

**Clean Air Act Advisory Committee**  
**January 12, 2011**  
**Crowne Plaza Washington National Airport Hotel**  
**Arlington, VA**

**Welcome and Opening Comments**

Rob Brenner, United States Environmental Protection Agency (USEPA) Office of Air and Radiation (OAR), welcomed the committee members and began the meeting with introductions. Mr. Brenner welcomed the many new members and introduced Gina McCarthy, Assistant Administrator of USEPA OAR.

Ms. McCarthy began by thanking the Clean Air Act Advisory Committee (CAAAC) members for their participation and efforts in the committee. She noted that the CAAAC discussions are always a positive experience and that she is very respectful and thankful for the work the members do. The different views they bring to the table help round out USEPA's thinking and have much added value.

Ms. McCarthy then discussed a few USEPA staffing changes. First, she acknowledged and thanked Brian McLean, who worked at USEPA for 41 years, and had one of the most distinguished careers of anyone in public service. Ms. McCarthy recognized his tremendous work for the agency. He was incredibly supportive of his staff and was exactly the right person to lead up the office of atmospheric programs during the time when the agency was trying to incorporate greenhouse gases. Mr. McLean's experience in bringing forward the acid rain program was fundamental in getting it off the ground and it has been one of the most successful programs launched at USEPA.

Beth Craig, USEPA, is taking on Mr. McLean's position in an acting capacity. Ms. Craig is very solid and versatile, and was able to be the deputy at OAR during multiple periods of great flux.

Next, Ms. McCarthy specifically recognized one of the CAAAC reports recently done on voluntary measures. USEPA asked the committee to look at voluntary programs and understand how they can better invest their resources to get the reductions they want to achieve.

USEPA has done a lot of work internally to apply the principles identified in that report. The agency began to take a look at these principles more rigorously, not only to take care of budget reductions, but also to establish a more routine check for voluntary programs. USEPA will be providing the CAAAC with a more complete response to their report in the future, but she wanted to extend USEPA's appreciation as well.

Voluntary programs continue to exist as USEPA reviews them. The review has allowed many of the programs to display how well they have achieved reductions as a result of applying USEPA's principles. Most of the programs continue to be very relevant, and Ms. McCarthy mentioned Energy Star in particular. The Energy Star program has made sure that it maintains its cutting edge, and has been an incredibly successful program. USEPA challenged the program to redo itself in order to recognize the current value of its brand. The Energy Star brand has become so valuable that it needed to be managed with more rigor to ensure that all companies and products were held to a high level of scrutiny to maintain the brand value. Under the leadership of the incredible team at Energy Star, they have instituted a third party verification process, and as of January, they have instituted third party verification for all 15 product categories in the Energy Star program. This is a tremendous accomplishment.

USEPA has also been busy working on the greenhouse gas permitting issues. Ms. McCarthy recognized the related work group in which many CAAAC members were involved, and commented that they really helped to inform the Best Available Control Technology (BACT) guidance that USEPA released. Many of the committee's ideas were included in that guidance, and Ms. McCarthy expressed her excitement that USEPA is getting their arms around these issues. The greenhouse gas BACT guidance is manageable, and USEPA will continue to assist states, local government, and tribes in these issues. The BACT website is also up and running and USEPA will continue building on the information over time.

Ms. McCarthy thanked the states and the National Association of Clean Air Agencies (NACAA) for all of their work in organizing many of the discussions that went into the BACT process. She acknowledged that USEPA is not everywhere it needs to be with BACT, but that they are doing their best to make it a collaborative effort and to turn the reigns over to the states as soon as possible.

In terms of our priorities, the passing of January 2<sup>nd</sup> meant that model 2012 engines could be certified. There has been a huge change in the automobile industry in the past year; according to USEPA staff, 15 of the automobile manufacturers at this year's auto show talked about the jobs being created in their industry. This year was all about lighter, smaller, and more efficient cars, and the Chevrolet Volt was even named car of the year.

In September, USEPA will put out a proposal for the next light duty vehicle rule for 2017-2025. Ongoing research is bubbling up that will play into the science that will underpin that rule.

With regard to the upcoming heavy duty vehicle rule for 2014-2018, USEPA will take advantage of fuel savings and pollution reductions as much as possible and will translate the concepts used in the light duty vehicle rule to the heavy duty vehicle rule.

USEPA is also on target with the carbon monoxide National Ambient Air Quality Standards (NAAQS) and have a new schedule for ozone NAAQS in which the final standard should be out by the end of July.

USEPA has also been working on the Boiler Maximum Achievable Control Technology (MACT) rule. When the proposal went out, it prompted a tremendous amount of comments and data, which provided USEPA the opportunity to look at what changes could be made, but also caused USEPA to realize that some fundamental changes needed to be made to the rule. As difficult as the process is, USEPA will follow the science and follow the law, and in order to do that with this rule they need more time and a new proposal. It is a difficult process, but Ms. McCarthy is looking forward to having a rule USEPA can be proud of.

Regarding utility regulations, USEPA has been moving forward with a number of rules. The transport rule was proposed last year and is planned to be finalized in June. Ms. McCarthy encouraged the CAAAC members to take a look at the notices associated with this rule and provide comments.

There is also a toxics rule coming out, which USEPA calls the “utility MACT rule.” The court ordered the rule to be finalized in November, and Ms. McCarthy thanked industry for providing a wealth of data which USEPA is currently sifting through.

The utility New Source Performance Standards (NSPS) is also going out at the same time. USEPA will use a sector based approach on this to make sure they understand the synergies of what would need to be done with technologies.

The Administrator also announced that USEPA will be looking at a greenhouse gas NSPS for utilities. If investments are going to be made in that sector, industry should be fully informed. The proposal for that rule is set to be released in July with a final rule in May of 2012. USEPA expects to begin this process shortly with some listening sessions, and they will announce when these are to take place. USEPA would like these sessions to be substantive and to have time for comments and discussion. USEPA wants to take advantage of the CAAAC’s thoughts before USEPA begins working on the proposal.

The Administrator also announced a refinery NSPS. USEPA has been asked, through a number of litigations and petitions, to take a look at a greenhouse gas NSPS in a number of sectors. They have been asked to identify where the largest emitters are and where the smallest facilities are so USEPA can be as strategic as possible in looking at an NSPS. They determined that utilities and refineries are the top two sectors in terms of greenhouse gases. The timeline for the proposal

would be in November with a final rule released around November of 2012. Similar to utilities, USEPA will begin with listening sessions regarding refineries.

As USEPA becomes more challenged in terms of meeting their obligations, they will be looking to the committee even more. Again, Ms. McCarthy thanked the CAAAC members for their participation and involvement.

Ms. McCarthy then took questions from the CAAAC members.

Howard Feldman, American Petroleum Institute, thanked Ms. McCarthy for the information and also thanked the staff for their work in releasing the gasoline distribution act by the deadline. He then asked whether there would be a hearing on ozone reconsideration and if that has been scheduled. He also commented that when USEPA talks about listening sessions for greenhouse gas NSPS and refineries, committee members and members of the public and relevant organizations would like to be made aware of these dates in advance.

Ms. McCarthy responded that the Administrator asked for extra time regarding ozone reconsideration because she wanted the ability to ask for additional advice. USEPA staff is currently working on devising questions for that committee and USEPA will release the questions and meeting notices and ask the committee to go through the normal process of releasing a report. The committee meeting will be sometime in February. In terms of the listening sessions, USEPA has been looking at a schedule and the CAAAC will be consulted.

Eddie Terrill, Oklahoma Department of Environmental Quality, commented that the timing of the utility MACT and transport rule is very important. The rules give states the opportunity to enact statewide plans to control all of the units in their state for the first time ever. When this utility MACT comes out, USEPA will see a lot of interest from states and hopefully USEPA will be able to work with the states to get a lot of this done.

Ms. McCarthy responded that USEPA is getting a lot of outreach from the energy sector itself and there is an opportunity to work more closely with states regarding these issues. Ms. McCarthy commented that she is feeling good about the conversations going on and USEPA's work with the energy community to talk publicly about these issues. Ms. McCarthy also thanked the states for their work on these issues and commented that many states are finding really creative solutions.

Eric Svenson, PSEG, commented that the guidance USEPA gave was really well done.

Ms. McCarthy responded that there are so many decisions that underpin a guidance document like that, and USEPA did not want to be so heavy handed that they did not respect the way in

which the Clean Air Act is suppose to work. They were also incredibly informed by the work group and also referred back to those discussions in developing the guidance.

Mr. Brenner added that the CAAAC is a great resource for USEPA. Even when the committee is not able to reach a consensus on an issue, providing USEPA with the perspectives of different stakeholders is still extremely helpful.

Bill Becker, National Association of Clean Air Agencies, asked Ms. McCarthy to provide a prediction of how the appropriations process might affect USEPA's ability and the states' ability to carry on these initiatives. He is aware that USEPA is challenged with publishing rules on time, but he fears that cuts in appropriations may affect the quality of rules and guidance coming out in the future.

Ms. McCarthy responded that USEPA will be doing the best they can to work with the staff of appropriations, and that they have already had meetings to talk about USEPA's budget, what they are doing, what the impacts might be, certain cuts in different programs, and other issues. One of the most important things USEPA has to do when there are a significant number of new members and as much change as the agency is going through right now, is build a relationship with and educate decision makers so that they know what USEPA's goals are and what everyone is working against. USEPA has tried to be as open as possible to members of the appropriations staff to get that education going so that everyone is very well aware of the potential impacts. There will be challenges ahead in terms of using resources wisely no matter what the appropriations committee decides, but USEPA will try to be on time when they need to be and ask for additional time when it is needed. There has been a lot of flexibility within the litigation which allows USEPA to work on the biggest issues first, to help focus their priorities.

Rob Kaufmann, Koch Industry, commented on NAAQS implementation and modeling, and stated that his organization recently heard that Region 4 will take at least four months to review their modeling protocols, and stated that they are seeing the same situation in Region 6. The likelihood of permitting delays for his organization is very real. They have a huge facility in the middle of nowhere with a monitor that was cited to measure impacts, and when they use one modeling method they are well below the standards, but when they use tier 2 and tier 3 modeling they are three to four times above the standards.

Ms. McCarthy responded that there are permits being issued at this time, and that there are permits being issued that have done the modeling and have set standards. USEPA is going to continue to refine the model in a way that makes it more workable, and they have a timeline to make the model more sophisticated and will be laying out a strategy for that soon. Part of the challenge USEPA faces is that while facilities are sometimes fairly remote, particulate matter (PM) does not necessarily stay close to the facility, and it is difficult to account for that in the

modeling. However, USEPA has learned a lot and they are going to apply that knowledge moving forward.

Ms. McCarthy concluded by thanking Janet McCabe, USEPA, because she has an incredibly calm personality that enables her to handle these issues so well. Ms. McCabe will be available later in the meeting to address more specifically the fact that as USEPA moves forward, they are seeing bumps in the road in some areas. However, USEPA has not been ignoring them; instead, they are moving them up to the top of their priorities so they can be addressed. With regard to the modeling issues, USEPA has made some changes that have been sufficient for some organizations, but not for others. Ms. McCabe will talk in greater detail about USEPA's different strategies as they move forward. USEPA is going to be as public and as transparent as possible throughout this process.

### **Subcommittee Report Outs: Economic Incentives and Regulatory Innovation, Permits/NSR/Toxics**

Mr. Brenner began the subcommittee report out session by acknowledging the hard work put in by each subcommittee the previous day. He encouraged newer members to pay careful attention to each subcommittee's report as it may help in deciding which subcommittee to join. In particular, he commended the good work done by the Economic Incentives and Regulatory Innovation committee in focusing on multi-pollutant and sector based strategies for improving regulation. He then handed the floor to Keith Mason of the USEPA.

Mr. Mason began by thanking all who participated in the previous day's discussions. He continued with a brief overview of topics discussed, and asked that committee members hold any questions until the end of the presentation. One overarching conclusion of the sessions was the need to hold additional sector based roundtable discussions in the future. He informed the committee that USEPA has been organizing its resources to develop multi-pollutant rules like the cement MACT and the NSPS rules. This multi-pollutant rulemaking marks the beginning of a new approach for melding together old and new ideas. The purpose of the Economic Incentives and Regulatory Innovation committee is to provide USEPA information regarding opportunities and challenges that arise from the sector approach. Since May 2010, the subcommittee has selected members and held a series of four conference calls. He specifically highlighted a working group within the subcommittee that is focusing on policy developmental issues associated with risk and technology review processes and relating them to the multi-pollutant approach. Lastly, the subcommittee has also been evaluating how the ideas of clean energy and air fit together.

Mr. Mason continued with a briefing summary from Nicky Sheats, New Jersey Environmental Justice Alliance, on environmental justice issues in cumulative risk assessments. The briefing

particularly focused on how perspectives and policy objectives of climate change can be integrated into local and global concerns. He encouraged each work group to consider the many issues that arise with sector based regulations, some of which are familiar to many regulatory bodies. It is important to remember that risk analysis becomes increasingly complex when evaluating more than one pollutant at a time. Additionally, other issues arise when changing from a unit by unit approach to a source-wide approach or when evaluating localized, regionalized, and global air toxin issues.

The subcommittee plans to conduct three one-day discussions focused on investigating the chemical, iron and steel, and oil and gas industries. Two companies from each industry will be asked to share their perspectives and strategies for allocating the necessary talents and resources in order to tackle many issues simultaneously. A report is expected in June 2011, which will contain preliminary information gathering specifically for greenhouse gas BACT for refineries. While it may not be possible to reach a consensus, providing USEPA with many diverse points of view may prove useful in their rulemaking. A point of clarification, when the Office of Air Quality Planning and Standards (OAQPS) refers to oil and gas industries, it extends beyond oil and gas refineries to include production wells, compressor stations, distribution centers, commercial applications, and individual consumer uses; all of which are different enterprises. In terms of steel and iron manufacturing OAQPS will be looking at three types: integrated iron and steel, electric furnaces, and cook oven plants. The chemical industry is a more familiar industry to regulate in this regard.

The roundtable discussion tried to evaluate how this type of approach may optimize or improve air pollutant reduction. Among topics discussed were: risk, impacts, environmental justice, cost, certainty, and operational and compliance flexibility. There will also be a concerted effort in organizing these thoughts and evaluations in order to give the committee an advanced notice of specific topics in air pollution control technology. Topics to be discussed in the future include: incentives, what mechanisms seem to be driving decisions, and how to evaluate outcomes. Industry has been a frontrunner in the integration of energy efficiency in conventional air pollution control programs; many of which, in the past ten to fifteen years, have hired chief energy officers and created budgets dedicated to energy efficiency. There needs to be more investigation into the coordination of stationary air pollution source control regulation and finding where the intersection of the MACT and NSPS rules are. The important near-term items include: increasing the coordination and integration of pollutant monitoring and reporting, finding the best ways to group emission sources within communities, and deciding whether to control pollution at a single part of a facility or apply controls facility-wide.

Mr. Mason continued by stressing the importance of identifying the benefits and disadvantages of each course of action as well as identifying the regulatory and legal challenges that may arise from these actions. USEPA could continue under the business as usual framework as its legality

has already been tested. Additionally, environmental groups are familiar with the structure of the current law. If it is changed, an additional discussion of what types of investments will need to be allocated to implement these changes, and which advanced technology will assist in controlling and monitoring pollutant levels will be necessary. Technologies are continuously evolving, becoming more efficient and accurate. There also must be an effort to ensure the facilities are able to continue operating in an economically viable fashion. Other considerations include: policies and regulations with the best chance of producing multiple benefits, applicability to local, tribal, and state authorities, how well strategies can be implemented, and evaluating which local capabilities can be best utilized.

Mr. Mason concluded with a list of early observations including: a strong interest in multi-pollutant sector approaches, familiar questions of industry regulation, effects on risk and emissions, stress on disproportionate impacts, regulatory flexibility, and the need for new approaches. Lastly, questions arose concerning the role of industry. One question was whether it would be reasonable to ask industry to do more if USEPA's regulations become more flexible. USEPA tried this before, but perhaps due to a lack of data and analytic understanding it did not perform as well as it may under these new circumstances.

Roundtables will be held in February and March, both of which CAAAC members are welcome to attend. The group will focus on these remaining questions and try to have a report back by June 2011.

Mr. Brenner then asked for questions or comments from the committee members. When none arose he continued by informing the committee of discussions held with the auto industry. The auto industry seems to be operating more efficiently in the short-term and are introducing new technologies that will provide positive results in the medium-term and long-term. He indicated that similar changes are being made in the chemical and steel industries as well in terms of energy efficiency at their facilities. The goal is to understand how well the regulatory process is matching what industry is attempting to accomplish. It is important that regulations are constructed in a way that provides industry with the certainty it needs as well as a beneficial outcome to the public. Mr. Brenner suggested that much can be learned from the case studies.

Ned Helme, Center for Clean Air Policy, had a comment for the presenters concerning the direct reduction in emissions from the iron industry. Mexico has been able to utilize recent technological advances to reduce the pollution emitted from iron manufacturing facilities, and he stated that it would be reasonable to ask the same of industry in the US.

Mr. Mason responded that emission reduction from iron manufacturers is part of the overall agenda.

Mr. Brenner introduced the next presentation on OAQPS. Unfortunately, the original presenter, Bill Arnett, was unable to attend the meeting due to a canceled flight, but Anna Marie Wood, also from OAQPS, presented in his place.

Ms. Wood commented on how good the sessions and ensuing dialog were the previous day. Three topics were covered: greenhouse gas mitigation strategies, the clearinghouse, and advancements made to the clearinghouse sector and the input to make the database more user-friendly by providing information on permitting abilities and sources.

Ms. Wood continued with highlights from the subcommittee members. The most salient point from USEPA was that the database is a good tool to keep resources in place and in real-time. It will be a key tool moving forward and it will also provide useful information from companies. The database should be downloadable or accessible on the web, and the accessibility is important in order to avoid security concerns. There were also requests to include new and improved functionality features in the database, like a keyword search function. Additional sectors are to be included in the database, and any suggestions from the subcommittee on which sectors should be included would be appreciated moving forward. USEPA has placed a disclaimer regarding the seven sector white papers that are included in the database as a resource, not to suggest or presume it contains the official position of USEPA. A similar disclaimer is also needed on the temporal and/or unofficial status developments, as there is a lag time in posting decisions.

David Svendsgaard, OAQPS, provided an update on the changes made since the 2010 guidance was posted. The comments have been reviewed and the Office is in the process of making technical changes to fix the errors and clarify nebulous language. The guidance will be reissued by the end of January 2011. The corrections needed were minor, so in the meantime states can rely on it as they move forward with greenhouse gas permitting.

OAQPS is also conducting a guidance outreach campaign. There will be three webinars for state, local, tribal, industry, and environmental organizations. USEPA has also been engaged in training the different USEPA regions and permitting personnel. In turn, the regions have taken the responsibility of training their states and there will be more training to come. In terms of the types of trainings held, USEPA has had face-to-face trainings and modular web-based trainings, which can be accessed on the greenhouse gas permitting website. Since it is a module, there is an ability to click on certain aspects of the permitting process and complete the modular without sitting through the entire program. This will also be available to all stakeholders.

The issue has been raised of streamlining the permitting process and increasing the process' transparency. It was suggested that USEPA convene a number of states and stakeholders who have gone through the permitting process at the next CAAAC meeting to discuss what went well, what did not, and offer suggestions on how best to streamline the process.

Mr. Brenner introduced the next session on the agenda.

### **OAR Update on Environmental Justice related Activities**

Mr. Brenner introduced Will Wilson, from USEPA OAR, who will give a presentation on the Office's current environmental justice activities.

Mr. Wilson began by stating that environmental justice at the agency is facing a very exciting and challenging time. They are embarking on the 20<sup>th</sup> anniversary of the Executive Order since the initial environmental equity work group. The initial action plans for the OAR environmental justice programs started in 1992 and have been evolving into a living, breathing document ever since. He thanked the committee for their efforts in meeting with their air and water subcommittee, and all they were able to accomplish relating to urban air toxics. Emissions trading had been one of the key concerns of the environmental justice advocates, and through collaboration they have been able to move and build upon this.

Mr. Wilson spoke about their action plan, and about the robust results-oriented activities that lie at its center. In addition, the action plan has 40 activities that frame their mission. He mentioned several common threads that run through all the initiatives and activities that constitute their environmental justice program: the effort to reduce exposure to air pollution, providing resources and funding for environmental justice communities, building capacity and enabling technical assistance, and finally outreach and communication efforts.

He also spoke about the substantive efforts occurring within the agency. First, the 100 day challenge, a commitment the agency made to environmental justice leaders in March, that they would publish a report on ongoing integration efforts and the opportunity for new ones. These efforts are divided into science, policy and regulatory efforts, sustainable communities, and capacity building. This runs concurrent with a larger effort, which is Plan 2014. This four year strategic plan captures opportunities and the ongoing initiatives for promoting environmental justice integration efforts.

OAR analyzed their efforts within the last year, and found that they primarily fall into four categories: communities, homes, tribal issues, and schools. Mr. Wilson gave a brief overview of the initiatives underway in each of these categories. Each of the four categories is framed by focus areas, which are detailed on the slides.

Mr. Wilson further spoke about reducing environmental justice exposure to air pollution, and summarized each of these initiatives in a packet passed around to the committee. The wood stove change out initiative was one effort he highlighted, as it has a very significant impact on Native

American populations. About 35 percent of Native Americans use wood stoves and use of these stoves contributes to areas out West being designated as non-attainment for PM2.5. If these stoves were replaced, studies estimate a 70 percent reduction in emissions, so this is an important environmental justice effort to reduce air pollution. Next he discussed Community Action for a Renewed Environment (CARE), which was the product of a collaborative effort looking at how to engage the community. This has been a very successful program, and has been touted as one that embodies sustainability and provides effective methods to engage communities in the sustainability process.

Mr. Wilson then spoke about sustainable living grants and the multitude of programs and resources that accompany these. One central goal of environmental justice is to have a meaningful seat at the table starting early on in the process. Factoring community participation into the rulemaking process is another goal of OAR environmental justice, and they have committed to test piloting five different rules to refine their ability to screen. During the NEJAC conference in January of 2010, they sponsored a community outreach program that brought community groups together and saw over 500 participants. This was a unique opportunity for the community to engage in environmental justice efforts. The tribal efforts are aimed at the unique needs of tribal groups, and a major resource for this has been the Institute for Tribal Environmental professionals (ITEP) program at northern Arizona University and Tribal Air Monitoring Support Center (TAMS). For details on each of the programs Mr. Wilson ended his presentation with a conversation about the robust activities in which they have engaged, and the results that have emerged from these activities.

Mr. Brenner thanked Mr. Wilson for his presentation, and reiterated that a lot of environmental justice work has been already integrated into USEPA programs. He made special mention of the CARE program, diesel retrofit program, and wood stove change out program, since they were all programs that this committee played a very significant role in launching. Mr. Brenner then introduced Gregory Green, whose division runs many of the efforts that Mr. Wilson spoke about, and noted that Mr. Green will be discussing the environmental justice community learning center.

Mr. Green, USEPA OAQPS, introduced the concept of the environmental justice community learning center, which he described as an organization established and supported by the agency that is responsible for providing education and outreach, technical assistance, and other assistance to the environmental justice community.

Mr. Green was struck by the number of communities that really need help with environmental issues. The goal of the community learning center is to provide communities the tools to understand the basics of the issues, and how to use air quality data and other information that they provide. The ultimate goal is to increase the capacity of the communities to where they can

understand and comment on the technical products that they produce. The center's efforts were somewhat limited to community grants, but this gives them the option of reaching out to develop strong air quality programs in as many communities as possible.

The vision is to increase the capacity of communities in a variety of different ways. First, they want to educate them on the structure of the USEPA and on how to get involved in USEPA activities. They want to increase the communities' basic knowledge and technical background to further enable them to provide input. The training center would have a community driven curriculum, meaning it would focus on what the communities are interested in learning. They want to replicate the ITEP model and partner with a university in the United States that has strong ties to the environmental community. Initially they want to start out small so that it is manageable, but they hope to involve the agency and others later down the road. The learning center will provide a mixture of classroom and web based training as well as national workshops. They will provide support for travel and per diem to enable trainees to attend the training sessions, and will maintain a resource library and clearinghouse to enable peer sharing. Lastly, they plan on publishing a community oriented newsletter to keep the communities up to date on current activities and initiatives.

The next step is to go out into the communities and touch base with as many internal and external stakeholders as possible to gain input and suggestions on how to implement the program. They are in the process of developing a request for applications for a cooperative agreement, and hopefully significant colleges and universities will apply for this. The goal is to have the center up and running by 2012.

Ms. McCabe presented on the agency-wide environmental justice 2014 initiative. She said that they are at the beginning of a process, and very interested in hearing thoughts from the committee on the plan. OAR has been asked to co-lead with the Office of General Council to focus on environmental justice in permitting. Region 1 is also co-leading with them, because the regional offices at USEPA are much closer to the permitting process than headquarters. The goal is to determine ways to ensure environmental justice considerations are given full consideration in the permitting process, both from a process perspective and a substantive perspective.

The charge given to them was divided into two phases: nearer term and longer term. The nearer term involves looking at the kinds of permits that USEPA itself issues, and what they ought to be doing as the Federal government. They will translate this into thinking about how they should look at other federally issued permits. They will model this off of what the states and local permitting agencies are already doing. Ms. McCabe informed the group that USEPA is already forming an internal work group to look at these issues, and that the work group will look at both access issues and recommendations for how environmental justice considerations should be considered within the permits themselves. They will spend the first half of 2011 coming up with

recommendations and reaching out to organizations that already have extensive comments on this topic. This is an incredibly important initiative of the 2014 environmental justice plan, and they will be dealing with very significant issues. Ms. McCabe does not expect everything to be figured out within one year, but welcomes any contribution the committee members may have. Ms. McCabe then opened up the conversation for questions.

Dan Johnson, WESTAR, commented that the environmental justice community learning center is a really interesting initiative. He stated that the state and local agencies and USEPA are currently working together to develop a learning management system that will allow state and local agency personal one-stop shop for training, and asked whether Mr. Green was planning to integrate the environmental justice community learning center into the learning management system.

Mr. Green responded that they plan to develop training and training systems that allow them to reach as many people in as many different forms as possible. He added that they absolutely plan on integrating the community center and the learning management system as much as possible.

Mr. Sheats stated that many people view this time period as an opportunity to engage with USEPA and the Federal government in ways that they could not before, and that Ms. Jackson is making environmental justice issues more high profile than they have been in the past. Now, the question is whether or not this will be reflected in policy. Mr. Sheats sees the permitting as a key issue in establishing concrete gains, and believes a key group for this committee to interact with is the environmental justice leadership forum on climate change, because it is a national environmental justice committee that focuses on climate change and other air issues. He also noted that he is on the Clean Air Council of New Jersey and that their hearing this year is going to focus on ways to integrate cumulative impacts and environmental justice concerns into the permitting process.

Ms. McCabe thanked Mr. Sheats and responded that cumulative impacts are a really key and difficult issue right now, and that she would follow up with him at a later date.

Terry Goff, Caterpillar, Inc., thanked the agency for addressing concerns from the NEJAC in the manner that they did, by inventing new programs where needed, but not re-inventing the wheel where programs already existed.

Ms. McCabe appreciated this comment and said that there is a heightened sensitivity to be aware of these issues.

Joy Wiecks, Fond du Lac Reservation, agreed with Mr. Sheats that they need to see some actual concrete developments in permitting.

Kathryn Watson, Improving Kids' Environment, commented that she is very excited to hear about the environmental justice learning center, and that it is very timely and welcome. It fits in well with many of the discussed recommendations and principles in the voluntary partnerships report, and sees it as a concrete step in creating lasting change and empowering communities.

Julie Simpson, Nez Perce Tribe, commended USEPA for all their efforts. It is exciting to see how well USEPA has listened and how quickly they have responded. She also noted that there were four graduates of ITEP in the room and that it is absolutely an effective program, and added that attendance at the working effectively with tribal governments trainings offered by USEPA has been low and that it would be encouraging to see more USEPA staff attend.

Ms. McCabe responded that Ms. McCarthy held one of the trainings in Washington, DC earlier this year, and they are going to be encouraging more people to go.

Ms. Watson asked if the environmental justice learning center provides training for USEPA staff, as well as environmental justice communities and anyone interested in these issues.

Mr. Green responded that they want to provide the training that is most useful to the community. They have to be careful about using grant money to train USEPA staff, since that impacts the number of community members being trained with those funds. The aim is to develop separate training programs in-house for the staff, but then share curriculum and tools between the two.

Carolyn Green, EnerGreen, recognized Mr. Green's point, but argued that in order for the in-house training to be most effective, you need to have input from the people who it will target. Environmental justice resources could be spent on training USEPA staff, who then go out and train their peers.

Mr. Green agreed with Ms. Green's comments.

Pam Giblin, Baker Botts LLP, asked about the individuals that live in the border states and how international outreach would affect them.

Pat Childers, USEPA, responded that they recently released training programs for University students. This is a follow-up to an existing grant, and they will soon be discussing how to tie together all this research.

## **Continuation of Opening Comments**

Mr. Brenner reintroduced Ms. McCabe, who continued the meeting's opening discussion following-up on Ms. McCarthy's comments.

Ms. McCabe stated that communication, whether it be within USEPA or outside USEPA, is always a challenge; USEPA staff can never do enough communication and it is difficult to include all stakeholders at all times. USEPA is conscious of this and is trying hard to notify all interested parties at all times.

In terms of specific issues that are arising and how USEPA is moving these issues forward, USEPA is trying very hard to anticipate issues that might cause bumps in the road. One mechanism that will advance prioritization and get decisions made is to look over the universe of guidance documents that exist, and USEPA is trying to do that in a methodical fashion. One issue that is at the top of USEPA's list is dealing with NO<sub>2</sub> and SO<sub>2</sub> permitting. USEPA is close to releasing a second document on modeling, and they are trying to address emergency generators and intermittent emissions. This will continue to be a developing area as state and local permitting authorities do more of these demonstrations, and USEPA is working closely with state and local governments to get to these improvements.

Ms. McCabe is having a weekly phone call with managers at OAQPS to keep her up to date with implementation issues and current state and local government initiatives.

USEPA understands that it is an interesting time because many decisions are made while putting together a permit, and as USEPA makes those decisions, expectations are being set. USEPA needs to be mindful of this so that they are being careful of the precedents they are setting, but it should also be noted that these issues are new and USEPA cannot be expected to be 100 percent perfect on all decisions the first time. USEPA will be working closely with states throughout this learning process.

USEPA had a court-ordered deadline to finalize the extension of the boiler MACT rule by Friday, January 14<sup>th</sup>. USEPA has asked for more time, but they are waiting for a decision from the court. The court will take another couple of days to decide and thus, the date has not been moved to Friday, January 21<sup>st</sup>.

There is considerable debate among stakeholders surrounding how biomass fuel facilities should be treated in the greenhouse gas world. USEPA was not able to finalize the Tailoring Rule because they did not propose anything related to biomass fuel facilities, but USEPA put out a notice asking for data regarding how biomass emissions should be considered in the BACT process and they have received a lot of input that will be useful moving forward.

Administrator Jackson made an announcement on January 12<sup>th</sup>, laying out future steps for biomass in greenhouse gas permitting. She indicated that USEPA will grant a petition and immediately begin a rulemaking related to biomass in greenhouse gas permitting for biomass for three years. During that three year period, the Administrator intends to ask experts in the field of CO<sub>2</sub> emissions and biomass issues to provide advice and consider the issues surrounding CO<sub>2</sub> emissions from biomass. The agency will undertake appropriate rulemaking based on this, and they intend to have this in place prior to step 2 of the Tailoring Rule.

Ms. McCabe then took questions.

Ms. Green commented that with respect to the biomass, it seems that the net effect of USEPA's actions ensures that very few biomass projects will be permitted over the next few years because people will not be able to obtain permitting. Ms. Green also questioned whether USEPA puts together a communication strategy as part of every action they take, and suggested that it would be a useful practice in ensuring all stakeholders are notified of upcoming events that pertain to their interests.

Ms. McCabe responded that the agency does have a communication strategy for every event and that USEPA staff is quite knowledgeable in this area, but that the agency puts together so many events that people are interested in, and therefore, not all of them rise to the level of necessitating a formal communication strategy.

Mr. Helme questioned how Ms. McCabe anticipated the biomass issue playing a role in the current BACT reviews. As the NSPS comes up in July, many people would like to see USEPA come up with a performance standard. He wondered whether biomass would be excluded from these standards.

Ms. McCabe responded that there is an applicability issue in the BACT process. Sources that are already going through Potential Significant Deterioration (PSD) already include biomass as part of the permit, and therefore biomass should be part of the BACT process. The permitting agencies will be making decisions about what they feel is appropriate in terms of biomass in BACT. USEPA has heard from a number of extremely proactive states and they feel very strongly that biomass that comes from forestry, which is very different from other forms of biomass. The NSPS issue therefore needs to be addressed.

Ann Weeks, Clean Air Task Force, agreed that some biomass has carbon benefit potential, but commented that the definition of biomass is very important. She agreed that the agency should take a very hard look at the science and think through the issue.

Mr. Kaufmann referred back to the modeling issue, and commented that the process to which issues are looked at by senior USEPA staff seems convoluted. Sometimes questions sit on the desk of the regional officer for a long time, and Mr. Kaufmann does not know how to deal with that issue. Eventually the modelers do reach a decision and the permit goes forward, however, in situations in which modeling problems are addressed successfully, there is no way to communicate that success to others in the industry. It would be beneficial to set up a way so that the whole regulated community can be made aware of those successes.

Ms. Giblin questioned what the schedule is for the approval of the State Implementation Plans (SIPS) on greenhouse gases.

Ms. McCabe responded that the schedule depends on the states because each state has its own calendar, but that the SIPS are turning around very fast, in general.

Ms. Giblin asked specifically about California's schedule and Ms. McCabe responded that she would find out more information.

Mr. Childers then dismissed the group for lunch.

### **“Meet the Members”: Tribal Air Quality – Joy Wiecks**

Mr. Childers began the session by announcing that there are twenty new members to CAAAC. This session was designed to showcase two of them and allow them to present the types of projects in which they have been involved. He continued by stating that both Dr. Lee Kindberg and Ms. Wiecks are involved with projects that tie in very closely to current CAAAC topics. Unfortunately Dr. Kindberg was unable to make the meeting due to travel conditions, but Mr. Childers introduced Ms. Wiecks who would present on tribal air quality.

Ms. Wiecks presented on behalf of the Fond du Lac Band of Minnesota, a sub-entity of the larger Minnesota Chippewa tribe. She began her presentation by explaining the history of the Indian Air Quality Policy. The policy requires the government consider tribes and tribal issues when drafting air policies. In 1984, USEPA acknowledged that tribes were the best equipped to act in their own best interest. In 1990, the Clean Air Act Amendment 301 D established a new role for tribes in implementing the Clean Air Act. On November 26, 2000, a new type of interaction emerged between tribal authorities and USEPA that established a regular coordinated attempt to implement Federal policies that had “tribal implications”. USEPA interpreted “tribal implications” as allowing tribes to take on the regulatory roles of USEPA. However, under the set parameters established, there were some interpretational errors that tribal authorities and USEPA are still hoping to rectify. Currently, the implementation policy changes are still in draft form.

The Tribal Authority Rule (TAR) of 1998 identified areas of the Clean Air Act where federally recognized tribes may be treated as states with a few exceptions: tribes do not have to have the tribal equivalent of a SIP, and tribes are not mandated to adhere to certain state level timelines. The rule also defined eligibility requirements for tribes to participate in many Clean Air Act programs, allowed for tribes to pick which authorities they would like to obtain (e.g. permitting, enforcement), and allow them to apply for such authority. The rule also allowed USEPA to maintain authority where tribes could not or chose not to implement their own programs. TAR helped to highlight regulatory gaps in Indian Country, which has proved useful. It also explicitly stated that SIPs and state permits have no authority in Indian Country, unless negotiated between the two parties. TAR also enables tribes to address upwind sources of pollution that contribute to air conditions on the reservations. Lastly, tribes are also eligible under TAR to receive 105 and 103 funding for projects.

Fond du Lac was the first tribe to receive 105 authority and commenting authority applicable anywhere within 50 miles of the reservation. States bordering the reservations under TAR need to be notified of any draft permits. Since not all tribes have discrete boundaries and many are held in trusts, the TAR spells out the procedures for how tribes may implement this authority. In order to be eligible, tribes must be federally recognized, have an effective governing body, and be capable of implementing the program to which they apply. The tribes must also identify the exterior boundaries of the reservation or demonstrate the appropriate off reservation jurisdiction. This often times proves very difficult as border disputes are the most contentious issues.

Ms. Wiecks continued with a status update on the Tribal Air Quality Programs. Currently there are 117 Tribal Air Quality Programs receiving support from USEPA and 78 tribes performing their own air quality monitoring activities. Of those, 52 are reporting to AQS. There are 22 tribes performing toxic air programs in their communities. Additionally, 57 tribes have completed reservation emission inventories with an additional 14 are underway. Currently 32 Tribal Air Standards and two Tribal Implementation Plans have been approved.

With their air quality programs, tribes conduct air emission inventories, monitor ambient air, review and comment on local permits and environmental impact statements, review proposed regulatory actions, perform education and outreach within the tribal community, serve on community work groups, perform on-reservation special studies, expand tribal regulatory authority, designate attainment and non-attainment areas, conduct indoor air quality monitoring, develop climate change adaptation plans (especially Alaskan tribes), and hold trainings. The trainings are particularly important as the air quality teams are often times understaffed. The trainings teach new personnel how read air quality monitors, conduct air quality modeling, and effectively evaluate data.

Ms. Wiecks continued by explaining why tribes are pursuing environmental quality so vigorously. Self-regulation provides tribes with much sought after autonomy and sovereignty and protects on and off reservation resources for cultural relations and subsistence purposes. Self-regulation helps build a sense of self determination by taking an active role in land-use planning and regulation, which often times is more stringent than state and Federal policies. Self-regulation also is part of many tribes' history and culture. Clean water, for example, is used in many religious ceremonies. Many tribes understand the importance of clean air to create clean water.

The Fond du Lac reservation covers 100,000 heavily wooded acres. It contains 108 wetlands and 843 acres of wild rice waters. The total ceded territories from the treaties of 1854 and 1857 cover nearly 8 million acres; to these lands the tribes maintain all rights not specifically relinquished in the language of the treaties. The reservation covers a portion of Voyager National Park, which contains a part of the boundary waters and has a no motor policy. The area has been classified as having Class 1 air quality according to USEPA. Local natural resources include taconite (iron ore) mines, pulp and paper, and shipping and rail.

Currently, the Fond du Lac Air Quality Program employs two people. With these two employees the program has been able to complete an emission inventory, monitor mercury deposition, ozone, PM<sub>2.5</sub>, and NO<sub>x</sub>. Unfortunately, after ten years of data collection the funding was cut. Currently, they are active in the permitting, EIS, and regulatory review processes, as well as greenhouse gas mitigation measures and regional haze and mercury issues. Additionally, they have experience in indoor air quality testing for lead, radon, mold, secondhand smoke, and other asthma triggers. Of particular importance are the health risks associated with mold. While a good effort has been made in terms of detection, there is currently not enough funding to fix the problems when they arise.

Current challenges facing the Tribal Air Programs include: stagnant funding, or loss of project funding, tribal jurisdictional or political issues with the surrounding states, difficulty attracting and maintaining technically trained staff, and limited training opportunities. Ms. Wiecks specifically stressed the importance of staffing issues.

Ms. Wiecks concluded by sharing the following sources of information for interested committee members: The Institute for Tribal Member Professionals (ITMP), National Tribal Air Association (NTAA), Northern Arizona University, and USEPA Tribal Background.

Ms. Giblin thanked Ms. Wiecks for the enlightening presentation. She also thought many committee members were probably unaware of all the issues presented, and wondered if the PowerPoint slides would be available online.

Ms. Wiecks agreed to distribute them.

Mr. Childers confirmed that all presentations would be posted on the CAAAC website.

Mr. Johnson inquired whether tribes have the authority to pursue 126 petitions or their equivalent.

Darrel Harmon, USEPA OAR, responded that tribes are able to seek delegation for several elements of the Clean Air Act as well as pursue 126 petitions.

Mr. Becker clarified for the committee that section 126 of the Clean Air Act is a type of toll. It allows for a downwind governmental entity that feels it is being inversely impacted by an upwind source of pollution to petition USEPA or another relevant agency to seek mitigation action against the upwind source. This is also a tool to address interstate issues as well.

Ms. Wiecks asked if that was used for violations against the NAAQS.

Mr. Johnson stated that he had heard of issues relating to mercury and its impacts on tribes and people who make their livelihoods off fishing. They often times find themselves with few resources to mitigate these problems. He then questioned what would happen if USEPA's reductions do not prove sufficient to minimize impacts and risks, and asked whether these issues only extend to criteria pollutants.

Mr. Terrill commented that the presenter made a good point that monitoring tribes' performance is not only important for rural issues, but also helps the states because it minimizes the resources they need to gather air quality data in rural areas. He stated that the Department of Environmental Quality in Oklahoma uses tribal data to provide citizens with real-time data for air quality advisories and ozone forecasting.

Ms. Wiecks thanked Mr. Terrill for his comments and agreed that some states and tribes have had a good tradition of information sharing.

Don Neal, Calpine Corporation, inquired about the population of Fond du Lac.

Ms. Wiecks responded that the population is nearly 4,000, but is a bit discontinuous geographically. Within the privately owned land the population is close to 3,500.

Mr. Sheats asked whether there was sufficient funding accompanying the granted regulatory authority from the Federal government.

Ms. Wiecks responded that there is in theory.

Mr. Sheats asked whether, in practice, there was not sufficient timely funding.

Ms. Wiecks said that a new rule will be finalized in March of 2011. Many tribes have an interest in taking over these authoritative roles, but the funding issues are preventing them from doing so.

Mr. Sheats responded by asking if all of this is done by the tribes, or if they receive assistance.

Ms. Wiecks answered that in Minnesota, the pollution agencies have provided assistance with PM, NO<sub>x</sub>, and ozone.

Kelley Green, Texas Cotton Ginners Association, commented that the funding issue is a serious one. If tribes cannot attract qualified people to perform these tasks then USEPA must find the resources to conduct these activities themselves. This must be as problematic for USEPA as it is for the tribes. He questioned whether a tribe can create its own implementation plan and have the state administer it on their behalf.

Ms. Wiecks doubted that the tribes could create their own implementation plans and have the state administer them, mostly because it would become an issue of sovereignty, which tribes want to preserve. They want these programs run by people who are familiar with their cultural traditions and identity.

Mr. Childers thanked Ms. Wiecks for her presentation and solicited opinions on the “Meet the Members” section. Changing the subject, he mentioned that for the new members, this is the third report on which they have assisted. He concluded by stressing the importance that the full committee gives USEPA their sound advice so that they may move forward with any policy or regulatory changes.

### **Mobile Sources Technical Review Subcommittee**

John Koupal, Director Air Quality and Modeling Center, presented on the Motor Vehicle Emission Simulator (MOVES). MOVES is a computer model that is used to estimate vehicle emissions from all on-road sources for SIP and conformity. The Clean Air Act requires emission factors be developed and updated regularly for SIP and conformity purposes, so they create these models every three years. This ensures they have the most relevant information on vehicles for implementation purposes. The models are also important as USEPA considers regulatory action for all of the regulations they put out, as they provide a picture of what emissions look like currently and how they will look in the future with continued and discontinued regulatory actions. They also look at the “what if” analysis for Federal and states’ implementation options.

Mr. Koupal said it is important that these models be considered the go to sources that USEPA has for vehicle emissions and activities, so that they can answer fleet questions with a repository of data.

The MOVES model was developed over the last decade to replace the mobile series of models that began in the 1970s. They wanted a more flexible platform that was more responsive to new research and data, and could ultimately be spread to all mobile sources. A huge impetus for the model was a national research council report that came out in 2000 and recommended an overhaul of USEPA's vehicle emission modeling platform. This report made several recommendations to USEPA that became the basis for why the new model was developed. They had to develop a model that would do better analysis at much finer scales, since there was a lot of emphasis on hot spot modeling and PM and CO conformity at very small scales. USEPA put a lot of time and consideration into how they could support the transportation community and the environmental community in thinking about better assessing emissions at very local scales. They also looked at how they could better interface with the transportation community so that they could have a better approach to overall air quality.

MOVES looks at a huge list of pollutants and toxics. When they talk about vehicle emissions, it is not just what is coming out of the tailpipe. He spoke about the emissions inventory and how they consider differences between the running emissions when a vehicle is warmed up on the highway, start-up emissions, extended idling emissions, evaporative emissions, and many other types.

He spoke of their efforts to collect the most recent data for MOVES, and that the model intends to cast a wider net of the data they bring in. They have reviewed data from hundreds of thousands of cars and trucks from all over the country, and historical lab data. They also have done a landmark study of gasoline PM emissions in Kansas City on about 500 vehicles in 2004 and 2005. Another landmark development in the last decade is the advent of Portable Emissions Measurement Systems, which are boxes that can be attached to a car or truck and gather emissions while they drive around the area. The new data drives a lot of the updated emissions estimates, so there has been a step change as they switch from the old models to MOVES. Mr. Koupal provided examples of data from three different cities.

One of the main advancements they made with the model was the "binning" approach, because they wanted to focus on the finer level of emissions. This approach let them take emissions data and split it up into finer chunks, so they could recombine it to look at the emissions reductions from travel or transportation control strategies. This provided them the ability to look at emissions changes and emission reductions from different driving patterns.

He gave an overview of the history of MOVES. The recommendation to overhaul USEPA's modeling system was released in 2000, and in 2005 the first version of MOVES was released, focusing on energy and greenhouse gases. A demonstration version of the model was released in 2007, and the FAAQA work group was also established. A draft of the model was released in April 2009, and based on comments from the work group, a peer review, and the public, they finalized it, and this is the official model that is available for use in SIPS.

The work group is a subgroup of the mobile source technical review subcommittee (MSTRS). They had about 15 meetings between 2007 and 2010, and the members represented a very wide range of stakeholders. The group was comprised of the leading researchers, and reviewed the MOVES inputs and algorithms. He presented the MSTRS recommendations for the committee to move the model forward to USEPA.

That model was designed so that updates could be incorporated. There will be official releases of the model that coincide with the SIPS. Additionally, they have plans for long term data collection. They are looking into the latest technology surrounding evaporative leak detection and worked with Colorado on an evaporative leaker field study. Mr. Koupal gave a website for members to reference (<http://www.epa.gov/otaq/moves.htm>) and then asked for questions.

Mr. Johnson thanked Mr. Koupal for his presentation, and asked whether the MOVES model substantially changed the emission reduction credits associated with the motor vehicle inspection maintenance program.

Mr. Koupal said that there is no easy answer to this question. They estimated that the relative reduction did decrease estimates, but that it depends on the program and the vehicle, and that there is a range.

Dave Foerter, Institute of Clean Air Companies, asked if permeability and evaporative emissions captured ethanol, and if so, what the impacts were.

Mr. Koupal responded that they have done a lot of work with the coordinated research council on this topic. The initial finding is that the E10 does increase permeation emissions overall for volatile organic compounds (VOCs). This is reflected in the model and was a significant relative increase overall.

Mr. Foerter commented that the MOVES model compared to the old model showed significant increases in emissions overall. He added that this has been the situation for all models, and questioned what differentiates MOVES since all previous underestimated emissions.

Mr. Koupal responded they are still learning a lot about what is happening on the road. However, he does not expect the big jarring jumps in the baseline, since now they are replacing perspective data with real data.

Mr. Sheats asked why the MOVES model did not show nitrogen associated with PM or PM associated with nitrogen.

Mr. Koupal responded that there is delineation between them and the air quality modeling group. MOVES provides the raw data from vehicles to that process, but secondary organics is not their focus.

Mr. Childers then asked the members of the committee to raise their hands if anyone was uncomfortable with USEPA taking into full consideration these recommendations. (No one raised their hands; the vote was unanimous that the report could be moved to USEPA).

### **CAAAC Operation/Future Topics**

Mr. Childers began the discussion on CAAAC operations and future topics by stating some of the background of the CAAAC. All CAAAC members were appointed by the Administrator, and if some new members still have not received their letters, they will.

There are currently three standing subcommittees within the CAAAC, and all full committee members are invited to these subcommittee meetings. The mobile source technical review committee only meets twice a year, and that subcommittee is very specific to technical mobile sources. There is some overlap in membership between the mobile source subcommittee and the full committee.

When USEPA identifies a topic of interest on which they would like advice, the committee generally forms an informal work group to address these issues. These topics are generally not addressed by the full committee.

Committee members can serve three two-year terms, and membership is generally renewed up until that six year limit unless a member is not attending meetings or has changed jobs or roles.

Mr. Childers would like the group to take some time to discuss the meeting agenda. Usually, Ms. McCarthy opens the meeting with the current events happening at OAR. Then, the agenda moves on to subcommittee report outs, and they hear about any reports that are currently moving forward. USEPA uses these meetings as a forum to respond to the advice the CAAAC has provided them. Meetings are also used to discuss new issues as they come up.

Meeting only three times a year makes it difficult to compile reports on timely and important issues, and the group should have a way to have thoughtful discussions on timely issues, that way Ms. McCarthy can at least review the meeting summaries to gain insight from the group members.

Mr. Childers then asked the group for comments and suggestions about the meeting agenda and organization.

Mr. Terrill commented that he would like the group to use the time they have with Ms. McCarthy for USEPA to hear from the CAAAC about implementation issues. One way they could do that would be for the CAAAC to submit questions ahead of the meeting and vote on 1-3 issues to talk about more in depth. It might be helpful for Ms. McCarthy to hear from a more diverse group about the problems they are seeing when trying to implement regulations.

Mr. Brenner agreed that Mr. Terrill's is a good idea and that he and Mr. Childers dropped the ball by not doing so this meeting. He stated that they would try to get that going next time, and that they would probably try to pick a couple ideas that cut across a lot of the different sectors that are represented in the CAAAC.

Ms. Giblin suggested that it may be helpful to provide the committee with more insight as to what types of initiatives USEPA is considering. For example, whether or not there are any unique features on secondary standards for the NAAQS. She also agreed with Mr. Terrill's earlier comment regarding receiving questions prior to the meeting.

Mr. Becker agreed with Mr. Terrill's suggestion and wanted to expand upon what he said. Being in the CAAAC is a tremendous opportunity that allows members to constantly learn from the other members. There is a lot of experience around the room, and they should be far more strategic about how they use their time and should do away with report outs. If people are interested in the subcommittees, they can go to the subcommittee meetings. The hour spent on report outs could be spent on more relevant issues. The CAAAC should have a two hour discussion on how the greenhouse gas permitting is going. He would love to hear from industry about how permitting is going so that the CAAAC can try to ameliorate the problems. The group should hear about USEPA's great activities, but should also discuss them. It is important to take advantage of the fire power around the room.

Mr. Johnson agreed with almost all of these suggestions, but stated that there will be topics members are interested in, but do not have time to participate in at a work group level. It is still important to hear about work group issues, whether it is at this meeting or not. As for specific topics, he does not recall having a discussion about international emissions, such as climate change and international transport of smoke, dust, mercury, and other pollutants. He would like

to know what USEPA is doing regarding those topics. He would also like to hear more about critical loads and secondary emissions.

Mr. Childers responded that international emissions were one of the discussion topic options for this meeting, but they did not end up on the agenda. They will be a topic at either the May or October meeting.

Mr. Sheats commented that there is time to do something substantive with environmental justice topics. The administrator seems to have made a point to identify those and the CAAAC should have a substantive discussion on them. He suggested that maybe there should be an environmental justice/tribes work group, but noted that it should take place after the multi-pollutant group because there might be significant overlap in interest.

Mr. Childers responded that there are currently three subcommittees, and in the past there have been five or six. Maybe the group should think about whether there should be more.

Mr. Feldman commented that hearing or seeing the report outs is helpful, and that it is helpful to get them in a slide-type package so they can be shared with others. It is also interesting to see how USEPA interprets everything. He would also be interested in hearing about greenhouse gas permitting from different sectors, and suggested that maybe it should be an ongoing item for as long as it is relevant.

Ms. Weeks commented that the report outs could be shorter, but it is true that it is interesting to hear how USEPA interprets what was said the day before. Also, the administrator announced looking at biomass, so maybe the CAAAC could discuss biomass at the next meeting.

Lisa Gomez, San Diego Gas and Electric, made three comments. (1) It would be helpful to solicit feedback from the committee about the agenda items a certain number of days in advance of the meeting. The meetings do not happen very frequently and a lot happens between the meetings. (2) Similarly, a number of CAAAC members represent organizations or constituents that need some time to process new initiatives, so it would be nice to establish a committee “norm”, or an expectation regarding how many days prior to a meeting members can expect to receive the agenda and a report (when members are voting on one). (3) Since the CAAAC only meets a few times a year, USEPA may have more immediate needs, and we should be open to something other than an in-person meeting.

Mr. Childers responded that he will attempt to send materials out sooner, and commented that he has an open email policy which members should use to contact him regarding any questions or comments. He agreed that establishing a committee “norm” is a wonderful idea, and that USEPA is looking into some potential technologies to use as alternatives to in-person meetings, such as

list serves and possibly Facebook. He also noted that once he pulls in the attention of a majority of the CAAAC members, he is required to put a notice in the Federal Register 15 days in advance of any meetings. However, if CAAAC members pull in the attention of each other, the group can meet without placing a Federal Register notice.

Ms. Green questioned how USEPA's actions related to climate change relate to the proposal on the table for the Copenhagen discussions, and how that relates to the global south.

John Walke, Natural Resources Defense Council, commented that he would like to maximize the time spent with the senior management during the meetings. He also suggested that the CAAAC have regular sessions or at least multiple sessions over the coming year and beyond to discuss activities in congress. Congress is at its high point now and it is legitimate for the CAAAC to have a conversation focused on facts, information, and reactions from committee members. It would be beneficial to have a discussion about the potential consequences to air quality and public health from initiatives happening in Congress. It would be helpful to have factual reactions and information from USEPA about how the proposals will affect air quality and public health.

Mr. Childers replied that this discussion could be member-led. The more the group gets members talking, opposed to USEPA staff, the more discussions will arise.

John Paul, Regional Air Pollution Control Agency, offered to talk to Bill Harnett about the expressed interest in discussing greenhouse gas permitting. Also, he reminded members of the potential they have; the CAAAC discusses issues that are a benefit to the agency, but if the CAAAC was to agree on certain things (identify priorities, problems, etc.), that could have a huge amount of influence within the agency.

John Busterud, PG&E, echoed and supported Mr. Terrill and Ms. Gomez's comments and added that the suggestions would add a lot of time onto the agenda. The CAAAC should keep a balance between urgent matters and the important or more deliberate work that must be maintained.

Ms. Simpson agreed that suggestions regarding alternative meeting formats were great, but commented that the idea of using Facebook may not be feasible for everyone. For example, it is illegal for some committee members to log onto Facebook in their offices.

Mr. Green commented that there was a really good presentation several meetings ago which outlined all the relevant USEPA rules that had come out recently and included important dates and progress in a clear and succinct format, and that having a similar presentation at future meetings would be beneficial. He also added that receiving preliminary or draft reports prior to the meetings would help members prepare.

Mr. Jones added that Mr. Harnett usually provides a nice review of regulations. He also commented that he agrees the group should keep the report out, but that as an advisory committee, if there is going to be a presentation, presenters should pass out questions to CAAAC members ahead of time to solicit feedback and information from the CAAAC members at the end of the presentation. Every presentation should direct some form of a question to the CAAAC.

Mr. Becker commented that a major issue with the meetings is that there is not sufficient participation throughout the day from USEPA staff. It would be really helpful if Ms. McCarthy or another Assistant Administrator attended the meeting for the entire day. He strongly urged that every USEPA office and the lead USEPA region be represented at the meetings, and that there be more USEPA participation throughout the day.

There was significant member agreement on this point.

Syndi Smallwood, Pechanga Band of Luiseno Indians, agreed with Mr. Becker, and commented that tribes have this problem in all of the regions – they frequently go to USEPA meetings and USEPA is not present 90 percent of the time. This makes it very difficult to get things done and get answers. She also commented that it would be beneficial to make a summary of the current work group actions available to CAAAC members.

Vince Hellwig, Michigan Department of Natural Resources and Environment, commented that when he was last involved in the CAAAC meetings 15 to 16 years ago, USEPA brought issues to the CAAAC to discuss and there was more USEPA participation. He agreed that this type of involvement would be better than the current process.

Ms. Gomez followed up on her earlier point about establishing a group norm, and commented that if a work group is aware that they need to provide a report a certain number of days in advance, the work group will get it done.

The group decided that for future meetings, materials will be provided seven days in advance of the meeting.

Ms. Giblin commented that having presentation slides available in advance would also be helpful. It is frustrating to frantically scramble to take notes on a PowerPoint, and having it in advance would allow members to think of questions and react to the presentation, opposed to focusing on taking notes.

Mr. Childers responded that he would send the agenda and reports out seven days prior to the meetings, but that it is more difficult to promise presentations that early because many people make last minute changes to their presentations.

Ms. Simpson added that an interactive agenda would be helpful so members could follow links to the presentations off of their laptops during the meetings. She also supported Mr. Sheats' idea to have an environmental justice and tribal work group.

Mr. Childers responded that work groups are usually small and temporary, and that the CAAAC might want to instead establish a subcommittee for this topic because it is more of a standing issue. He instructed members to let him know if anyone has suggestions on other work groups or subcommittees.

Mr. Childers stated that he and Mr. Brenner would review the suggestions and brief Ms. McCarthy regarding the group's ideas. They have been having some of the same thoughts as the members, but it is helpful to have the comments come directly from the group.

The next meeting will be on a Wednesday and Thursday, during either the first or second week in May. Mr. Childers asked the group to inform him about their schedules. This meeting will include the annual Awards Ceremony, and as always, attendance is appreciated.

The meeting was adjourned.

**Clean Air Act Advisory Committee**  
**January 12, 2011**  
**Crowne Plaza Washington National Airport Hotel**  
**Arlington, VA**

**List of Attendees**

Bill Becker	National Association of Clean Air Agencies (NACAA)
Robert Brenner	United States Environmental Protection Agency (USEPA)
John Busterud	PG&E
Pat Childers	USEPA
Beth Craig	USEPA
Howard Feldman	American Petroleum Institute (API)
David C. Foerter	Institute of Clean Air Companies (ICAC)
Pam Giblin	Baker Botts LLP
Terry Goff	Caterpillar Inc.
Jack Goldman	Hearth, Patio & Barbecue Association, Inc.
Lisa Gomez	San Diego Gas and Electric
Carolyn Green	EnerGreen
Kelley Green	Texas Cotton Ginners Association
Wick Havens	Ozone Transport Commission (OTC)
Vince Hellwig	Michigan Department of Natural Resources and Environment
Steve Hensley	USA Rice Federation
Ned Helme	Center for Clean Air Policy (CCAP)
Jim Hunter	International Brotherhood of Electrical Workers
Dan Johnson	WESTAR
Gary Jones	Graphic Arts Technical Foundation
Robert Kaufmann	Koch Industry
Keith Mason	USEPA
Janet McCabe	USEPA
Gina McCarthy	USEPA
Don Neal	Calpine Corporation
John Paul	Regional Air Pollution Control Agency
Vickie Patton	Environmental Defense Fund

Nicky Sheats	New Jersey Environmental Justice Alliance (NJEJA)
Lisa Simpson	Nez Perce Tribe
Syndi Smallwood	Pechanga Band of Luiseno Indians
Eric Svenson	PSEG
Eddie Terrill	Oklahoma Department of Environmental Quality
Valerie Ughetta	Alliance of Automobile Manufacturers
John Walke	Natural Resources Defense Council
Jason Walker	Northwestern Band of Shoshone Nation
Kathryn Watson	Improving Kids' Environment (IKE)
Ann Weeks	Clean Air Task Force
Joy Wiecks	Fond du Lac Reservation
Anna Marie Wood	USEPA