sons, Inc. 2000). This outstanding reference text summarizes in suitable detail the operation of air pollution control devices. After a general overview, the text is divided into industry-specific sections, allowing the reader to survey the particular air pollution control devices available for a particular application.

ARNOLD REITZE, AIR POLLUTION CONTROL LAW: COMPLIANCE & ENFORCEMENT (2001). With over 20,000 footnotes, this comprehensive Clean Air Act hornbook summarizes in outstanding detail both stationary source and mobile source aspects of air pollution control law. Though modestly dated, this is *the* Clean Air Act law reference text that must be on any air lawyer’s bookshelf, and in the library of any organization with an environmental law practice.

ARNOLD REITZE, STATIONARY SOURCE AIR POLLUTION LAW (2005). Professor Reitze has divided his original 1995 and subsequent 2001 editions of “Air Pollution Control Law” into two parts, one for stationary sources, and one yet-to-be-published volume for mobile sources.

ARNOLD REITZE, AIR POLLUTION CONTROL AND CLIMATE CHANGE MITIGATION LAW (2010). This latest installment in Professor Reitze’s excellent Clean Air Act reference material tackles the law surrounding climate change.

BABCOCK & WILCOX, STEAM: ITS GENERATION AND USE (Kessinger Publishing, LLC 2005) (1927). This is the definitive reference source for understanding the combustion of fossil fuels for modern industrial and utility uses at stationary sources. Mobile source combustion is not covered, but with chapter titles like “Boiler Enclosures, Casing and Insulation,” the legal reader will find more than enough to satisfy technical questions.

Internet Resources

- Energy Info. Agency, *Form EIA-906, EIA-920, and EIA-923 Databases*, http://www.eia.doe.gov/cneaf/electricity/page/eia906_920.html. The EIA maintains detailed energy production records from a wide variety of sources that is oftentimes quite useful in the practice of utility air quality permitting.
- Envtl. Prot. Agency, *Applicability Determination Index*, <http://cfpub.epa.gov/adi/>. For the Title VI, MACT, NSPS, and NESHAPS programs, EPA maintains a searchable database of previous program applicability determinations. Quite a useful resource for those who have the burning desire to know “Is gasification combustion under the New Source Performance Standard for small-scale municipal solid waste combustors?”
- Envtl. Prot. Agency, *Clean Air Markets Data and Maps*, <http://camddataandmaps.epa.gov/gdm/>. When one needs to know the emission profile of any facility covered under the Acid Rain Program, this searchable database is the place to begin.
- Envtl. Prot. Agency, *Enforcement and Compliance History Online*, <http://www.epa-echo.gov/echo/>. EPA’s Office of Enforcement and Compliance Assurance maintains a national database with detailed compliance records for facilities with a wide variety of environmental permits.
- Envtl. Prot. Agency, *EPA Employee Directory*, <http://cfpub.epa.gov/locator/index.cfm>. More useful than you might imagine.
- Envtl. Prot. Agency, *The Green Book Nonattainment Areas for Criteria Pollutants*, <http://www.epa.gov/oaqps001/greenbk/index.html>. This reference is an up-to-date list of the attainment status of each air quality control region in the country, organized on a criteria pollutant-by-pollutant basis. The careful practitioner will start here when determining how to proceed with air permitting at a particular location.
- Envtl. Prot. Agency, *Policy and Guidance Database*, <http://www.epa.gov/region07/programs/artd/air/policy/search.htm>. This searchable database maintained by EPA Region 7 contains EPA’s new source review and Title V applicability determinations. Know affectionately as the “Puzzle Book,” the database promises many hours of frustration as sometimes inconsistent regulatory interpretations coalesce into “shadow law.”
- Envtl. Prot. Agency, *RACT/BACT/LAER Clearinghouse*, <http://cfpub.epa.gov/rblc/html/bl02.cfm>. This is the database of air pollution control technologies required by new source review permits across the country. A permitting authority will eventually search here to determine what control technologies are “best available,” “lowest achievable,” and “reasonably available” when making permit decisions.
- Envtl. Prot. Agency, *Climate Change Regulatory Initiatives*, <http://www.epa.gov/climatechange/initiatives/index.html>. A comprehensive site covering all EPA’s major climate change initiatives, with extensive references to rule text and rule development docket information.

Useful Periodicals

Argus Air Daily (Argus Media),

<http://www.argusmedia.com/pages/StaticPage.aspx?tname=Argus+Home&pname=Emissions>. Daily email delivered pdf with latest headlines and emissions market news.

Daily Environmental Report (BNA), <http://news.bna.com/deln/>. This daily report is exhaustive in its coverage of environmental issues, and provides links to difficult-to-find documents.

ClimateWire (E&E Publishing, LLC), <http://www.eenews.net/cw/>. Focused on climate change news and regulations.

Energy & Environment Daily (E&E Publishing, LLC), <http://www.eenews.net/eed/>. Focused exclusively on the environmental aspects of energy production, this is a good resource for tracking the latest developments. Significant overlap with Greenwire and E&E ClimateWire.

Environmental Law Reporter (Environmental Law Institute), <http://www.elr.info/welcome.cfm?CFID=2138819&CFTOKEN=29035971>. Print and on-line versions provide comprehensive coverage of environmental issues along with in-depth and scholarly treatment of issues of interest.

Greenwire (E&E Publishing, LLC), <http://www.eenews.net/gw/>. Daily environmental news briefing with outstanding legislative and administrative agency coverage.

InsideEPA (Inside Washington Publishers), <http://www.insideepa.com>. An excellent resource that stands up to its name—the publication delivers inside-track information from EPA, and does a nice job of maintaining an important document library of otherwise hard-to-find insider documents.

Law360 Environmental Law (Portfolio Media, Inc.), <http://environmental.law360.com>. A multi-media news resource with excellent coverage of Clean Air Act-related litigation, regulatory, and policy developments.

Leading Case

In re: Desert Rock Energy Co., LLC, No. PSD 08-03 (Envtl. App. Bd. 2009). http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/77355bee1a56a5aa8525711400542d23/7c0e2fa7cd40282f852574a900678970!OpenDocument. As a case study in new source review permitting, this docket is one of the best examples of the complexity associated with permitting a new coal-fired electric generating unit.