

CLEAN AIR ACT ADVISORY COMMITTEE (CAAAC)

Meeting Minutes

April 6, 2006

Crystal City Sheraton

Arlington, VA

Welcome – Introductions and Opening Remarks – Rob Brenner, EPA - OAR

Rob Brenner, EPA OAR, opened the meeting by welcoming everyone in attendance. He indicated that Bill Wehrum, the Acting Assistant Administrator for the Office of Air and Radiation, would attend the meeting in the afternoon. He stated that the Clean Air Excellence Awards ceremony the previous evening went very well, and he congratulated all the recipients. He invited committee members to comment on the ceremony and make suggestions regarding how it might be improved upon. He also thanked Par Raheer for hosting the reception. He then introduced Debbie Stackhouse to give the report out for the Air Quality Management Subcommittee.

Air Quality Management Subcommittee Report Out – Debbie Stackhouse

Debbie Stackhouse, EPA OAQPS, said that the Air Quality Management (AQM) Subcommittee had a day long meeting on Tuesday with an attendance of 70 or more people which generated interesting and productive discussions. She reported that the AQM Subcommittee has spent a lot of time preparing recommendations and the members have written 20 issue papers, which are currently in draft form and will be finalized throughout the next one and a half months. She explained that the Subcommittee has two teams—the first team is looking at AQM planning strategies and the second team is looking at new and existing tools that would be useful in the AQM planning process. She said they also discussed what the goal of the subcommittee should be and determined that their goal should be to look ten to fifteen years into future, anticipate what major air quality issues will arise, and work so that air quality management is prepared to address those issues.

Ms. Stackhouse stated that from the initial set of recommendations generated by the AQM work group, the Subcommittee divided the recommendations into three categories. First, they looked at identifying recommendations that could easily be worked into the current AQM system; second, they identified recommendations that would be a significant undertaking and require substantial efforts; and third, they looked at recommendations that would require changing the Clean Air Act. She then announced that at the next AQM Subcommittee meeting in May they plan to meet in two separate teams to work on the recommendation papers. She then asked for any input from the subcommittee co-chairs.

Janet McCabe, Improving Kids Environment, is the co-chair of team one of the AQM Subcommittee. She explained that the team is divided into four groups: the first focuses on how to define air quality problems and determine if the system can be more flexible; the second focuses on the air quality planning process; the third focuses on ways that the air quality

planning process interacts with other things in the regulatory world and beyond; and the fourth group focuses on how they can encourage people and groups to work together when developing policies and programs.

Bob Wyman, Latham and Watkins, is the co-chair of team two of the AQM Subcommittee, which focuses on new tools and strategies that can be used in air quality management. He stated that at the meeting in May they will be reviewing an inventory of tools for air quality management that the team previously developed and will now decide which tools should be applied to which problems. He explained that many of these tools are very new so have not been used or tested extensively.

Ms. Stackhouse stated that the AQM issue papers are posted on the Clean Air Act Advisory Committee (CAAAC) website and encouraged members to review those papers and contact the subcommittee with any ideas. She then introduced Gregg Cooke who is the liaison for the AQM Subcommittee with the Economics Incentive Subcommittee.

Gregg Cooke, Guida, Slavich, & Flores, P.C., stated that at the team two meeting in May they will be focusing on tools for air quality management and using economic incentives as a part of those tools. He encouraged members to speak up if they had any tools for which they wanted to advocate before the discussion in May.

Ms. Stackhouse thanked Mr. Cooke and asked for any other comments regarding the Tuesday AQM meeting.

Discussion and Comments

Mr. Brenner commented on EPA's perspective on the Clean Air Act (CAA) and the recommendations they receive. He explained that one of the hallmarks of the CAA is that the Agency has been willing to be creative and innovative in how it is implemented. They have periodically evaluated what is working and what is not and have made some significant changes in response to that. However, it has now been 16 years since the Act was passed in 1990, and the Agency believes it is certainly time for a thorough review of the statute. He explained that the Agency envisions the CAAAC's involvement in air quality management process as the opportunity to have people who are very involved in the statute look at what has been done, look at the set of existing tools, and recommend what new tools should be incorporated. He stated that ideally the Committee will recommend two paths: first, how the Clean Air Act can be made more effective under the current statute; and second, a new set of amendments for the Act if there is an opportunity to make more significant changes to the statute. He added that many of the air quality management tools would fit both of those paths. He emphasized the importance of having a group of stakeholders that is diverse, but is one in which the individuals share the same set of ultimate goals. He said that lessons from other environmental programs have indicated that if the program does not adapt to new environmental information and tools, then it is a failure. He said that the Agency will be pushing quite hard throughout the year to get results from the air quality management process and he added that from what he has seen at the subcommittee meetings, the process is on track to provide some very valuable insights. He then

asked for any comments, reactions, or additional things EPA should be considering in this process.

Mr. Wyman brought up a few of the significant ideas that have been discussed at subcommittee meetings regarding changing how air quality is managed. He said the idea was brought up that there should be an equal degree of control for every facility in the U.S., whether it is in attainment or not. Another idea that would bring significant change is a continuous improvement program, in which every few years controls would move up.

Ms. Stackhouse commented that the long term planning team of the AQM subcommittee is looking at the entire process involved in air quality planning including multi-pollutants, land use, and transportation planning.

Robert Avant, Texas Department of Agriculture, noted that in phase 1 of the AQM process, they discussed multi-pollutants, but they did not address the contradictions that exist between the Clean Air Act and other federal acts that have implications for air quality impacts. He said that the Clean Air Act cannot operate in a vacuum and other regulatory programs that have implications for air quality must also be discussed. He recommended taking a systems approach to regulation of the environment because air quality is only one piece of a larger process. He also commented on the importance of streamlining all the permitting processes and suggested developing the equivalent of a “turbotax” for environmental permits, which would improve the transparency of the process, address budgeting issues, and be helpful to all environmental sectors.

Ms. McCabe highlighted another idea discussed in the AQM subcommittee meetings, which was to implement a system that would require states do a statewide comprehensive multi-pollutant plan on a regular basis.

Bill Rosenberg suggested that the committee consider the relationship of the Clean Air Act to the broader issues of energy and environmental economic policy. He stated that he is particularly interested in how the Clean Air Act encourages or discourages the employment of advanced technology that improves the efficiency of energy use because most air problems are associated with the utilization and combustion of energy. He suggested that the committee focus on more than just clean air and a clean environment because there needs to be a reconciliation of energy and economic policy, particularly in light of energy security becoming a major national issue lately. He said they need to think about the impacts of their decisions on carbon, on clean air, on economic development of the different sectors of the economy across the country, and on national security as it relates to the import of oil and natural gas.

Ms. Stackhouse agreed with Mr. Rosenberg and added that some of the issue papers reflect more collective thinking and involve participants from places such as the Department of Energy.

Anthony Delucia, East Tennessee State University, commented that the committee discussions should be continually improving in sophistication. He said they need to look at the changing demographics of country to foresee what future needs for health, economics, and transportation will exist for these populations.

Mr. Brenner commented that the EPA has been experimenting with bringing community based programs into the mainstream of Clean Air Act implementation.

Chris Recchia, Ozone Transport Commission, stated that the committee needs to look closely at the Clean Air Act, determine what mechanisms work best, and then look at the bigger picture. He said that it is important to integrate their work with energy and the economy, but they must start from bottom and work up to the broader issues.

Eugene Trisko, Attorney at Law, noted that in the past, the CAAAC had an Energy, Clean Air, and Climate Subcommittee. He said in light of the Department of Energy's long-term energy needs forecast that calls for 175 Gigawatts of new coal capacity in the county by 2070, the Committee should consider bringing back this subcommittee because there will be significant environmental challenges associated with that expansion.

Dan Greenbaum, Health Effects Institute, commented that the Committee should be cautious of what happens now that their ideas and recommendations are getting broader and focusing on the longer term. He said this process could go in one of two directions. Ideally, it would create enough attention in the Agency to motivate a serious response and the development of a timeline for progress. However, it could move in the opposite direction and generate less engagement of all parties leading to less resolution. He emphasized the importance of these broad, long-term ideas being discussed outside of the air office. He said that all parties should be involved in order to move forward successfully.

Mr. Brenner responded that the Office of Air and Radiation has had good participation from the general counsel's office and the regional offices. He also said that because the Committee is getting to the point in which they have concrete recommendations they need to consider how they will make other environmental groups and other agencies aware of the recommendations.

Economic Incentives and Regulatory Innovations Subcommittee Report-Out – Ben Henneke

Ben Henneke, Clean Air Action Corporation, reported that the Economic Incentives and Regulatory Innovations Subcommittee had a productive meeting the previous day. They discussed current issues in Ozone and PM SIPs. One specific question that they addressed was how to generate the same kind of citizen interest with PM_{2.5} as the interest that occurred with Ozone through the early action compact approach. He said that PM_{2.5} is even more important from a health standpoint and is even more difficult from a technical standpoint to address. He also reported that they discussed the difficulties that sometimes occur when trying to implement technological innovations in the field and what it takes to get real-world change. They also discussed a list that was prepared for the subcommittee by the EPA of a series of potential measures for addressing PM_{2.5}. Mr. Henneke concluded by thanking the Clean Air Excellence award recipients and congratulating them on great individual and corporate actions.

Overview of OTAQ Priorities

Lori Stewart, Transportation and Regional Programs Division, said that Margo Oge had intended to be at the meeting and was planning to give an overview of the high OTAQ priority efforts, but she was unable to attend. As a result, Lori said she would like to spend five minutes, before Tim Johnson's presentation of the diesel retrofit report, to discuss the OTAQ priorities.

Ms. Stewart began by saying that OTAQ's highest priority is implementing the heavy duty 2007 highway standards including the ultra low sulfur diesel requirements. She said at the moment they are also moving forward with several other rulemakings to address emissions in other categories. She said after the more stringent standards for the on highway diesels and the non road diesel rules, locomotives and marine engines become the next biggest challenge. She said by 2030 locomotives and marine sources will comprise about half of the mobile sources for NO_x and about a quarter of the diesel PM. She said they are addressing these emissions with a rulemaking that is aimed at putting on the technologies that they have already employed for the on highway engines, and that they will be employing for the non road engines, on locomotives and marine engines. She said they also intend to address the in use emissions by strengthening the standards that the engines need to meet when they are remanufactured. She said they plan to propose the locomotive and marine rulemaking by the end of this year and standards could be adopted as early as 2011.

She said they are also focused on the small engine rulemaking which will address lawn mowers, garden equipment as well as personal water craft and gasoline. She said recent estimates show that these engines are projected to contribute about 27% of the hydrocarbon emissions for mobile sources so they see this as an important strategy for states trying to meet the ozone NAAQS. She said they would also be seeing NO_x and PM benefits from the small engine rule. She said a few weeks ago they published the EPA technical study on the safety of emissions controls for this category of engines below 50 horsepower. She said this was a congressionally directed study and it showed that tougher standards will not increase risks of fire and burns to consumers. She said now that the study is complete they will move forward on developing the proposal for these engines and they plan to propose this by the fall of 2006. She said one of their more significant, recent events was the publishing of the mobile source air toxics rule, which addressed toxic emissions. She said mobile sources are responsible for about 44% of outdoor toxic emissions, 50% of the cancer risk, and 74% of non cancer risk. She said their proposal aims to clean up toxics from gasoline with benzene controls through vehicle standards as well as gas can standards. She said once the new standards are fully implemented in 2030, they are expected to reduce air toxics by 350,000 tons and 65,000 tons of benzene. She said they estimate that the annual benefits of just the PM reductions from just this rulemaking will outweigh costs 30 to 1. She said the proposal is out there for comment right now, but comments close May 30. She said the last thing she would like to touch upon is the renewable fuel standard. She said this is a significant focus right now in OTAQ. It was required by the Energy Policy Act. She said by 2012 the policy act requires 7.5 billion gallons of renewable fuels such as ethanol and biodiesel to be used in the nation's fuel supply. She said that compares to about 4 billion gallons that are out there now. She said in addition to the significant environmental benefits, the promotion of renewable fuels will decrease the nation's dependence on foreign oil. She said they did begin the implementation of the renewable fuel program for 2006 in December by implementing a default

standard requiring that all gasoline, on average, contain 2.78% of renewable fuels. She said they will be issuing more comprehensive rulemaking to address 2007 and beyond.

Committee Responses to OTAQ's Priority Efforts

Mr. Cooke asked if they could work on a methodology with the states to integrate the small engines rule in time for the presentation of the 2007 SIPS.

Ms. Stewart said that her division includes the group that works with the states and regions on the SIPS and they can work with the rulemaking team to coordinate that so they can capture the benefits as best as possible. She said the timing is unclear at this point. She said they're hoping to do the proposal this fall and she hopes they have enough data for incorporation into the SIPS.

Mr. Cooke said he raised this issue at a previous meeting and no one knew how to integrate the rule into the SIP process.

Mr. Brenner said that at the very least they need to understand what benefits might be available to areas and their SIPs under that rule. He said they might want to do some work with attorneys about the extent to which areas can get credit upfront for something that is still proposed, but he said maybe there is some way to do something like have that as an additional provision that would kick in and enable some other part of the SIP to be deferred once they go final with the rule.

Mr. Cooke said especially those areas that are looking at whether or not you can achieve standards by a certain date. He said in this case every little credit is helpful and he does not want this one to slip through the cracks.

Mr. Avant, in regards to the safety issues of the smaller engines, said he witnessed an engine compartment fire on a late model last summer, which did not even have newer technology engines on it. He said they're going to have fire problems and he knows there has been some consideration, but there are specifically going to be problems with the new filters in dusty areas. He said with these new filter systems that must work in high temperatures; there is no way to avoid leaf fragments when running one of these engines. He said he does not think enough attention has been paid to situations like this. He said you can not make an engine air tight and he foresees this as a big problem on the larger horsepower engines. He said a good study needs to be directed towards fire safety in dusty areas environments and field operations.

Mr. Brenner said this should be shared with the standards group and they should consider whether this is something the mobile source technical review subcommittee should comment on or look at.

Mr. DeLucia said that states are now coming up with their alternative fuels task forces. He asked what the lines of communication were to make sure governors and various appointed groups are working on these appropriately.

Ms. Stewart asked if he was speaking within the context of the renewable fuel standard.

Mr. DeLucia said he was speaking about the ethanol requirement she had mentioned. He said the production of ethanol will be dependent on where the states are going to wrap up with the agricultural feedstock, and where they are going to store and transport the ethanol, and how they were going to make it available.

Ms. Stewart said the percent of renewable fuel in 2006 is 2.78 percent, but she said the country is already there. She said this was using the 4 billion gallon starting point. She said they really do not have a challenge until a couple of years out. She said she is not directly involved in the rulemaking process, but she knows the rulemaking team is working closely with stakeholders and doing extensive analysis, required by the Energy Policy Act, to look at availability of ethanol and the production process, and transportation issues. She said all of this will be part of the regulatory assessment.

Rich Kassel, Natural Resources Defense Council, said in regard to the renewable fuels piece, he thinks this is an opportunity to bring together a multi issue approach to the fuels rulemaking they were discussing an hour before. He said there are many different ways to structure renewable fuel standards. He said he hoped the agency would be looking into ways that give appropriate benefits not just to renewable fuel use, but also the air quality benefits or negatives associated with any of the fuels or any of the blends of the fuels. He said it's also important to look at oil displacement and not just the decrease in greenhouse gases.

Ms. Stewart said she knew that they were engaged in looking at these various areas.

Mr. Kassel said his other point was that it is important not to prejudge the market. He said he thinks the strength of the OTAQ rulemakings in the last few years has been in not prejudging what exactly is going to be the technology that will be employed on future engines, but looking instead at the outcome they want to achieve and then letting the industry determine how to meet the standards. He said the model that can be adapted to the renewable fuels area is goal based and then allows the market to develop on its own to achieve these goals.

A committee member said that in the State of the Union address the president supported the development and utilization of cellulosic ethanol, which is an ethanol made from things other than food feed stocks. He said creating an incentive to use this ethanol would form a powerful tool without a budget impact on the federal appropriation process to stimulate the application of new technologies that area.

Paul Argyropoulos, World Fuels Conference, said that the Act requires that the cellulosic based ethanol receives credit. He said this is enforced until 2012 and between now and 2012 the Act mandates that 250 billion gallons of the renewable product to be cellulosic based ethanol. He said this is one incentive already built into the Act.

Mr. Cooke said that there is some concern at the state and local level that the biofuels still indicate a NOx dis-benefit and sometimes the federal mandates encourage biofuels to run into the SIP planning processes. He said any guidance that they can give to the states and locals where they have mandates on lower emission diesel would be useful.

Mr. Brenner said that when the 1990 amendments were being discussed there was little discussion on diesel retrofits. He said over time, however, they have seen a tremendous opportunity there to make progress. He said a lot of this has been done under current the terms of the current statute working with industry representatives, environmental community and a number of states, such as California and Texas that have provided the committee with tremendous examples on ways to make progress. He said this has been a real success story both for CAAAC and for public health. He said this has been supplemented by legislation that has given an additional boost to these programs. He said the Energy Bill will hopefully be providing significant funding to these programs. He said there is a good deal of support on the hill for close to \$50 million being spent on these programs and the FY07 budget. Mr. Brenner said this example shows how the Act, with a boost from legislation, can create new tools and opportunities.

Recommendations to the EPA on Incentives for Diesel Retrofits – Final Report to the Clean Air Act Advisory Committee

(See attached Presentation)

Timothy Johnson, Corning Incorporated, said the recommendations on incentives for diesel retrofits were the culmination of a two-year program. He said this was a working group that was established two years ago. He said the working group is comprised of variety of stakeholders including forty to forty-five different groups representing users, fuel, engine manufactures, emission control manufacturers, environmental groups, health organizations, state governor associations, and various trade associations. He said the recommendations have been through approval by the working group and the mobile sources subcommittee and now they are looking for approval from CAAAC. He said they had a copy of the final report and his objective was to go through this presentation quickly to stimulate some discussion later on.

Mr. Johnson said the working group has some general recommendations. He said they broke the working group into four different sectors: school buses, freight, ports, and construction. He said each of these sectors has unique properties and characteristics so programs put forth by EPA to incentivize retrofits in these various sectors must have sector specific properties.

Mr. Johnson said there are a lot of diesels out there that are a large part of the US economy. He said there have been some major regulatory initiatives put forth by EPA, for example the 2004 regulations promulgated in 2003. He said in January there will be the 2007 phase-in and the non-road diesel rule will be finalized in the 2011-2014 time frame. He said these regulatory initiatives cover only new engines so rules do not address the 11 million engines sitting out there today that contribute to much of the emission inventory of the sector. He said furthermore, EPA has limited authority to regulate the in-use fleet so incentives and voluntary programs become very important.

Mr. Johnson next said the EPA started a voluntary program, the Diesel Retrofit Program, in 2000 and then realized one sector that has a lot of passion with diesel retrofits is the school bus sector. As a result, EPA started the Clean School Bus USA program in 2003, which was very

successful, but EPA was just getting started. In order to address emissions in all the sectors they realized they needed to focus on four different sectors. They realized the locomotive and marine sectors could be thrown into the ports side and freight side, but they also acknowledged that there are local sectors that could be more important in some geographic areas of the country and not in other areas. The first step they took was to look at programs with national interest. He said retrofits are defined broadly not only meaning emission control retrofits that go into the tailpipe, but also rebuilding engines, replacing engines with cleaner fuels, and anti idling programs.

Mr. Johnson said they next had to work with the EPA advisory structure. He said they wanted to have this as a subcommittee of CAAAC, but this required a wide range of approvals. He said the group is under the mobile source technical review subcommittee (MSTRS). They formed the Clean Diesel and Retrofit working group and within this working group are other working groups, which they refer to as sectors. These sectors include the Clean Bus USA, Clean Ports USA, Clean Construction, and the SmartWay Transport Partnership. He said each of these sectors is co-chaired by a private sector member and EPA. He said these were really the teams that did the work and pulled together the report.

Mr. Johnson said the first goal of the program was to provide passion and energy and stimulate the momentum on diesel retrofit and bring in technical expertise. He said all this expertise was reflected in the report. The second goal of the program was to increase awareness on retrofits. He said there was a lot of misconception on costs and difficulties in implementing the retrofits. He said the sectors took advantage of national conferences and workshops on retrofits to have more discussion and get more input.

Mr. Johnson said this was a living document. Many of recommendations went to the Energy Policy Act and Transportation Bill to get appropriations. He said they're hoping today to reach an agreement to finalize the document.

Next, Mr. Johnson said the group considered incentives. He said retrofits in a lot of ways are added expenses. He said there is a lot of money needed to retrofit the vehicles out there today. They estimated that perhaps fifty to one billion dollars will be needed to retrofit these vehicles. He said to put this into perspective; this is only 5% of the operating costs and maintenance costs over the ten year period of expense of the vehicle. He said the cost is high, but it is a small cost of the overall operation of the vehicles. Mr. Johnson also said they looked at solely private sector funded incentives as well. They looked at regulatory requirements and other strategies.

Mr. Johnson said they came up with some general consensus on the recommendations. He said one of the most important recommendations was that the potential benefits of cleaning up current diesels far outweigh the costs and are significant and worth a national investment. He said there is a 10:1 benefit cost ratio to society.

Mr. Johnson said there is also a large gap in resources to fund and run the program to retrofit the legacy fleet. He said this should be closed, but they need funding to do this. He said they should be matching loan programs.

Mr. Johnson next said that the combination of incentives is needed to address diesel emissions across sectors, but the best available technology should be used. He said they need to go for the maximum emission benefit and the incentives should be designed to incentivize the best available technology that is feasible in the individual sectors.

Mr. Johnson next said that the provisions of the Transportation and Energy Bills provide new funding opportunities, and the members of the working group encourage EPA to take full advantage of them. He said the members of the working group are also available to assist EPA in implementing these opportunities.

In terms of grants, loans, and rebates, Mr. Johnson said incentives are the key, but they need more money; although, he said they have a good start. He said if they could add one more zero each year, they'll be in good shape. Mr. Johnson said that model guidance for low interest loan and rebate programs was discussed and is in report. He said money should be available to both the private and public sector; although, most of the money has gone into the public sector.

Mr. Johnson next said that tax incentives should be pursued at the federal level. He said they're looking at this to be the major part to bolster the business case for retrofits. He said they can put together a business case to incentivize the private sector to move forward. Finally, he said the working group is committed to moving forward. He said they're not going to disband when the report is finalized. He said they're just getting started.

Mr. Johnson said they need to establish outreach and education programs across all sectors. He said this was a recommendation that came across all sectors. He said they also need to enhance the technology verification process. He said they can not be having technologies that are unproven going into the retrofit arena that could damage the reputation of the overall initiatives. He said EPA and the California Resource Board has implemented a technology verification procedure that looks at technology options and emission reductions that can come from these technologies and then gives a verification approval for these technologies. He said these verification processes are about 3 or 4 years old now and they've learned a lot about how to streamline these processes and make them better adaptable to the new trends in diesel emission control across all sectors.

Mr. Johnson next said that EPA should establish a national recognition program to recognize early innovators. He said once the recognition is adapted, they believe other sectors will follow. He said they're also looking for a better analysis on cost effectiveness. He said earlier he threw out the number 10 to 1, but it could be 15 to 1, or 7 to 1; however the variation between sectors could be great so they need further analysis on the cost effectiveness. Lastly, Mr. Johnson said that EPA should expedite guidance needed for calculating credits for use in SIPS/Conformity. He said this is a very important aspect. Mr. Johnson then provided an example from the Transportation Bill.

Mr. Johnson finished his general overview across all sectors and reemphasized that each sector has unique characteristics. He next went into detail on each individual sector.

He first said that the school bus sector is very cost sensitive. Money goes into books and teaching assistants versus the tail pipe of a bus. He said having pointed federal and state grants available for emission retrofits is an important part of this sector. He said on the other hand, the freight sector is a business sector. He said it will be motivated by the business case for retrofitting. He said this can be done by bundling emission control retrofits with fuel economy technology then recognizing the bundle as an incentive. The next part is having shippers selecting these carriers that have bundled these technologies. Mr. Johnson next said ports are a very complex sector. He said they are a mix of public and private entities so there's a business case and a public case and they're competitive. Lastly, he said the construction sector is very diverse. He said they're private with some public contract orientation. He asked how to design incentives to get individual contractors to put new engines, fuels, and emissions control devices on their fleet. He said localities might have unique retrofitting opportunities as they discussed earlier. He said these are worth pursuing, but not considered here because of the national tone of the retrofit working group.

Mr. Johnson next went into further detail about the Clean School Bus USA program. He said it is a relatively small sector. He said they were looking at 11 million diesel vehicles nationwide, but 400,000 of these are within the school bus domain. 1/3 were manufactured before 1991 and 2000 were manufactured before 1977. He said you will not find a 1977 diesel truck out there today; instead, he said, you'll have to go to the school districts to find one. He said retrofits include clean fuels, engine replacements and emission control devices.

Mr. Johnson next said the sector characteristics affecting the incentive design include about 1/3 of the school bus fleet being privately owned. Second, the technology is broadly available. Buses running in Boston, for example, have full fledged filters that have been running without an issue for more than a year and a half or two years.

Mr. Johnson next introduced the recommendations for this sector which first includes more funding. He said grants are attractive incentives for this sector. He said an education and outreach program also needs to be developed. He said many school districts are not aware of the adverse health effects that diesel exhaust can have on children. He said they definitely need to give priority to upgrading the pre 1977 buses. Mr. Johnson said another recommendation is to focus on clean up and cost effectiveness. He said they need to find out where the emissions are coming from that get into the cabin and begin treating the emissions that the children are most exposed to. He said they also need to strive for geographic diversity and to make sure the funding is branched out accordingly. Lastly, he said they need to make sure that the incentives in programs do not economically disadvantage privately owned fleets and the districts where they operate.

Mr. Johnson next discussed the freight sector, which he said has very unique characteristics. He said this is a huge sector that represents 10% of economy, 20% of the non government employees, 66% of goods transported over roads, and 16% over rail. He said the emission inventories are roughly apportioned. He said combined truck and rail consume 35 billion gallons of diesel annually, which is 20% of all energy in the transport sector. In the future the demand for transport by truck and rail will increase dramatically.

Mr. Johnson next discussed the considerations in designing incentives. He said that they must keep in mind that trucking is only marginally profitable. Any economic incentive has to keep in mind the adverse impact that this could have in the fine tuning that the trucking community has with regard to their operating costs. He said if you combine emission control technologies with fuel economy and bundle this together as a SmartWay trucking company he thinks they can go a long way. He said there are unique aspects of the freight sector. They will haul their goods across the country and within regions so they'll be moving in and out of non-attainment areas. Mr. Johnson asked how to apportion the emissions and the conformity in the SIP accordingly.

Mr. Johnson next reviewed the key recommendations for the freight sector. He said there is a need for significant public funding for the purchase and installation of emissions reduction technologies. He said they're going to start with the Energy Bill and some CMAQ funding in the Transportation Bill. They need to promote favorable financial and tax incentives. He said they have a resolution of technical issues unique to the freight sector that has to do with this air quality benefit and apportionment across region and states. Lastly, outreach, promotion and marketing approaches are important and becoming more important.

Mr. Johnson next reviewed Clean Ports USA, saying it was also a unique sector. He said they have a wide range of diesel vehicles running in the ports sector. On one end there are trucks waiting in line to receive the goods and on the other end are the ocean going vessels that have the worst fuel in the world. The engines have to heat the fuel to liquefy it before they can be put into engine. This is an inefficient way of generating electricity. In addition to trucks and ocean going equipment, other diesel engines operating in ports include ferries and tugs, rail, dredging equipment in the harbors. He said there are also a wide variety of entities that use the port including military, coast guard, ferries, and fishing vessels. Additionally, port authorities are public entities. They encompass all sectors. Port authorities play a key role in port activity. They are located in non-attainment areas, maintenance areas, and attainment areas all with different air quality needs. Ports are also a key part of "good neighbor" policy. He said you have air blowing of the ocean going on land and if ports have high emissions the neighbors and commercial districts do not like this and there is a lot of public pressure to decrease emissions.

In terms of port sector breakdown, there are three basic ways that ports are operating. There are all inclusive port operations where the terminals are operated directly by the port authority. An example of this is the Port of Boston. There are landlord arrangements where terminal leases come into play with private operators. Examples of this are New York, Los Angeles, and Long Beach. Also, he said they have hybrids which are combinations of operating and landlord ports. The ports of Baltimore, Houston, and Tacoma are examples. He said the ports have been very active in certain parts of the country such as Seattle, Long Beach, and LA, which are initiating retrofit programs on their own because of this "good neighbor" policy. He said they're looking at large growth occurring at the ports driven by the cruise industry, cargo which is expected to double in the next ten years, more and expanded terminals, and harbor deepening, which brings in different types of ships. He said they have very distinct operational requirements and business models. Lastly, he said there is the homeland security issue which was brought to the forefront about a month ago with the proposal by the administration that was in the press. He said there's a lot of money now coming into the ports for homeland security that they may be able to leverage these funds in cleaning up the vehicles that are in the ports.

Mr. Nicholson next reviewed the key ports sector recommendations. The first recommendation is to assemble a suite of solutions to accommodate the diversity in the industry. Secondly, he said grants are preferred by public port authorities to pilot new technologies, deploy proven technologies, work with states and private entities, and help establish model state programs like Carl Moyer or TERP. Additionally, they're looking at tax incentives and loans/rebates preferred by private entities such as terminal operators. He said they also need to develop emissions inventories to focus incentives on the right parts of the port operations. He said the freight infrastructure feeds into this. He also said regulatory credits and recognition will be important and best practices must be shared. Evaluation and follow up are also very important.

The last sector Mr. Johnson discussed was Clean Construction USA. He began by saying that 93% of the equipment was privately owned and 92% of construction companies have less than 20 employees; therefore, they need to keep in mind that they have many small company operators when creating incentives. He next said that in 2001, only 60% of construction companies reported net profits. That means 40% did not have recordable profits so tax incentives might not be effective for 40% of sector. He next said 20-25% of construction funding is public so there might be a way of leveraging these public funds. Lastly, he said there will be rapid growth which has some potential.

Mr. Johnson next said that there is a consensus that they need more verified technology in the EPA and California Resources Board. He said they also have a significant resource gap in funding and are looking at establishing and administering programs. He said they have \$8 billion for CMAQ funding so they need to use this.

Mr. Johnson said that education and outreach will be very important. He said they have to get the word out to the small construction companies. He said the business and economic concerns are very important.

Mr. Johnson next said that they hold different views on regulations and mandatory requirements. He said they did not reach consensus on the regulatory options that are needed. They did come to some agreement, however, on contracting requirements. He said they agreed that contracting provisions could include retrofit bonuses, but they did disagree on bid preferences for clean equipment or requiring bidders to retrofit their equipment. This had to do with the preference that it might give to larger construction companies or smaller construction companies.

In terms of key recommendations Mr. Johnson said there are key synergies. He said they need to combine incentives, such as public funding, with contracting provisions. He said they can have contract incentives for retrofitting equipment, but on the other hand they need to have money available to offset the cost. He said there are innovative ways to leverage the combination of private financing with available government funds, for example, through cost loan programs. Additionally, Mr. Johnson said they needed to develop national programs of low interest loans and support retrofits. He said they also need to encourage programs of bridge financing to facilitate accelerated replacement of public sector equipment. They need to develop model programs, assistance, and model language for incentives including SIP credit and rebates. He

said they need to provide useful tools, education, information and outreach and lastly investigate operational modifications that have emissions benefits like idling guidelines.

Mr. Johnson concluded by discussing the potential for future work. He said they need to develop model guidance on idle reduction strategies and contracting incentives. He said they can assist in education and outreach on technology as well as funding sources. Lastly, he said they need to address resource gaps. He said they might be able to help given their many stakeholders.

Mr. Brenner said he's hoping the last line is indicative of a willingness on the part of the work group to continue to provide CAAAC with advice on these issues. He said Energy Star is a perfect example of what started with light bulbs and then expanded sector by sector. He said they have worked to transform the capital stock in each of the sectors by thinking about ways to approach each sector, which is analogous to what was done here.

Discussion of Diesel Recommendations

Ms. Catherine Witherspoon, California Air Resources Board (CARB), believed the presentation was terrific and much needed but thought the language throughout was too modest. She recommended that the word throughout the presentation to describe the mortality effect of particulate, which is present but underplayed, should be "substantial." She said that since the report is recommending an investment of \$52 billion, the language should be more straightforward about the need. Ms. Witherspoon commented that as the committee thinks about possible amendments to the Clean Air Act (CAA), EPA may want to consider using mandates to stimulate these activities. Ms. Witherspoon did not get a strong enough sense of priorities from the report aside from the need for retrofitting the existing school bus fleet. She commented that California is talking about the possibility of means testing as the amount of need exceeds the funding. She said there have been matching requirements but no means testing. She wondered if perhaps the national program is not ready for this, but as the amount of funding increases, it will come up. Transparency and fiscal auditing, she mentioned as also crucial to maintain public trust, although she said the report does not discuss this as much as it probably should. She suggested the report also consider the role of match requirements when discussing grants. In California, there was a one-third to two-thirds match until the amount of funding became so large that a cap was instituted. Short of regulations, it is another way to share the burden and share the rewards of public subsidy programs.

Mr. Brenner indicated that the committee might want to consider how to incorporate the recommendations which are going to be raised by the committee. He said that the working group that published the report might want to get together following the meeting to consider how to incorporate the recommendations and include an addendum for those recommendations that were raised by the committee but did not necessary reach consensus among the working group and committee. Mr. Brenner asked the larger committee if they felt this was an appropriate way to proceed.

Mr. Johnson noted that this is a consensus document and it involves a wide variety of stakeholders and as such, the wording used in the report is based on consensus from a wide

variety of stakeholders. Mr. Johnson agreed with Mr. Brenner's suggestion and thought it was a good idea to add as an addendum to the report a list of the non-consensus recommendations raised by the committee. He thought the recommendations raised by Ms. Witherspoon were fantastic and there were many recommendations which Mr. Johnson believes can be incorporated into report. Mr. Johnson particularly liked the idea of priorities and said that there are certainly measures which can be incorporated sooner rather than later. Fiscal auditing definitely, for example, has a place in the report.

Mr. Patrick Raher, Hogan, & Hartson, LLP, commented that when the CAA was amended, nobody really thought about diesel retrofits and Mr. Raher did not think the states and the country would be where they were without the leadership of Mr. Brenner within the Agency. This was a consideration that Congress did not include at all in the legislation and he wanted to commend Mr. Brenner for his work.

Mr. Brenner expressed his appreciation.

Mr. Raher echoed Ms. Witherspoon's comments about priorities concerning specific recommendations. It seemed to him that the emphasis of the report was on the longer term rather than the shorter term. Mr. Raher listed the following three short term specific priorities;

1. EPA and FHWA need to tell states and local regions how to get CMAQ money for diesel retrofits. Mr. Raher noted his difficulty getting anyone outside of California where Carl Moyer funding is available to do diesel retrofits because of this. When Congress amended CAA, it specifically charged the agencies to give CMAQ priority.
2. Obtaining SIP and conformity credits for diesel retrofits needs to be a priority. There are legal, policy, and quantification issues surrounding this and it is impossible to explain why localities are getting a benefit and how localities can get credit for diesel retrofits.
3. Certification process needs to be streamlined.

Mr. Raher did not see a reference to agriculture in the report but noted the tremendous potential in this sector noting that there are just as many if not more benefits to individual farmers which should not be overlooked. By including the sector, this also would bring in a totally new funding source from the Department of Agriculture which should not be ignored.

Mr. Brenner asked Lori Stewart to respond to the CMAQ issue raised by Mr. Raher.

Ms. Lori Stewart informed the committee that the three shorter term priorities raised by Mr. Raher are also on the top of EPA and FHWA's list. DOT has the lead on the CMAQ guidance, the application process and so forth. The hope is that the guidance they have been working on will be out within the next couple of months. EPA is also working on SIP guidance internally and EPA is hoping to get that out within the next month so states know how to calculate SIP credits for retrofit projects as well as a model rule for applying non-road retrofit reductions to the SIPs.

A committee member mentioned there are definitely deadlines coming up with EPA guidance documents for SIP and CMAQ conformity. Incidentally, he said that the retrofit cost-

effectiveness study went on EPA's website this morning. On the verification front, EPA has been working with manufacturers to see what works and identifying the most effective way to streamline the process. EPA plans on working with CARB to go through and revise each step of the verification process over the next couple of months based on the knowledge that has been acquired over the last couple of years.

Concerning the agricultural sector, the report, which is the result of sectors that were identified over two years ago, has since been added to the National Clean Diesel campaign as the fifth sector in that campaign and is one of the key sectors. EPA has been working closely with agricultural contacts within the Agency and contacts at the Department of Agriculture to develop a strategy as EPA moves forward with that particular component. This sector is not being neglected but was added to the mix a little later than the rest.

Ms. Ursula Kramer, Pima County Department of Environmental Quality, enjoyed the presentation and thought it was informative and substantive. Ms. Kramer believed that a comprehensive presentation such as this allows for more focused discussion which is evident from the level of specificity in the comments.

Mr. Brenner commented on the one hand, there has been an effort to limit lengthy presentations so that the committee has the time and opportunity to have a general discussion. On the other hand, if the meeting is limited to perhaps two main topics, there is time to have a presentation and some general discussion. Mr. Brenner said that Mr. Childers and he will continue to tinker with the agenda to try to figure out what works. In the meantime, Mr. Brenner encouraged comments from the committee about what they think works best.

Ms. Kramer asked Mr. Johnson what exactly went into the cost-effectiveness calculation which is cited in the report and asked if there are ways to persuade county and state departments that there are some longer term economic benefits. If it is not already in the report, Ms. Kramer felt that including these economic benefits would be very helpful. If economic benefits would not be a significant enough amount, looking at the SIP possibilities and guidance would be helpful.

Mr. Johnson mentioned that there is a health component in the cost-effectiveness calculation and it does include mortality and morbidity. On the cost side, everything from fuel to cost of equipment to maintenance has been considered as well. He noted that these are very thorough calculations done by experts.

With regard to taking the document back to state and local government bodies, Mr. Johnson mentioned that the working group did not consider it when they began the report. After looking at the document, Mr. Johnson and the working group realized it is not just recommendations to EPA but is also appropriate as a cookbook for how to simplify the retrofit process across all sectors. The working group would be delighted if the report were used as a reference at the grassroots level as well.

Mr. Brenner wondered if this does not lead to the recommendation that EPA develop a step-by-step guidance document for how local communities can go about creating a program.

Mr. Johnson mentioned that the report touches on this.

Mr. Brenner clarified that the analysis in the report is not cost-effectiveness, but cost-benefit ratios.

Mr. Kassel commented that the American Road Builders Association filed papers in DC circuit a couple of days ago challenging state and local authorities' ability to implement retrofit programs. Mr. Kassel urged EPA, Mr. Johnson and others to take a look at the filing to make sure the report says what it should say based on the lawsuit.

Mr. John Campbell, Caterpillar Inc., praised the work of the subcommittee. He said that the committee did the right thing by breaking it down by sector. After breaking it down by sectors, it is easier to do things that are acceptable to the end users involved. Secondly, he stated that there is funding and technology in place and engine manufacturers and others are working with EPA and other agencies to make sure that the expected outcomes occur so that the benefits of retrofit technology are retained.

Mr. Campbell also commented on biodiesel which brings up other issues. Most of the engine manufacturers today allow a biomixture of 5-30%. The problem, he said, was that each engine manufacturer has its own specifications. There are no standards in this country for biodiesel. The other problem is that since there are no standards, it is difficult to understand what the impact of the 2007 requirement will be or its effect on the diesel particulate filters. Without a standard, the industry is having a tough time figuring out what should be approved.

Ms. Sharon Kneiss of American Forest and Paper Association (AFPA) expressed her compliments on the thorough presentation. Ms. Kneiss wondered if the committee would consider whether EPA should increase the weight limits for trucks. The AFPA found that this would significantly decrease vehicle miles traveled. If federal government would allow the increase, there would be fewer trucks on the road and the amount of fuel used would decrease.

Mr. Johnson responded that the subcommittee did not specifically look at increasing weight limit, which they felt was beyond the domain of the report. The extent of their recommendation was that when auxiliary power units are added to the vehicle, the driver should not be penalized with reduced load.

Mr. Greg Dana, Alliance of Automobile Manufacturers, recommended that since new cars are so clean, if new cars could be exempt from testing for the first couple of years and car owners could pay a small fee which is less than the cost of testing, that could be used as a potential revenue stream to set up funding for other programs. This, he noted, does not have environmental costs.

Mr. Dennis J. McLerran, Puget Sound Clean Air Agency and a subcommittee member on the report, expressed that perhaps as the committee adopts the report, the committee can put in stronger language about the imperative to move these programs forward. This could be done, he said, with language that is separate from the report. He commented on a report issued last week that includes "PM2.5 Menu of Options" and the diesel retrofit options have a lot of detail about how to put together a successful diesel retrofit project. The report is available in hard copy.

Concerning getting the funding for this program, Mr. McLerran said that he and others have been trying to get the president to include funding for this in his budget and are trying to work with Congress to make sure this funding comes through. He said that currently there is one element of that funding which is problematic; the funding only goes out to non-attainment areas. Certainly it helps to have PM reductions in non-attainment areas but many of these problems are spread all across the country and if this funding is limited only to non-attainment areas, it will not get to everyone in the country which needs to get it. Mr. McLerran stated that attainment areas also experience air quality issues and the language that gives money only to non-attainment areas should be taken out.

A committee member said that the challenge is getting the legacy fleet retrofitted. He said this is a murky problem because it is difficult to establish where the sources are and where the opportunities are to retrofit.

With respect to the report, a committee member recommended that more emphasis be placed on getting inventories together. The elements of establishing the cost benefits of the technology and the success of the technology have been laid bare. If there is a more coherent inventory, especially specific to non-attainment areas, it would be easier for people to figure out where the opportunities are and put more energy into it because it will take a sustained effort to get this underway. He mentioned that a lot of troubling things are being said about what it means that Congress has mandated that retrofits are a priority. The committee member urged EPA to be clear about what that means and not waste a lot of time debating it.

Ms. Janice Nolan, American Lung Association, asked Mr. Johnson to talk more specifically about the necessity to improve the inventory of emissions, specifically as they related to the port sector. Mr. Johnson responded that specifically with regards to the port sector it had to do with priorities within the ports about where the emissions reductions ought to come. There is some itemization and inventory numbers on one of the ports but it is unclear if that is representative of the entire country. The inventory in that sector had to do with equipment by equipment inventories. Ms. Nolan asked if it is accurate then to say that it is unclear what ports' sources contribute to non-attainment areas.

Mr. Brenner responded that the reason the ports are getting priority is because the potential to reduce emissions is surprisingly large. Two ports received awards at the awards ceremony yesterday for their work in this area and the ports themselves are starting to share information between themselves. There is not a complete inventory of port sources but enough is known to know that there is great potential to reduce emissions in this sector.

Mr. Avant stated that he read the report with great interest. He questioned the calculation on page 35 of the report which discussed bundled costs for adding units and stated that after three years profits for the companies jump \$600 a month. Without having seen the calculations, Mr. Avant questioned these figures and wondered if the lifecycle costs of those bundled units had been included. He thought it was a good recommendation but thought the calculation might be questionable. He went on to say, 10% of the producers in the country produce 90% of the agricultural commodities in this country. When discussing the legacy fleet, 90% of the farmers

in this country have a legacy fleet. There are a lot of old tractors out there but in terms of the impact of those users, it's a waste of time to focus on them. According to Mr. Avant, those tractors may only be used about 100 hours a year and those types of things need to be considered. EPA should not be wasting their time on retrofitting equipment at these types of farms.

Mr. Avant stated that agriculture should be included in the report because of the significance of this sector, the uniqueness of the response to the agricultural fleet, and the fire safety concerns in particular applications.

Mr. Avant feared that the recommendation to increase the truck weight limit from 80,000 to 97,000 would not be received well at DOT where they will have concerns ranging from bridge integrity to pavement design. Mr. Avant favored the recommendation but did not think the Department of Transportation would agree.

Mr. Avant expressed that he would be happy to be involved in adding the agricultural sector to the report and noted that there was not one agricultural representative included on the report while other sectors were represented.

Mr. Brenner mentioned that the 90/10 agricultural sector statistic is important and is another aspect of priority setting which should be thought about.

Mr. Greenbaum commented that the fact that this country still has 2,000 30-year-old buses still taking school children to school every day is an embarrassment. This is for safety concerns as well as emissions and he said should be an immediate concern. He thought the report was great but thought there was some stuff, such as the 2,000 30-year-old buses, that should be emphasized more strongly in report. In the ports area, Mr. Greenbaum was surprised that there were no suggestions that EPA needs to get more involved in maritime and ports sector including fuel and engine quality. This, he commented, is a long term recommendation but the report should suggest that EPA accelerate its efforts.

Mr. Henneke made a comment on the process as the committee moves forward in considering recommending the report. He said that while the report may be a consensus document, the full committee will choose to submit the report with the committee's comments or the full committee will choose to submit their comments and not the report or the committee will submit their comments and not the report.

Concerning truck weights, Mr. Henneke suggested to Ms. Kneiss that their organization do a NO_x or PM per ton mile analysis. Most engines have higher NO_x at higher loads and this increase tends to be exponential. Mr. Henneke recommended this analysis before Ms. Kneiss suggests higher truck loads from an environmental standpoint. Concerning the ships coming into harbor, Mr. Henneke pointed out that all ships have multiple fuel tanks. It is plausible and within EPA's authority to have ships burn cleaner fuel when docked at port.

Commenting on consensus for the report, Mr. Henneke wondered if it would be consensus from the full committee to bold, underline and emphasize the information regarding SIP credits and

technical specification process. While many people in the Agency are working on getting these guidance documents out and fixing the process, it does not help if the results are not out at a local level yet. Mr. Henneke suggested that the Agency get the information out concerning verification and SIP credit calculations and then work on the process.

Mr. Brenner said there are two choices on how to move forward with the report. One, the members of the working group could consider these comments and include them in the report and with that understanding, the committee could recommend it to the Agency. Second, the committee can look at the report at a future meeting after the recommendations have been included and then decided whether to recommend it to the Agency.

Ms. Stewart suggested that a revised report, including the committee recommendations, could be recommended to the Agency prior to a future meeting with the committee deciding on the revised report via email or conference call. This would avoid waiting too much time and not getting the message out.

Mr. Richard Bolton, Center for Toxicology and Environmental Health, LLC mentioned that he would be distributing the report in Tennessee to about 35 individuals from different sectors. Mr. Bolton said he would be interested in knowing the status of the various guidance documents on which the Agency is working. Mr. Brenner said that they will report on where the SIP guidance, verification process, and CMAQ guidance are at the next meeting. Mr. Bolton mentioned that a state level, that is guidance that could be used right away.

Ms. Elaine Mowinski Barron, JAC Paso Del Norte Air Quality, thought that Mr. Johnson's presentation was time efficient for the entire committee, provocative, and organized. Organized information, she commented, leads to more productivity.

Ms. Barron said that when these types of recommendations go to local agencies, perhaps it is worthwhile to explore different areas for tapping dollars and perhaps EPA could suggest different areas, knowing what money is available. In El Paso, the railroad commission provided funding for the school bus fleet to convert to natural gas so there are other funding avenues available beyond EPA.

Ms. Barron also said that when discussing diesel fuel, it is important to figure out how to include the effects on waterways.

Mr. Wyman encouraged the committee to look at the Ports of Los Angeles and Long Beach website which have done extensive inventories as well as the CARB website which includes recent health assessment of ports.

Mr. Wyman mentioned that there is a lot of focus on reliance on public sector financing. This is not going to get accomplished without private sector financing. He expressed that the best way to do this may mean getting regulatory programs in place which means mandates. This does not mean that EPA should put traditional mandates in place, particularly given the difficulties with legal authority in some of these areas. He noted that there are some innovative approaches that can be used to make it in the economic interests of some of these sources to participate in this

program in a way which is still binding and will ensure that air quality and health objectives are met.

Beyond that, Mr. Wyman noted that even if public sector financing is available, there are still other challenges. Truck drivers in California, for example, are not taking subsidies for retrofits because of the income tax implications. He thought that there are possibly people around this table who know how to get around issues like this.

Mr. Wyman also thought there should be some discussion in the future about how long the life of some of these engines can last after being retrofitted. As the attempt continues to integrate engine and environmental policy, it will be important to discuss to what extent these retrofit solutions are engine modifications as opposed to engine treatment because it will have significant effect on overall fuel economy.

A committee member suggested as a compliance strategy near zero sulfur fuel. He said that the governors of Pennsylvania, Montana and other coal states have been promoting the production of zero sulfur fuel through gasification of coal and petcoke. Diesel fuel from coal is about 35 dollar a barrel as opposed to 65 dollars a barrel from foreign sources. Although this country has a clean diesel fuel standard, it is not zero sulfur diesel fuel. He thought the report was superb on the technology side but the committee needs to be clear that this is only one part of the equation. This would be the perfect opportunity to begin an integrated approach by decreasing costs and decreasing dependence on foreign oil. He said there would be a lot of support among governors and there is a lot of support from the Congress already. It would be a compliance alternative to the owners of this equipment and begin the process of EPA looking at these issues in a broader, more politically supported approach.

Mr. Brenner reported that there is an EPA group which is working on coal gasification issues and how best to proceed in that area as well as the other opportunities mentioned.

Mr. DeLucia thought the report was superb and the mayors and governors are going to have a lot to say about this report. He commented that there are many important benefits for health but there are also important effects that this report can have on climate change.

Mr. Cooke made three points. First, he reported that there is another group which is a part of TERP called the New Technology, Resource, and Development Program and in working with them. There will be a \$6 million request for a proposal later this spring for verification of specific retrofit devices that can be distributed to individuals involved in these types of programs. The program will communicate and coordinate with OTAQ to hopefully have some cost efficiencies and time efficiencies for verification of these retrofits so that when the committee meets again in a year, Mr. Cooke can discuss the success through this program. Second, he noted that the SmartWay protocol with mobile credits is also an interesting challenge. Third, in Mr. Cooke's research, the equipment used in the construction sector is privately owned but over sixty percent in Dallas and Houston area is influenced through public contracts. Therefore, it is possible to put an incentive attached to contracts to provide more money if contractors comply and get new construction equipment. It is being used for the first time in Dallas and Houston. The emphasis, Mr. Cooke stated, is that because the construction

equipment is used for public contracts there is the public ability to influence those construction projects.

Mr. Brenner suggested a few options for how the committee can proceed. One option is to tell the working group that the report is in pretty good shape and direct them to incorporate, to the extent that is feasible, the recommendations of the committee and to note that the more complicated recommendations are on the working group's future agenda. To the extent that some recommendations are those of individual's and may not reflect entire committee, those can also be listed as part of the report. Mr. Brenner stated that if it is determined that that is not an appropriate way to go then the committee will have to establish the additional steps that would be needed before the committee would be comfortable sending this report to the Agency.

Mr. Henneke recommended a different approach suggesting that the committee submit the report as it is with the comments so that the report can be submitted to the Agency. Therefore, at next meeting, the Agency can comment officially on what progress has been made. It continues to be talk, he noted, until the committee officially submits it.

Ms. Witherspoon agreed with Mr. Henneke's recommendation and asked if the report would be posted on EPA website. Mr. Brenner responded that it would.

Mr. Childers informed the committee that if they would like to officially submit the report to EPA that there were enough committee members present to do so. The minutes from this meeting would be collected and submitted back to the committee for their approval and corrections and then submitted as part of the report. Mr. Childers said there is the opportunity to take Mr. Henneke's suggestion.

Ms. Barron wanted to make sure that if there are any legal issues at EPA raised by the report that Mr. Brenner does not let it drop within the Agency. Mr. Brenner said that no legal issues would be raised by the submission.

Ms. Vickie L. Patton, Environmental Defense, suggested that someone should review the legal issues raised in this report in light of the suit that was just raised against the ability of state and local agencies to implement retrofit programs.

Mr. McLerran was strongly in support of Mr. Henneke's approach. As a member of the subcommittee for the report, he said that if the working group had to take all the comments back, it would not be a pretty process and would not happen in a timely manner.

A committee member asked how the comments from the committee and the report will be presented to EPA and online. Mr. Childers responded that the report would be submitted to EPA immediately and then the comments, after being recorded and reviewed by committee members would be submitted to EPA as well.

Mr. Dana agreed with Mr. Henneke's proposal and thought it would be a bad precedent for the committee to rework a report that was put together by experts.

Mr. Brenner moved to submit the report along with comments from the committee. Consensus among the committee to move forward with this approach was met. Mr. Brenner commented that the report is approved and the comments will be passed along to members of committee to look over and amend if appropriate. Mr. Brenner also commented that the working group may want to look over a few things before formally submitting to EPA so it will not be submitted immediately.

Mr. Johnson commented that the recommendations which were heard at the meeting were fantastic.

Ms. Stewart acknowledged Ms. Gay McGregor who co-chaired the working group along with Mr. Johnson and who was unable to be at the meeting.

LUNCH

Remarks from Acting Assistant Administrator of the Office of Air and Radiation – Bill Wehrum

Mr. Bill Wehrum, EPA – OAR, opened the CAAAC afternoon session by acknowledging the Clean Air Excellence Awards ceremony last night. He thanked Pat Childers, his intern Melissa, the EPA awards selection panel, the CAAAC awards review panel, ICF consulting, and Pat Raher for hosting the reception. Mr. Wehrum then gave a brief presentation about EPA OAR's priorities for 2007 in relation to the Clean Air Act. He stated that they will be working to implement certain clean air programs. Specifically, they will work with states to implement Ozone and PM_{2.5} National Ambient Air Quality Standards (NAAQS), the Clean Air Interstate Rule, the Clean Air Mercury Rule, on-road and non-road rules, and air monitoring network restructuring. They also plan to develop new major rules including air toxics residual risk and area source rules, a mobile source air toxics rule, locomotives and marine rules, and small engine rules. Another priority in OAR will be to support voluntary programs, which have been successful in the past, as shown by programs like Energy Star. They plan to focus particularly on reinvigorating the radon awareness campaign and on voluntary programs for radon because there is a lack of regulations for radon. Other key voluntary programs include the National Clean Diesel Campaign and the Smart Way transport program. He added that if CAAAC members have issues of concern that are not on the list, it does not mean OAR will not be focusing on them. The list simply indicated what the highest priorities are currently. He then asked for any questions.

Comments

Ms. Nolan raised an issue that Mr. Wehrum had not mentioned, which was the proposal for the review of the process for setting the NAAQS. She asked what the opportunities would be in the future for public discussion and input on this process.

Mr. Wehrum responded that in December 2005 they undertook a review of the NAAQS review process at the request of the Deputy Administrator, Marcus Peacock. He said that because it is such a complicated process resulting in a policy decision, there are certainly areas for improvement in the process. He explained that over the past few months a group of experienced and knowledgeable people prepared an explanation of how NAAQS review works, went through the assessment process to generate ideas of how to improve the NAAQS review process, and on Monday issued a report with recommendations of how to improve the process. In response to Ms. Nolan's question, he said that there are some recommendations in the report that are straightforward and can be addressed quickly, but there are others that are more complicated and will require more work and discussion. He indicated that in the process of working on the more complicated issues there will be opportunities for public input.

Ms. Nolan responded that the ALA was concerned by some things in the memo because they do not believe all of the aspects of the NAAQS review process need debate, for example, the role of the staff paper which the ALA considers very important. She stated that the ALA is very interested in being sure that the EPA gets its five year cycles in place and they would like to be involved in discussions of how that happens. She encourage EPA to ensure that the recommendations in the memo have sufficient consensus before any substantial changes are made because currently there is disagreement with some recommendations and ALA feels more discussion is necessary.

Mr. Wehrum thanked the Ms. Nolan and asked for any more comments or questions. He then thanked the committee and Mr. Brenner resumed moderating the meeting.

Mr. Brenner introduced Jeff Muffat to begin the presentation of the Title V Task Force Report.

Final Report of the Title V Task Force

Jeff Muffat, 3M Corporation, explained that he came on as the New Source Review Subcommittee co-chair half way through process and indicated that the members put a great amount of work into the report they generated. He said the Task Force was comprised of 18 individuals, six people representing each of the three stakeholder groups: industry, environmental groups, and state and local agencies. They developed 100 recommendations. He announced that Shannon Broome, Bob Hodanbosi, Karla Raettig, each representing one of the three interest groups, would give a presentation summarizing some of the recommendations. He said that after the presentation the full committee would discuss what action should be taken with the report.

(See attached presentation)

Shannon Broome, Air Permitting Forum, explained that in May 2004 the Task Force was charged with evaluating what was working and what was not working for Title V permitting and generating recommendations of how to improve the Title V program. The Task Force held three public hearings and accepted written comments until March 31, 2005. The Task Force deliberations began in February 2005 and lasted through March 2006. The final report was

produced in April 2006. The Task Force addressed a range of issues related to Title V content and process. For each issue, a group composed of one person from each of the three interest groups worked to develop an issue paper that describes the issue, supporting information, Task Force discussions, and the recommendations. She explained that the term “recommendation” does not indicate consensus by the Task Force.

Ms. Broome discussed the first issue paper on ‘Costs and Benefits.’ She said state agencies and industry groups indicated that the costs of Title V programs far exceeded their expectations. Recommendations included best practice sharing to capture program benefits at a lower cost or burden level.

Bob Hodanbosi, Ohio EPA, discussed the next issue: ‘Incorporation of Applicable Requirements’. The Task Force addressed how MACT standards might be incorporated into the Title V permit, which is an important issue because many states are putting the entire MACT into the Title V permit, which makes a very large permit. The majority recommended using a citation approach to incorporate MACT and other standards into Title V permits. The Task Force also addressed how to incorporate construction issues into Title V permits and recommended that the terms and conditions be repeated in the Title V permit and the a citation to the construction permit only be used if the permit is available for review.

Mr. Hodanbosi then discussed the next issue: ‘Insignificant Emission Units,’ which generated differing view points. Some Task Force members said that these emission units should not be in the Title V permit, while others felt that any emissions unit at a Title V facility needed to be included. The majority recommended eliminating insignificant emissions units from inclusion in the program because the administrative burden outweighs the environmental benefits, but they suggested that any unit not included in the program would not have a permit shield.

Ms. Broome then discussed the issue of ‘Monitoring’, which was one of the biggest and most divisive issues addressed. She explained that there are many different legal interpretations for this topic and ultimately the Task Force felt these issues would be best resolved in litigation.

Ms. Broome also discussed the issue of ‘Title I/Title V Interface’ which share a similar process and have redundant procedures. There has been confusion around this issue because some states have voided Title I permits while others retain them. Another related issue was the SIP gap, which results when a SIP has been revised at the state level but not yet reviewed by EPA so it is not clear how this should be dealt with in the Title V permit. Recommendations include additional options using current rules to eliminate the Title I/Title V two-step process and expedite the processing of SIP revisions. Ms. Broome then discussed ‘New Substantive Requirements’ issues, which include states imposing monitoring parameters as enforceable limits, which sometimes leads to more stringent limits than applicable rules. There was general agreement among Task Force members that Title V does not authorize imposition of any new or more restrictive emission limitations.

Ms. Broome said the Task Force also discussed ‘Permit Definitiveness’ issues including the scope of the permit shield and whether the credible evidence rule undermines the permit shield. The Task Force did not achieve consensus related to these issues. She said another issue the

Task Force dealt with was ‘Compliance Certifications,’ specifically what format should be used. The majority of the Task Force recommends the short form while the remainder is split among three options ranging from a modified short form to the long form. She said that the Task Force did reach consensus on several specific issues regarding certifications, such as, space should be provided for the permittee to clarify or explain its certification.

Mr. Hodanbosi reported on Task Force discussions regarding ‘Startup, Shutdown and Malfunction (SSM)’ which focused on whether SSM defenses in both SIPs and federal rules create enforcement and compliance problems. Five recommendations were offered in the Task Force; one that received consensus was that the Title V permit should be clear as to what limits are subject to the emergency defense. The majority supported the recommendation that if a rule does not adequately address SSM, the rule should be revised rather than addressing issues on a permit-by-permit basis.

Karla Raettig, Tulane Environmental Law Clinic, reviewed Task Force discussions of the two main issues related to ‘Compliance Schedules.’ The first issue is what constitutes a “determination of noncompliance” that would require inclusion of a compliance schedule in a permit. The second issue is permitting authorities obligations to investigate and resolve noncompliance allegations before issuing Title V permits. She stated that the Task Force determined that the topic raised legal issues that could not be readily resolved and therefore they did not offer any recommendations.

Mr. Hodanbosi discussed the issue of ‘EPA Review of Proposed Permits’. He stated that the Task Force majority recommended a concurrent EPA and public review unless a significant comment that is germane to Title V permit proceeding is submitted by someone other than the permittee. In this case, the review would be sequential. However, there was debate regarding the transparency of what constitutes “germane” and “significant.”

Ms. Raettig presented topics that the Task Force addressed related to public involvement. For the issue of ‘Public Access to Documents,’ she said there was general agreement that permitting authorities should maintain an accessible and complete file of the relevant documents and make certain these documents are available online. However, she said there was disagreement as to which documents are relevant to a Title V permit. The issues related to ‘Public Hearings’ generated some debate about the state’s discretion for deciding when to hold and when not to hold public hearings. She stated that the environmental groups believe that public hearing provide an important opportunity for the public to participate in the permit process.

Ms. Raettig also discussed issues with ‘Public Notice Throughout’ the Process including how to provide better notice using the internet and other ways and the importance of giving notice throughout the entire process. She said the Task Force also discussed the issue of ‘Statement of Basis.’ She reported that there was consensus on most items that should be included in a statement of basis for initial permits, renewals, and revisions; and consequences for permits issued without a statement of basis. She also discussed issues with ‘Response to Public Comment.’ She said that permitting authorities not responding to public comments is a real problem and the majority of the Task Force agreed that permitting authorities should respond to each comment received and send a copy of all responses to EPA . She said the Task Force was

split on whether the approach to enacting this recommendation should be issuing guidance or changing the regulation.

Ms. Broome next introduced the ‘Permit Revisions and Operational Flexibility’ topic. Examples of issues raised include: 1) reopening/revising permits for MACT; 2) lack of timely revision processing/system sustained by minor mod and off-permit application/notice; 3) scope of administrative amendment category; 4) permit engineer confusion re which path applies; and 5) merged construction/Title V programs (a not-insignificant minority) classify man changes involving little or no discretion categorized as significant.

Ms. Broome next discussed the recommendation topics. She said they decided it was not productive to try to agree on whether or not the rules should be revised. Instead, they created two sets of recommendations – one to improve current rule implementation and another assuming rule revisions. Ms. Broome said the current rules address a variety of topics, an example being, off-permit and minor modifications.

Ms. Raettig presented the last topic, ‘Appeals and Petitions’, meaning sources of appeal for the permit and petition by the public to have EPA object to the permit. Some of the issues under this topic are first that some states are very slow in processing sources’ permit appeals. Secondly, EPA is slow in responding to petitions for objection to permits and lastly both of these processes are not transparent (i.e., poor communication with petitioner, permittee, or permitting authority).

Recommendation topics are that they seek to expedite appeal resolution and consideration of source stay requests, improve transparency of the petition process, and expedite EPA petition responses. Lastly, Ms. Raettig, said they need to address concerns regarding resolving programmatic issues in individual petitions/appeals w/o public input.

Discussion on Title V Report

Mr. Raer said that he was fully impressed by presentation. He said the document was done very well. He said it identifies interest areas of support and non support and thinks it should move on to the Agency for consideration. He said with a document that contains so much information and substance, he’d like to see what the Agency’s response is. He said he would like to see that the Agency provide feedback on the document by the next committee meeting. This feedback would include what they’ve looked at and what they’ve prioritized based on their budget and how they think the committee should proceed based on public comment. By doing this he does not think the committee will lose touch with this great piece of work. Mr. Raer said he would like to make one recommendation that he heard the other day. He said there are a number of recommendations that begin “these are best practices...” He said some are good recommendations that have been identified from various agencies and he’d like to see if there’s a way for the Agency to get these out even faster than before their next meeting. He said if they can do that he thinks there is a potential for a short term and a longer term proposal.

Ms. Barron said there are best practices of medicine in order to get away from errors that have been committed by medicine. She thinks they should follow this outline of practice on an agency measure. She said these best practices are scientifically known and demonstrated and

therefore should be followed. Ms. Barron also commended everyone for their enthusiasm and dedication. She said she did not want to see this document go idle. She recommended that the committee reach an agreement that the document goes to EPA.

Mr. Muffat also thanked everyone for their assistance.

Mr. Dana said he agreed that this was a very good report and it should move ahead to the Agency.

Ms. Kramer echoed everyone else by saying that the document should move forward. She said she would like to hear back from EPA about what's happening. Ms. Kramer also suggested that they use the State and Territorial Air Pollution Program Administrators (STAAPA) and the Association of Local Air Pollution Control Officers (ALAPO) to get the recommendations out to the STAPPA/ALAPCO members to get this out to the state and local air directors.

Ms. McCabe said she agrees with getting the recommendations to state and local air directors. She said they need to keep in mind that implementation will take a huge amount of resources at state level. She said states are often very constrained in resources and the ability to hire people.

Mr. Walke asked the Agency not pursue any guidance-making that does not have consensus recommendations in this report in the arena of Title V. He said this task force was undertaken at a time when one of the public health groups was seeking to reinstate some litigation that has been outstanding since 1992 concerning this program. He said he does not want to see the task force delayed by litigation.

Mr. Harnett raised the issue that there were a number of issues where it was impossible for the group to decide on recommendations. He said Mr. Wyman had suggested that it might be useful for EPA to look at the areas where consensus could not be reached and put them up for discussion in a subcommittee.

Chuck Knauss, Swidler Berlin LLP, agreed that it would be helpful to pick out some issues for subcommittee work. He said the report was a great document because it was produced by multiple stakeholders and all the views are reflected. He said the diversity of support for the various recommendations by the stakeholders is reflected in the report. He said he disagreed with Mr. Walke's suggestions; instead, he thought that the Agency should review the entire document regardless of the diversity of support for particular recommendations.

Mr. Muffat next read what he and Mr. Harnett had put together to recommend to the full committee:

We recommend that the Clean Air Act Advisory Committee request EPA to review the Title V Task Forces final report to the CAAAC and respond to each of its recommendations taking into account the particular pattern of task force voting on each one. For the recommendations that EPA accepts, EPA should also indicate its plans for their implementation and report back to the next CAAAC meeting in August.

Mr. Rather asked about the recommendations that EPA does not accept.

Mr. Muffat said that if they do not accept a recommendation it will go back to the subcommittee or the full committee and these committees will get a chance to see why they did not accept the recommendation.

Ms. Patton asked why they would not frame that instead as a recommendation for EPA to carry forward with areas where there is unmitigated consensus.

Mr. Muffat said that this had been discussed and it was thought that they need to make progress with this even if it's making baby steps. He said there was also a response from some that said recommendations should not be pursued even with consensus if they are resource intensive for states or EPA. He said they could include this with the caveat that if it does become resource intensive it returns to the cue with the other recommendations.

Mr. Dana asked for clarification on Mr. Muffat's first statement.

Mr. Muffat clarified that this committee should have the report passed to EPA for review with respect to the amount of support received from each of the groups and to have EPA then develop an implementation plan.

Ms. Nolan said that her understanding of a recommendation is that one person could make a recommendation. She asked if they're suggesting that every single recommendation, regardless of the support, is going to EPA as a recommendation from the work group?

Mr. Harnett said he wanted to include all the views including minority views. He said in a number of these areas the recommendations overlapped on different approaches to the same issue. Mr. Harnett said in order to resolve how to respond to the issue it is necessary to pick upon differing perspectives on how best to handle it. He said his feeling was that it was important to have recommendations on the table even with limited support. They felt it was important to get feedback on all recommendations so they know what can move forward and which recommendations the committee should push back. He said he would rather bring all the recommendations forward and receive feedback than to start picking and choosing.

Ms. Nolan asked if the working group was suggesting that EPA should then implement the recommendations that EPA foresees as implementable regardless of the consensus status of that recommendation.

Mr. Harnett said he understood the concern, but his feeling was that they would be reporting back to the committee on what their plans would be to proceed and which ones they would not be proceeding with and to get feedback from the committee. He said there was consensus among all parties that the statement of basis should be prepared now by every state agency or permitting agency. He said he would like to move forward in working with the states and permitting agencies to get this to happen and not wait until August to get feedback. He said he would like the ability to move forward with things that have a general consensus or majority agreement. He said he thinks they have a feel for the controversial areas.

Mr. Campbell said he supports the recommendation that they bring it forward to EPA and receive feedback. He said if there is time to look at it in more detail and report back as committee members to EPA he'd like the opportunity to do that.

Mr. Muffat said that comments from the full committee can be submitted to EPA before April 28th.

Ms. Patton highlighted the importance of encouraging parties to come together and sort out issues. She asked if it made sense to have the focus of the Agency be on areas where there is unmitigated consensus to recognize this, especially given the committee has been so controversial. She said being from the environmental community, she does not think they want to endorse a recommendation that does not have full consensus.

Mr. Brenner said the report was outstanding especially given how difficult the discussion has been over the years. He asked the group if submitting the report and then getting feedback on how recommendations should be implemented worked for the group. He said in the meantime, the focus should be on the recommendations where there is broad consensus. He asked if he was capturing the feeling of group with this statement.

Mr. Knauss said if broad consensus meant the majority of the group he would agree. Otherwise, he said he cannot support having a signal from this group suggesting the Agency only be moving forward with only those with complete consensus. He said there are many other recommendations that had near complete consensus that were important.

Mr. Harnett reminded everyone that in four months they probably would not be very far along other than digesting the document.

Mr. Brenner said the concept is for the Agency to understand that where there is broad consensus the committee is a lot more comfortable proceeding with these recommendations than to the extent that it's evenly split or something where there was virtually no support. He asked again if they had a concept that worked for the group.

Mr. Walke said he thought they did need a clarification on expectations. He said his reading of the report was that there were some 2 -1 blocks in the voting. He said it would not be constructive for the Agency to take forward the recommendations of these blocks.

Mr. Knauss said there are a number of rules that the Agency is working on now that are topics addressed in this report. He said he does not want the Agency to think this group was blocking the Agency from moving forward on rules that are in process.

Mr. Brenner said he thinks the concern is that no one wants to have a situation where the Agency says they're moving ahead because the task force supported it regardless of a minority support. He agreed that they did not want to have this situation. He said they should not use this as a justification for proceeding if there is not broad support within the group that developed the report.

Ms. Barron said she thought the recommendations in the report explained those items that were consensus and the topics that failed to come to consensus very well. She said those opinions were reflected in the total body of the report. She said this reflection was why they came to an agreement that the report should move forward. She said they should get it to EPA and let the public cry out for more if there are areas which have been neglected.

Gary Jones, Graphic Arts Technical Foundation, said he was 100% behind the report. He said the value of the document in terms of the Title V problem is that it gives balance in terms of what most people think would work to correct the situations discussed. He thinks the report gives EPA a way to weigh the support of the different opinions and suggestions.

Mr. Dana agreed that the report needs to move forward and the result of the Agency review will come back to the committee.

Mr. Brenner said in moving ahead they need to take advantage of the fact that they were able to bring together a group of stakeholders and enable them to work constructively together. He said he wants to continue to build on this as they move forward with implementation.

Mr. Johnson repeated that comments can be submitted by the 28th.

Mr. Brenner asked if there was general agreement on the concept that Mr. Muffat laid out with the additional discussions they had which clarified how they'd proceed over the next three or four months.

A member of the task force asked that when the Agency moves forward on such items that the environmental community opposed, that they not use the task force report in a way to say that the task force supported a recommendation and that's why they're moving forward with it.

Mr. Harnett said he does not expect there to be referral to the "task force" for anything. He also said to the degree that they ever do characterize anything coming out of the report; he said he promised that they would be accurate and go into detail so they're not wrapping people into a place that they did not support.

Mr. Brenner clarified that consensus had been reached to move the report forward, thanked everyone, and ended the meeting.

Concluding Remarks and Next Meeting

Mr. Childers said he sees next meeting as EPA get back to the CAAAC meeting. He said he's looking at potential report outs for next meeting being AQM phase 1 report, a possible EPA response on the Title V report, the follow up on the diesel report, and lastly the report out for a little group that has been trying to get back on the agenda. He said they'll have to choose among these reports because these are far too many to report in one meeting.

Mr. Childers requested that committee members get back to him concerning their preference for the next meeting. There were two options. The committee could meet the first Wednesday and

Thursday of April, August and November or May, September and December. Mr. Childers thanked the subcommittee chairs. The award programs went wonderfully last night and Mr. Childers requested that committee members let him know if they have any questions. He mentioned that there has been discussion about changing the categories to combine transportation efficiency and community development and make the fifth category an award for excellence across all categories.

Mr. Marquez asked about the location of future meetings. He said the crowds in the area and airlines were an inconvenience.

Mr. Childers said a reason for their troubles is that DC is becoming a popular location. He said they made their final decisions of where to be very late in the manner so it limited them.

Mr. Brenner mentioned that the May option might be an attractive option if it is a hassle coming here in April.

Mr. Wyman suggested that future awards ceremonies include a speaker addressing a topic of general interest, be located near the Capitol Hill, and have elected officials and media in attendance.

Ms. Patton said that as the committee moves forward she would like the committee to look at environmental issues in an integrated way. She respectfully requested that the committee have a dialogue about those issues, including combining energy and environmental policy. This is important at a time when the country is at a very important crossroads. Ms. Patton also brought up the issue of coal gasification.

Mr. Brenner said this was an important issue. He said there is a task force in the Agency looking at coal gasification. He said they definitely want to have this energy/air quality discussion in future meetings.

Ms. Patton mentioned that states and tribes are getting involved in this conservation.

Mr. Jones suggested that as they're talking about the suggestions on the Title V report they could hear an update on the flexible permit regulation.

Mr. Childers said that maybe the issue was something that can start at the subcommittee level and then get moved up to the full committee. Mr. Childers will try to have as many things on the agenda as possible but he thought it would fit in.

A committee member also stated that the committee's mandate also includes addressing environmental justice concerns. Environmental justice perhaps was not included as prominently as it should have been in the Title V taskforce.

Mr. Childers congratulated the group for two great meetings mentioning there were 28 attendees in El Paso and there was a great showing at this meeting as well.

CLEAN AIR ACT ADVISORY COMMITTEE (CAAAC)

April 6, 2006

Crystal City Sheraton

Arlington, VA

List of Attendees

<u>NAME</u>	<u>AFFILIATION</u>
Paul Argyropoulos	World Fuels Conference
Robert Avant	Texas Department of Agriculture
Elaine Mowinski Barron	JAC Paso Del Norte Air Quality
Richard Bolton	Center for Toxicology and Environmental Health
Rob Brenner	EPA- OAR
Shannon Broome	Air Permitting Forum
John Campbell	Caterpillar Inc.
Gregg Cooke	Guida, Slavich,& Flores, P.C.
Greg Dana	Alliance of Automobile Manufacturers
Anthony Delucia	East Tennessee State University
Dan Greenbaum	Health Effects Institute
Ben Henneke	Clean Air Action Corporation
Bob Hodanbosi,	Ohio EPA
Timothy Johnson	Corning Incorporated
Gary Jones	Graphic Arts Technical Foundation
Rich Kassel	Natural Resources Defense Council
Chuck Knauss,	Swidler Berlin LLP
Sharon Kneiss	American Forest and Paper Association (AFPA)
Ursula Kramer	Pima County Department of Environmental Quality
Janet McCabe	Improving Kids Environment
Dennis J. McLerran	Puget Sound Clean Air
Jeff Muffat	3M Corporation
Janice Nolan	American Lung Association
Vickie L. Patton	Environmental Defense
Karla Raettig	Tulane Environmental Law Clinic
Patrick Raheer	Hogan, & Hartson, LLP
Chris Recchia	Ozone Transport Commission
Debbie Stackhouse	EPA OAQPS
Lori Stewart	EPA - Transportation and Regional Programs Division
Eugene Trisko	Attorney at Law
Bill Wehrum	EPA OAR
Catherine Witherspoon	California Air Resources Board (CARB)
Bob Wyman	Latham and Watkins