

**Clean Air Act Advisory Committee
Holiday Inn and Suites – Alexandria, VA
October 29, 2014**

Welcome

Jim DeMocker, U.S. Environmental Protection Agency (USEPA or the Agency), welcomed everyone to the Clean Air Act Advisory Committee (CAAAC) meeting. CAAAC members and members of the public introduced themselves. Mr. DeMocker provided an overview of the agenda.

Air Program Update and Discussion

Mr. DeMocker introduced Acting Assistant Administrator Janet McCabe, USEPA, and Tom Powers, USEPA, to provide an air program update. Ms. McCabe began by thanking the CAAAC members who have reached their term limit.¹ Ms. McCabe explained that Deputy Administrator Bob Perciasepe, USEPA, retired from the Agency in August 2014 and was replaced by Stan Meiburg, the former Deputy Regional Administrator from EPA Region 4.

Ms. McCabe highlighted several successful Agency initiatives. The Agency published the second report to Congress on the Air Toxics Program in summer 2014. The report reflects the progress made on reducing air pollutants from motor vehicles, and industrial facilities across the country. On October 1st, the Agency released the most recent greenhouse gas (GHG) reporting program report, which reflects the emissions from 2013. The 2013 emissions reported a decrease of emissions in the oil and gas sector.

Ms. McCabe explained that USEPA and U.S. Department of Transportation (USDOT) adopted several fuel efficiency standards for light-duty vehicles and first round standards for heavy duty vehicles. She noted that fuel efficiency has increased eight out of the last nine years. The Agency is mindful of the continued challenges surrounding public health particularly in areas that are traditionally overburdened by pollution. In 2013, approximately 75 million people lived in counties with air values above one of the National Ambient Air Quality Standards (NAAQS). Ms. McCabe noted that climate change threats often affect low-income and vulnerable communities more than others. USEPA continues to push forward to find new ways to improve air quality for all communities.

Ms. McCabe provided an update on the President's Climate Action Plan, which was issued in June 2013. The Clean Power Plan is a specific part of the President's Climate Action Plan and addresses carbon emissions from fossil fuel-fired power plants. In October 2014, USEPA published two additional documents pertaining to 111(d). The first document is a supplemental proposal that sets proposed targets for plants in Indian country and U.S. territories. Ms. McCabe stated the comment period for the first document closes on December 19th. A public hearing will take place on November 19th in Arizona.

¹ Retiring CAAAC members include Maria Alvarez Amaya (University of Texas - El Paso), Bill Becker (National Association of Clean Air Agencies), Linda Farrington (Eli Lilly and Company), Jack Goldman (Hearth, Patio & Barbecue Association), Kelley Green (Texas Cotton Ginners' Association), Steven Lee Hensley (USA Rice Federation), Robert O'Keefe (Health Effects Institute), John Paul (Regional Air Pollution Control Agency), Syndi Smallwood (Pechanga Band of Luiseno Indians), Mary Turner (Waste Management, Inc.), Valerie Ughetta (Alliance of Automobile Manufacturers), and Kathryn Watson (Earth Charter Indiana).

The second document is a notice of data availability (NODA) and is intended to continue an open stakeholder process. The comment period for the second document is still open. Ms. McCabe commented on the Methane Strategy, which is another aspect of the Clean Action Plan. The Methane Strategy is a multiagency strategy that focuses on the oil and gas industry.

Ms. McCabe provided updates on interstate transport of air pollutants. She explained that USEPA has been involved in a multi-year legal effort concerning the 2011 Cross-State Air Pollution Rule (CSAPR). The Agency asked the court to lift the stay and agreed to provide a method of implementation if the stay was lifted. She explained that Phase 1 would start in January 2015 and Phase 2 would start in January 2017. Ms. McCabe confirmed the court granted the motion. CSAPR was intended to replace the Clean Air Interstate Rule and address transport issues related to ozone and particulate matter (PM) NAAQS. Ms. McCabe noted there are a number of other regulatory decisions that were waiting on the CSAPR decision to be resolved (e.g., state implementation plans (SIPs)).

Ms. McCabe addressed the Tailoring Rule for GHG. In June 2014, the Supreme Court decided that USEPA does not have the authority to require permits for just GHG, but upheld the program with respect to the largest emitters. The Agency received a decision in April 2014 on the Mercury and Air Toxics Standards (MATS) upholding the rule. Ms. McCabe explained the Portland Cement Rule was also challenged, and only one provision of the rule, which allowed sources to offer an affirmative defense in the case of malfunctions, was not upheld. The Agency is taking the provision out of the rule and removing it from other rules moving forward. The PM NAAQS were challenged and upheld. Ms. McCabe stated USEPA is working through the process of setting forth state guidance for SIPs. She mentioned that ozone NAAQS proposal is scheduled to be issued in December 2014.

Ms. McCabe commented on the successful collaboration between the Agency and its state, local, and tribal partners on E-Enterprise – an effort to modernize programs to simplify reporting and processing time. The Administrator emphasizes the importance of collaboration, transparency, and access of information. USEPA is working toward reducing the report burden by utilizing technology and electronic mechanisms.

Ms. McCabe provided an overview of the budget. Currently, USEPA is operating under a continuing resolution that runs until the middle of December 2014. The Fiscal Year 2016 budget will be issued by the President later this year. She noted that resources will be a challenge for state and federal environmental programs, but USEPA will do its best to make progress.

Ms. McCabe introduced Mr. Powers to provide updates on regional haze, SIP backlog, and sulfur dioxide (SO₂) re-designations. Mr. Powers explained that the Agency is completing the first stage of the regional haze program. USEPA has taken 1,426 rulemaking actions on best available retrofit technology for individual sources of haze, of which 98% were state submittals and 2% were federal submittals. The Agency estimates the rulemaking actions resulted in 500,000 tons per year reductions in SO₂ and 300,000 tons per year reductions in nitrous oxide (NO_x) in areas west of the Mississippi River. Mr. Powers noted the Agency is committed to establishing guidelines for states on how to do reasonable controls for specific sources. The Agency will also establish a revised goal framework that focuses on reducing controllable anthropogenic emissions. USEPA is considering a rulemaking rather than publishing guidance. Mr. Powers explained that states requested more time than the current SIP deadline of July 2018. The states requested the SIPs be delayed until July 2021, which would not change the end of the planning period (i.e., 2028). Mr. Powers noted some states requested keeping the original

deadline. He explained that states also provided feedback on the burden states are facing in the form of the SIP revision. The Agency is exploring ways to eliminate the SIP revision requirement and establish a more transparent process. He welcomed CAAAC to submit comments on the regional haze program.

Mr. Powers provided an update on SIP streamlining. The Agency worked with state partners to create a system to expedite the SIP process and to address the backlog of SIP waiting for USEPA action. USEPA Regions worked with states to develop four year plans to eliminate the backlog and to improve Agency guidelines for SIPs. Mr. Powers explained the electronic SIP submittal pilot process is almost complete.

Mr. Powers addressed SO₂ area re-designations. In 2010, USEPA tightened the SO₂ standard and designated 29 areas in 16 states. The Clean Air Act (CAA) requires the Agency to designate the entire country, but Mr. Powers explained the Agency does not have adequate information to complete the task. In 2013, a number of parties sued the Agency. USEPA and the litigants have lodged a proposed consent decree with the court that contains commitments for USEPA to complete the designations for the entire country in three phases. There is currently a court hearing on whether the Agency should make designations sooner, but Mr. Powers noted the court has not yet reached a decision.

Mr. DeMocker thanked Ms. McCabe and Mr. Powers for the air programs update and invited CAAAC members to ask questions.

Brian Mormino, Cummins Inc., asked what items the Agency will address in 2015. Ms. McCabe noted that the items she spoke about will have components taking place during 2015. In addition, Ms. McCabe stated USEPA's proposal for the second phase of efficiency standards for heavy duty vehicles under the Clean Power Plan is due in March 2015. USEPA has been working closely with manufacturers and other stakeholders on the proposal. Ms. McCabe stated 111(b) and 111(d) will have more actions during the upcoming year. The revised New Source Performance Standards (NSPS) for wood heaters will be finalized in February 2015. The December 2014 ozone proposed rule will be finalized in October 2015.

Rob Kaufman, Koch Companies Public Sector, LLC, asked when the Boiler MACT reconsideration will appear in the Federal Register. Ms. McCabe noted it will take place within the next month.

Dan Johnson, WESTAR Council, supported USEPA's work on regional haze. He noted the challenge of describing anthropogenic versus non-anthropogenic sources of emissions. Mr. Johnson suggested discussing prescribed fires in national parks at a future CAAAC meeting. He asked if these fires are considered anthropogenic and noted that the fires still have regional haze and public health consequences. Ms. McCabe thanked Mr. Johnson for the suggestion.

Ann Weeks, Clean Air Task Force, explained that the emphasis on natural gas in the Clean Power Plan makes the decision to regulate emissions from the oil and gas industry more compelling. She noted there is more work to be done from the 2012 NSPS to make sure methane reductions are made complementary to carbon dioxide (CO₂) reductions. Ms. McCabe pointed out that the conversation around the Clean Power Plan has raised the issues of safety and appropriateness and their impacts on natural gas resources.

John Busterud, Pacific Gas & Electric, asked if USEPA is receiving feedback supporting regional implementation plans (rather than SIPs) under 111(d). Ms. McCabe explained it is still too early to gauge the interest and that states are awaiting further guidance from the Agency.

Nancy Kruger, National Association of Clean Air Agencies, thanked Ms. McCabe and Administrator Gina McCarthy for the emphasis placed on state and local partnerships and referred to the good collaboration on SIP reform. Ms. McCabe expressed her support for additional state and local partnerships.

Anthony Jacobs, International Brotherhood of Boilermakers, asked if USEPA will publish a new transport rule proposal related to the current ozone standard. Ms. McCabe responded that USEPA has started a process of working with the states to share information on how to proceed with a new transport rule. Ms. McCabe noted there is no current schedule at this time.

Mr. DeMocker thanked Ms. McCabe and Mr. Powers for the air programs update.

Subcommittee Updates

Permits, New Source Review, and Toxics Subcommittee

[Presentation slides are available on CAAAC website]

Mr. DeMocker introduced Bill Harnett, USEPA and Shelley Schneider, Nebraska Department of Environmental Quality, to provide an update on the Permits, New Source Review, and Toxics subcommittee.

Mr. Harnett summarized the subcommittee presentations and discussion from the meeting. The first presentation focused on the status of GHG permitting and the response to Title V reports. Mr. Harnett highlighted the recent Supreme Court decision, which solidified the GHG permitting program, but will also likely cause state and local agencies to change the programs they have adopted into their SIPs. Members of the subcommittee requested that USEPA better prioritize Title V issues and disseminate information to states, particularly if a state has established a policy that will require significant changes based on the ruling.

Mr. Harnett outlined the second presentation, which described revisions to the USEPA Office of Air and Radiation (OAR) website and sought suggestions for improvement. The subcommittee responded favorably to modernizing the website and making information more accessible. Mr. Harnett noted there was concern that the website updates will overemphasize ongoing issues. There was a request to make older documents and state SIP guidance more readily available.

The third presentation discussed the advanced programs in place for PM 2.5 and ozone. USEPA is working with state, local, and tribal governments and organizations to improve air quality in an attempt to seek positive action before revising standards. Mr. Harnett emphasized that outreach and engagement with stakeholders is a critical component of the process and that participants are enthusiastic about the program. However, he noted that tribal agencies requested greater engagement on this issue.

The final subcommittee presentation, presented by Chet Wayland, OAQPS, focused on upcoming changes to Appendix W to 40 CFR 51, which will incorporate, as appropriate, new analytical techniques or models for ozone and secondary PM_{2.5} for new and modified sources. Mr. Harnett highlighted

improvements in modeling capabilities that will have significant implications in the permitting arena for PM_{2.5} and ozone.

Mr. DeMocker thanked Mr. Harnett and Ms. Schneider for the subcommittee update.

Mobile-Sources Technical Review Subcommittee

[Presentation slides are available on CAAAC website]

Mr. DeMocker introduced Michael Geller, USEPA, and Lee Kindberg, Maersk Line, to provide an update on the Ports Workgroup of the Mobile-Sources Technical Review Subcommittee (MSTRS).

Ms. Kindberg provided background information, and Mr. Geller presented an update on the workgroup's progress. Ms. Kindberg defined a port as a node in the transportation system that has considerable implications for the local and regional environment. Mr. Geller discussed the impetus for the initiative, and highlighted the Agency's efforts to explore effective partnerships with port stakeholders to create more sustainable port systems.

Mr. DeMocker thanked Ms. Kindberg and Mr. Geller for their update and invited CAAAC members to ask questions.

Ms. Schneider asked for an example of a barrier to technology implementation in a port. Mr. Geller identified funding and technological innovation in large marine engines as potential barriers. Ms. Kindberg noted that it is more difficult to retrofit a ship than a stationary source. Furthermore, without verification of these technologies, they do not count towards SIPs or other compliance plans, which delays implementation.

Nicky Sheats, Thomas Edison State College, commented that he is affiliated with several other environmental justice (EJ) organizations including the National Environmental Justice Advisory Council (NEJAC). NEJAC will be sending a letter to Administrator Gina McCarthy with recommendations regarding ports and EJ issues. Mr. Sheats emphasized the need to engage with EJ and community groups and referenced the forthcoming letter and recommendations as potential opportunities. He also asked how many EJ groups and people of color are included in the workgroup. Mr. Geller stated that the workgroup is working closely with USEPA's Office of Environmental Justice (OEJ). He stated that there are three EJ organizations on the workgroup and will confirm how many people of color are on the workgroup.

Robert O'Keefe, Health Effects Institute, asked what kind of metrics the workgroup is considering to measure environmental impacts. The Health Effects Institute is working with California to develop a report that considers the health impacts of port activities and evaluates the effect of environmental regulations on socioeconomic status, health, and the environment. Mr. Geller noted that there is a subgroup addressing the methodologies of emissions inventories and metrics. The workgroup is considering qualitative and quantitative metrics and is examining how to best characterize the information.

Joy Wiecks, Fonds du Lac Reservation, suggested increasing tribal outreach.

Ms. Kruger asked to what degree the workgroup is examining the ports in the context of the broader supply chain and how well regulated other sources in the supply chain are. Mr. Geller noted that the workgroup acknowledges the expanse and complexity of the supply chain, but is working to better define the boundaries for the purposes of the study. The Agency has been trying to identify opportunities to maximize benefits by targeting various components of the port and supply chain more broadly, since some sources operate in ports, and carry benefits with them as they leave. Ms. Kindberg noted that the supply chain is too large and complex to address in its entirety, so the workgroup is examining the first move outside of the port as the limitation from a practical perspective. Ms. Kruger asked if locomotives are included in this definition. Ms. Kindberg explained that this is a challenge because it can drastically expand the range.

Thomas Huynh, Philadelphia Air Management Services, commented that port inventories vary drastically and the group should consider the variation between mobile and stationary sources.

Mr. DeMocker asked if USEPA's Office of Research and Development (ORD) was included in the internal coordination effort. Mr. Geller confirmed that they are working with ORD.

Mr. DeMocker thanked Mr. Geller and Ms. Kindberg for their presentation.

Next Generation of Air Monitoring – EPA Plans & Discussion

[Presentation slides are available on CAAAC website]

Mr. DeMocker introduced Alan Vette, USEPA, and Chet Wayland, USEPA, for their presentation on the Next Generation of Air Monitoring. Mr. Vette and Mr. Wayland discussed the innovations in air quality monitoring and sensor technology. They noted that these technologies will evolve with or without USEPA, so the Agency is trying to be a leader in this area. The sensors being developed now enable citizen science. With their relatively low cost and high degree of mobility, the sensors allow individuals to improve their understanding of air quality in their neighborhoods and communities. These technologies pose challenges concerning the data quality and interpretation of the data. The sensors have largely not reached precision and accuracy standards required to be Forum on Environmental Measurements (FEM) certified.

Mr. DeMocker thanked Mr. Vette and Mr. Wayland for their presentation and invited CAAAC members to ask questions.

Mr. Johnson disagreed with Mr. Wayland's assertion that minute-to-minute exposure does not constitute a public health issue. While policy necessitates a national standard, exposure below the standards may have health implications. Mr. Johnson agreed there is great relevance for individuals using these tools to take voluntary action to make decisions based on air quality, and the sensors could provide great value to the public.

Peter Pagano, American Iron and Steel Institute, asked for clarification on the process for attaining FEM status. Mr. Wayland confirmed that USEPA evaluates technologies submitted by vendors for review. He explained that the FEM standard accounts for short- and long-term performance by evaluating accuracy, bias, and reproducibility, among other factors. Mr. Pagano asked how many applications EPA receives. Mr. Vette said that the number varies by year depending on the evolution in the technology. Now that there is a new FRM on ozone, the Agency expects applications to increase. Mr. Pagano asked if the

results of the reviews are available on USEPA's website, to which Mr. Wayland responded that they are. Mr. Pagano asked when to expect sensor technologies to be accurate. Mr. Vette noted that even in the two years since this effort began, there has been considerable advancement and he expects substantial progress in the next five years. Large vendors are becoming engaged in sensor technologies, which will lead to better quality and reproducibility as the vendors with more resources increase their activity.

Chris Kaiser, Rio Tinto, asked if USEPA plans to utilize this technology to better understand the science behind the high PM content during winter months in Salt Lake City and other areas in the inner mountain west. Mr. Vette said he is unaware of any specific plans to use aircraft technology because that is outside of the Agency's scope. He discussed the Community Multi-Scale Air Quality Model (CMAQ) that ORD helped develop, which is currently being used to better model mountainous terrain. Mr. Kaiser commented on the challenge of communicating information to the public.

Jalonne White-Newsome, WE ACT for Environmental Justice, asked how the Village Green opportunity was publicized for potential participants, how data collected by "citizen scientists" will be incorporated into existing databases or tools like EJSCREEN, and how these sensors can be used to verify that policies are achieving their intended goals. Mr. Vette said the request for Village Green applications was distributed through the E-Enterprise for the Environment program to USEPA regional offices. Mr. Wayland explained that these sensors can be used in a relative sense to examine trends before the data can be analyzed in an absolute sense. USEPA is trying to develop an evaluation protocol to make the devices more useful.

Adrian Shelley, Air Alliance Houston, noted that USEPA struggles to keep pace with technology, which poses a significant challenge for policy making. Mr. Shelley urged the Agency to provide guidance to state and local agencies so that they can correctly and effectively use the technology and the resulting data. He emphasized the need for a system that maximizes the use of new technologies and allows the regulatory framework to keep pace with the innovations. Mr. Wayland noted that USEPA is working with state, local, and tribal agencies to improve this disconnect. Mr. Wayland cited the South Coast Air Quality Management District in California as an example of a local agency upgrading their monitoring lab to invest in new sensor technologies. He noted the importance of learning from local agencies that have experience with this type of information. USEPA is trying to determine how to maximize the usefulness of the data while maintaining effective protocols.

Mr. DeMocker thanked Mr. Vette and Mr. Wayland for their presentation.

EJSCREEN – Overview and Discussion

[Presentation slides are available on CAAAC website]

Matt Tejada, USEPA, and Mark Corrales, USEPA, provided an overview of the EJSCREEN tool. Mr. Tejada explained that EJSCREEN was created as part of the Agency's EJ Plan 2014 and is a web-based Geographic Information System (GIS) tool for EJ screening and mapping. The tool has been peer reviewed by experts on geospatial tools and EJ, and USEPA plans to make it available to the public in November 2014. EJSCREEN provides environmental indicators and demographic indicators, and combines them as an EJ index for each environmental factor in each location. Mr. Tejada explained the tool includes 12 different environmental indicators (e.g., traffic). The data are updated yearly. Mr. Tejada explained that EJSCREEN is a pre-decisional screening tool and does not direct final outcomes. He

cautioned that the tool should not be used to label areas as “EJ communities.” When using the EJSCREEN tool, Mr. Tejada noted that other local data and concerns may be important because local data and local knowledge is critical in understanding EJ issues. The map provides a visual image created with block groups. The EJ index shows how much a block group contributes to the nation’s overall disparity (between demographic groups) in a specified environmental indicator. A report gives you all the indicators at once, whereas a map gives you one indicator at a time. The mapping tool adds many other types of data by overlaying various datasets (called “layers”).

Mr. DeMocker thanked Mr. Tejada and Mr. Corrales for the presentation and invited CAAAC members to ask questions.

Mr. Huynh suggested including a footnote to document the source and year of the data. He noted that since 2005 there have been significant improvements in air quality. Mr. Tejada thanked Mr. Huynh for the suggestion and noted several stakeholders have made similar comments. He stated the Agency will be updating the tool with new data every year in an attempt to provide the most current and reliable data.

Mr. Sheats stated that EJ communities need a substantive policy that provides real protection. He suggested using the EJSCREEN tool as part of the substantive policy. Mr. Sheats suggested USEPA form a workgroup that discusses how to use the EJSCREEN tool to support an EJ policy. Mr. Tejada responded by stating that publishing the tool now demonstrates the Agency’s commitment to EJ issues and will hopefully result in substantive uses of the tool. Mr. DeMocker added that the Agency has placed a significant amount of attention to the question of cumulative risk and what the policy implications might be.

Valerie Ughetta, Alliance of Automobile Manufacturers, asked if the depth of coverage of the data is consistent for the environmental indicators across the nation. Mr. Corrales confirmed that USEPA picked data sets that had national coverage, limiting what types of data could be included. The 12 indicators included in the EJSCREEN tool provide nearly complete coverage of the United States. He noted there are some areas (e.g., Alaska, Hawaii, Puerto Rico) that USEPA is still working on.

Mr. Kaufman supported Mr. Sheats’ comment about finding long-term solutions to EJ issues. Mr. Kaufman commented on the references to the National Air Toxics Assessment (NATA) in the environmental indicators section, which does not reflect the progress manufacturers have made. He noted the 2011 NATA (due to be released next year) is still going to be four years old. He asked if there are caveats associated with the guidance regarding the potentially outdated results that may come from the tool. Mr. Tejada explained that the Agency was limited on what data sets are available and nationally consistent, and that the tool includes caveats on the age of the NATA data. Mr. Kaufman asked if the Agency is working with USEPA’s Office of Enforcement. He confirmed the Agency is working with USEPA’s Office of Enforcement and there have been discussions on how the tool can be integrated into enforcement.

Ms. Schneider supported Mr. Kaufman’s concerns regarding using outdated NATA data. She asked what data set the Agency is using for PM_{2.5} and ozone. The PM_{2.5} and ozone data are based on a combination of modeling and monitoring data from 2008. Mr. Tejada invited stakeholders to suggest additional data sets for the Agency to use in the tool. Mr. Corrales acknowledged that USEPA was working to update these data in the future.

Ms. Kruger noted that the National Association of Clean Air Agencies supports the EJSCREEN tool, but not in its current form. She explained that the data are too outdated. Ms. Kruger asked what feedback air quality agencies provided to USEPA. Mr. Tejada confirmed the National Association of Clean Air Agencies provided feedback. Ms. Kruger noted several states and localities have their own tools already in place and asked to what extent the Agency examined or compared those tools. Mr. Tejada noted that the EJSCREEN tool does not proceed or supersede any state or local tool. Most states and environmental groups with tools are excited about the EJSCREEN tool. Mr. Tejada assured the committee that USEPA would have a thorough engagement process with stakeholders on EJSCREEN. Ms. Kruger urged the Agency to work with state and localities to quality assure the data before the tool is released.

Patricia Strabbing, Chrysler Group, LLC, asked for examples of environmental indicators not included in the EJSCREEN tool. Mr. Tejada responded that water quality and fish consumption advisories were not included, because the data are not available in a way that can be comparable across the nation. Ms. Strabbing asked if there is any indication on the website that informs individuals on the index number or a level of concern based on the index. Mr. Tejada responded that the index remains gray until the 80th percentile and then colors vary to indicate the significance of the index. Ms. Strabbing asked if the data will be transparent and include the year it reflects. He noted the Agency is attempting to make the tool as transparent as possible. Ms. Strabbing asked how USEPA plans to manage the messaging of the tool. Mr. Tejada stated that the Agency has conducted outreach over the past few months. In addition, USEPA set up a group with the Environmental Council of the states (ECOS) to work on the communications and messaging around the tool.

Mr. O’Keefe stated that the tool is more useful in understanding the aggregate impact on communities and asked if the tool will have difficulty moving from a starting point to an ending point. He suggested introducing the tool at a regional level and working with specific EJ communities. Mr. Tejada noted that the Agency plans on starting EJSCREEN at a large level and work into the communities (e.g., top-down approach). Mr. Corrales added that many of the underlying data sets are already available nationally.

Mr. DeMocker thanked Mr. Tejada and Mr. Corrales for the presentation.

EPA’s Clean Power Plan – Discussion

[Presentation slides are available on CAAAC website]

Mr. DeMocker welcomed Ms. McCabe and Kevin Culligan, USEPA, to discuss EPA’s Clean Power Plan. Ms. McCabe briefly discussed the presentation and introduced Mr. Culligan, who summarized the Clean Power Plan, feedback USEPA has received since the plan was published, and recent updates, including the Notice of Data Availability (NODA), and the Clean Power Plan Supplemental Proposal for Indian Country and Territories.

Mr. DeMocker thanked Ms. McCabe and Mr. Culligan for the presentation and invited CAAAC members to ask questions.

Mr. Pagano asked if USEPA is considering extending the comment period in light of the NODA and supplemental notice. Ms. McCabe responded that it has been almost six months since the rule was published and the release of the NODA does not warrant extending the deadline, particularly since the

Agency has a clear timeline to follow. Mr. Pagano followed up to ask about USEPA's plans to establish GHG rules for other sectors. Ms. McCabe replied that USEPA is not actively working on similar rules for other sectors since power plants comprise such a large percentage of GHG emissions, and implementation of the rule will require considerable effort.

Mr. Johnson asked where USEPA's hearing on the supplemental notice will occur. Ms. McCabe replied that the location will be in Phoenix, Arizona. Mr. Johnson said that roughly half the states in the Western States Air Resources Council do not have authority to go beyond Federal mandates without authority from the legislatures, which in many cases only meet once every two years. Mr. Johnson noted the inflexibility of the rule deadlines may impede states from establishing regional plans. Ms. McCabe stated that USEPA initially built two years into the timeline for this process, but is now hearing from states that this is not enough time. USEPA is taking this into consideration in order to allow states to be as successful as possible.

Ms. White-Newsome expressed concern about the qualitative EJ analysis in the proposed rule. She felt that the analysis was inadequate and urged USEPA to strongly encourage or require states to conduct robust EJ analyses as part of their SIP compliance. Ms. McCabe said she is looking forward to further discussion and noted that EPA is considering what types of EJ analysis will be useful.

Mr. Sheats voiced concern that the Clean Power Plan does not mandate reductions at particular facilities, and suggested incorporating a mechanism in the rule that guarantees reductions at facilities in EJ communities. He encouraged USEPA to prioritize the use of renewable energy and energy efficiency in EJ communities. An effective EJ analysis would examine the costs and benefits of the rule for EJ communities and would confirm that the mandated goals would be met. Ms. McCabe noted that states will be considering these plans in the context of an electric generating unit (EGU) fleet that is complying with MATS, which requires individual unit reductions. USEPA must consider its legal authority at the federal and state level in implementing the proposed rule. Mr. Sheats noted that the lack of mandated reductions in EJ communities could create Title VI compliance issues. He stated that climate policy should address inequality issues.

Howard Feldman, American Petroleum Institute, asked for clarification on the second building block of the proposed rule and the implications of natural gas availability. Mr. Culligan explained that a number of commenters have suggested the Agency take a broader perspective on natural gas and examine opportunities to construct new natural gas combined cycle plants and/or to co-fire natural gas at existing coal plants. The NODA states that to consider these opportunities, USEPA would have to examine the use of natural gas holistically, rather than in terms of incremental opportunities, in order to develop the cost component of building block two.

Mr. DeMocker thanked Ms. McCabe and Mr. Culligan for the presentation.

Air Toxics Workgroup Update

[Presentation slides are available on CAAAC website]

Myra Reece, South Carolina Department of Health and Environmental Control (DHEC), and Ms. White-Newsome provided an update on the air toxics workgroup. The second Urban Air Toxics Report to Congress was released in August 2014 and included two key messages. The report illustrated that the

country has made substantial progress on air toxics, reducing millions of tons of these pollutants over the last two decades from urban and other areas. Despite the progress, more work is needed particularly in overburdened communities living near concentrated sources of emissions and major roadways.

The workgroup is made up of 16 CAAAC members and three consultants/experts. Ms. Reece noted that additional invitations may be extended to outside participants. Ms. Reece explained that the first teleconference took place earlier in October. The workgroup was charged with three questions on air toxics strategies, communication, and next steps.²

Ms. White-Newsome summarized the workgroup's reaction to the second Urban Air Toxics Report to Congress. The workgroup addressed concerns with the outdated 2005 NATA data and the need for projections of how current programs will impact air toxic levels. She noted the workgroup had several questions about how risk calculations are being performed. The workgroup requested a definition of the term "urban" as to not exclude rural areas in the report.

Ms. White-Newsome reviewed the next steps of the workgroup. She explained the workgroup plans to create subgroups for each of the charge questions from USEPA. The workgroup requested an alternative timeline that includes an expanded timeframe. She stated the workgroup will finalize its meeting schedule to reflect the new timeline and required efforts. Ms. Reece expressed appreciation for the page limit set by USEPA on the report (i.e., 20 pages).

Mr. DeMocker thanked Ms. Reece and Ms. White-Newsome for the presentation and invited CAAAC members to ask questions.

Ms. Watson invited additional CAAAC members to join the workgroup.

Mr. Hunyh stated that he has also raised the issues of risks from substitution (e.g., with drycleaners) and the risk from diesel emissions with the workgroup. Mr. Johnson urged USEPA to consider aligning deadlines between programs to eliminate conflicting dates (e.g., in moving deadlines for Regional Haze). Ms. Reece supported the suggestion, emphasizing the multi-pollutant approach to reducing air pollution.

Mr. DeMocker thanked Ms. Reece and Ms. White-Newsome for the update on the air toxics workgroup.

Public Comments

No public comments.

² The Air Toxics Workgroup charge questions are: (1) What types of programs and approaches are currently most effective in reducing air toxics emissions and exposures, especially for children and in communities most burdened by air toxics? (2) How can EPA and its partners more effectively communicate with community groups and other stakeholders concerning the risks from air toxics, including ways to avoid or reduce those risks and ways to work with sources and other potential partners to reduce those risks? and (3) Are there additional data or perspectives that should be considered for understanding and reducing air toxics further?

Action Items and Possible Topics for Next Meeting/Close

Mr. DeMocker invited CAAAC members to make suggestions for future meeting topics. Members may also reach out to Jenny Craig, USEPA, with suggestions for the spring 2015 meeting. Ms. Craig mentioned the spring meeting will be held in late March or early April 2015.

Gary Jones, Printing Industry of America, suggested a discussion on the ozone NAAQS proposal and the issue of background levels and foreign transport.

Ms. Reece mentioned a combined North Carolina, South Carolina workshop composed of a panel on next generation (NextGen) compliance and monitoring. She identified the key link between the two is community involvement, which is evolving and increasing overtime. Ms. Reece was interested in a presentation on the link with NextGen, community involvement, and EJ issues.

Ms. Wiecks suggested a presentation regarding proposed Appendix W updates.

Ms. Weeks suggested a presentation from USEPA concerning oil and gas methane.

Mr. Johnson suggested a discussion of the options for managing exceptional events and other uncontrollable sources of air pollution. It is challenging to analyze and manage these sources, particularly as standards are being implemented. He cited the example of wildfires and their impact on public health and regional haze.

Mr. Huynh suggested including more information about 111(d) and the new proposed ozone standards.

Mr. Feldman proposed a discussion regarding the way in which USEPA calculates costs and benefits of various air quality rules.

Mr. DeMocker thanked members for their suggested topics and concluded the meeting.

**Clean Air Act Advisory Committee
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CAAAC Members

John Busterud	PG&E
Pamela Faggert	Dominion Resources Inc.
Howard Feldman	American Petroleum Institute
Jack Goldman	Hearth, Patio & Barbecue Association
Kelley Green	Texas Cotton Ginners' Association
Steven Lee Hensley	USA Rice Federation
Thomas Huynh	Philadelphia Air Management Services
Anthony Jacobs	International Brotherhood of Boilermakers
Dan Johnson	WESTAR Council
Gary Jones	Printing Industry of America
Chris Kaiser	Rio Tinto
Rob Kaufman	Koch Companies Public Sector, LLC
Lee Kindberg	MAERSK LINE/Maersk Agency USA
Nancy Kruger	National Association of Clean Air Agencies
Brian Mormino	Cummins Inc.
Robert O'Keefe	Health Effects Institute
Peter Pagano	American Iron and Steel Institute
Vicki Patton	Environmental Defense Fund
Myra Reece	South Carolina Department of Health and Environmental Control
Shelley Schneider	Nebraska Department of Environmental Quality
Nicky Sheats	Thomas Edison State College
Adrian Shelley	Air Alliance Houston
Julie Simpson*	Nez Perce Tribe
Geraldine Smith	Public Services Enterprise Group
Patricia Strabbing	Chrysler Group, LLC
Valerie Ughetta	Alliance of Automobile Manufacturers
Mike van Winkle	Eli Lilly and Company
Kathryn Watson	Earth Charter Indiana
Ann Weeks	Clean Air Task Force
Jalonne White-Newsome	WE ACT for Environmental Justice (WE ACT)
Joy Wiecks	Fond du Lac Reservation

*Indicates CAAAC member who participated via telephone

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October 29, 2014**

USEPA

Mark Corrales	United States Environmental Protection Agency (USEPA)
Jenny Craig**	USEPA
Kevin Culligan	USEPA
Jim DeMocker	USEPA
Michael Geller	USEPA
Bill Harnett	USEPA
Mike Koerber	USEPA
Janet McCabe	USEPA
Tom Powers	USEPA
Matt Tejada	USEPA
Alan Vette	USEPA
Chet Wayland	USEPA

**Indicates Designated Federal Officer