

Clean Air Act Advisory Committee (CAAAC) Teleconference

June 25, 2013

3:00 – 5:00 PM

Roll Call and Introduction

Jim DeMocker, U.S. Environmental Protection Agency (USEPA or the Agency), thanked everyone for joining the teleconference. Mr. DeMocker introduced Jenny Craig, USEPA, as the Designated Federal Officer (DFO). Ms. Craig replaced Pat Childers, USEPA, who served as the Clean Air Act Advisory Committee (CAAAC) DFO for nine years. Mr. DeMocker commented on the President's speech regarding climate change and his climate action plan. He reviewed the agenda for the teleconference. Mr. DeMocker invited Gina McCarthy, USEPA, to speak before turning over the presentation to Janet McCabe, USEPA, to provide updates on air issues.

Ms. McCarthy welcomed everyone to the teleconference. Ms. McCarthy commented on President Obama's climate change speech, which laid out a broad-based climate plan. Ms. McCarthy noted many initiatives in the President's plan revolve around the Agency's efforts. The President's charge provides an opportunity for USEPA to have more interaction with the states on the issue of climate change. The President tasked the Agency with reviewing New Source Performance Standards (NSPS) for new and existing facilities (specifically power plants). Ms. McCarthy explained there are specific changes on the management of hydrofluorocarbons (HFCs). She noted that the CAAAC should play a significant role in advising EPA on climate change actions and encouraged all CAAAC members to review the President's speech.

Robert Perciasepe, USEPA, joined the teleconference briefly and commented on the President's speech, emphasizing the opportunity to make progress on climate change.

Updates on Air Issues

Ms. McCabe began her air issues update with greenhouse gas (GHG) permitting. The Agency is examining GHG permitting after the endangerment finding. She stated 100 permits have been issued and 70 permits are still being processed. Ms. McCabe noted energy efficiency is included in the permits. The Agency is committed to working with organizations regarding GHG permitting.

Ms. McCabe confirmed the Agency is continuing work on the Mercury and Air Toxics Standards (MATS) rule. Updates and retrofits for MATS have been progressing. Ms. McCabe explained control technology is being ordered and installed. The Agency finalized a reconsideration of new sources under MATS in the spring of 2013, but the reconsideration did not affect existing power plant limits. The Agency is still making progress on the reconsideration request.

Regarding the Cross-State Air Pollution Rule (CSAPR), the U.S. Supreme Court accepted petitions on June 24th and will hear the Homer City case next year (2014). The Federal government asked for the review due to the Agency's concern with the outcome and reasoning of the lower courts. Ms. McCabe explained USEPA is continuing to work with states on interstate transport issues. With the uncertainty surrounding the future of CSAPR, USEPA is beginning to draft guidance that will be consistent with the D.C. Circuits decision addressing upwind pollution.

Ms. McCabe turned to the particulate matter (PM) National Ambient Air Quality Standards (NAAQS), which were revised in December. The Agency's next step involves receiving feedback from states on PM attainment status (due at the end of Calendar Year 2013). The Agency will have a year to review the feedback. USEPA aims to complete initial designations of nonattainment areas by the end of 2014. Ms. McCabe discussed the Advance program, which is a collaborative effort between EPA, states, tribes and local governments to encourage areas currently meeting ozone and PM standards to reduce emissions to help these areas continue to meet the NAAQS. Thirty-six areas in 22 states are participating in the program. The Agency is looking forward to working with each area on attainment. USEPA is implementing the 2008 ozone standard. Ms. McCabe explained the proposal was published on June 6th and is open to comments through August 5th. She encouraged all CAAAC members to review the rule and submit comments. Ms. McCabe stated USEPA is in the process of reviewing the other ozone NAAQS noting the final science assessment was released in February 2013. The Agency is working on a second draft and requested the Clean Air Scientific Advisory Committee (CASAC) schedule their next review by March 2014. EPA anticipates releasing key documents in this review process to the public by December 2013.

Ms. McCabe commented on the Tier 3 Vehicle Emission and Fuel Standards Program rules, which are set to begin in 2017. She encouraged CAAAC members to provide comments before the July 1st deadline. Ms. McCabe admitted sulfur dioxide (SO₂) NAAQS have faced challenges. She explained the next step includes USEPA finalizing designations (i.e., areas that have air quality monitors that show violations of air quality standards in the recent three years of data). The Agency is working with states on their recommendations. In addition, the Agency is developing a rule that would give states two paths for characterizing air quality for SO₂. The first path is based on air quality monitoring, which requires additional monitors by the states. The second path is based on air quality modeling. Ms. McCabe noted USEPA posted draft technical documents on modeling and monitoring and is accepting comments through July 22nd. She also encouraged CAAAC input on the review of NSPS for wood burning stoves (with proposal by the end of 2013).

Ms. McCabe provided an update on budgeting issues. The Agency's fiscal year (FY) 2013 budget is \$7.9 billion (reduced from \$8.4 billion in FY 2012). USEPA's Office of Air and Radiation (OAR) FY 2013 budget is \$692 million (reduced from \$745 million in FY 2012). The lower budgets include the effects of sequestration.

Ms. McCabe concluded her update with tribal issues. The Agency posted the tribal air agenda on the website, which describes a variety of activities. She stated USEPA is creating a handbook/manual for USEPA staff on how to interact with tribal governments. Ms. McCabe opened the discussion to questions.

Howard Feldman, American Petroleum Institute (API), asked how the ozone deadline lawsuit might affect the schedule on the nonattainment designations. Ms. McCabe explained USEPA received a lawsuit alleging they have not met the five-year deadline. Ms. McCabe noted the Agency is reviewing the lawsuit and had no further updates.

Jalonne White-Newsome, We Act for Environmental Justice (WE ACT), asked if the President's speech will change the timeline for standards on existing power plants. Ms. McCabe was optimistic the speech will encourage more rapid environmental progress.

Rob Kaufmann, Koch Companies Public Sector, LLC, requested an update on the matrix of prioritized actions relating to modeling issues. Mike Koerber, USEPA, confirmed an update will be provided soon.

Mr. Feldman requested an update on the tailoring rule streamlining recommendations from USEPA. Ms. McCabe confirmed the Agency is working on next steps and using the workgroup's recommendations in the process.

Joy Wiecks, Fond du Lac Reservation, asked for an update on the SO₂ one hour standard. Ms. McCabe noted the Agency is intending to have the proposed data requirements rule out later in 2013 and the final rule out in 2014. Ms. McCabe noted the current strategy is explained in a white paper that is available on the website.

Mr. DeMocker concluded the updates and proceeded to the next agenda item.

Discussion of Developing Agenda Topics for Meetings and Workgroups

Ms. McCabe provided an overview of the agenda topic selection process. The Agency reviews its priorities and evaluates which topics would be most appropriate to discuss with the CAAAC. She explained the agenda typically consists of presentations from members of CAAAC on topics of interest (e.g., communicating air quality issue challenges). Agenda topics can include presentations from long-term projects within CAAAC (i.e., workgroup, subcommittee). Each CAAAC meeting agenda is based on feedback from the members. Ms. McCabe explained complex agenda topics that benefit from having multi-stakeholder points of view (e.g., SIP reform, flexible permitting) are ideal for CAAAC. Topics where CAAAC can provide advice, criticism, or support also make successful agenda topics (e.g., Title VI program). Ms. McCabe added topics where creative ideas are necessary and where the Agency can encourage states, tribes, and local government to communicate are helpful. Ms. McCabe reviewed the limitations for CAAAC agenda topics. CAAAC has limited time and resources making it hard to focus on more than two issues over the course of a year. Brian Mormino, Cummins Inc., supported Ms. McCabe's explanation of how to choose effective agenda topics.

Shelley Schneider, Nebraska Department of Environmental Quality, asked if there have been programs where CAAAC worked across environmental media (e.g., waste, water counterparts). Mr. DeMocker responded that environmental justice project work beyond air quality issues. John Paul, Regional Air Pollution Control Agency, provided the example of the Methyl Tertiary Butyl Ether (MTBE) where CAAAC reviewed its effects on groundwater. Mr. Paul suggested generating 2-3 questions relating to existing GHG emission sources and invite stakeholders to give half hour presentations on how each would advise the Agency moving forward. Mr. Paul also suggested organizing themed meetings that focus on specific issues regarding energy policy in the country.

Mr. Kaufmann noted the importance of Prevention of Significant Deterioration (PSD) permitting under the new NAAQS. He suggested adding this topic to a future meeting agenda for CAAAC to discuss. Ms. McCabe cautioned Mr. Kaufmann that PSD permitting is a highly technical topic and requires a specific knowledge to take part in discussions.

Mr. Feldman supported Mr. Paul's and Mr. Kaufmann's comments. He asked Ms. McCabe what topics the Agency plans to work on that would require input from CAAAC. Ms. McCabe explained the Agency is

looking for topics that may not already have a robust stakeholder process (e.g., USEPA voluntary programs).

Nicky Sheats, Thomas Edison State College, suggested CAAAC discuss topics that can directly improve public health. Mr. Sheats requested that CAAAC discuss the Urban Air Toxics Report once it is finalized.

Myra Reece, South Carolina Department of Health and Environmental Control, supported Mr. Paul's suggestion of having themed meetings. She supported discussing air toxics at a CAAAC meeting.

Ms. Craig clarified the process for selecting the final agenda topics. The Assistant Administrator has final say on the agenda topics. Once all suggestions from members are provided, the Agency creates a draft agenda that is shared with members.

Mr. Paul suggested having a teleconference 60 days prior to the face-to-face meeting to discuss potential agenda topics. He suggested having Ms. McCabe and Ms. McCarthy review the potential topics before sending the topics back to the full CAAAC prior to the meeting.

Ms. Craig encouraged members to send additional topics to her by email.

Discussion of Forming Workgroup on Communication Issues as Follow-up to February Meeting

Ms. Craig reviewed the topic of communication issues that was addressed at the February 2013 CAAAC meeting. The discussion began with a four member panel, each presenting on the issues surrounding communicating air quality within their organization. Ms. Craig asked if the CAAAC is interested in continuing discussion on this topic at future meetings.

Vince Hellwig, Michigan Department of Environmental Quality, was a member of the communications panel at the February 2013 CAAAC meeting. Mr. Hellwig confirmed his agency continues to struggle with issues surrounding the communication of air quality. He suggested creating a subcommittee on communication issues. Ms. Wiecks echoed the difficulty in communicating about risks from air toxics. Kathryn Watson, Improving Kids' Environment, agreed with Mr. Hellwig and Ms. Wiecks. She suggested reviewing the Urban Air Toxics report at the next CAAAC meeting to understand where the Agency is going regarding hotspots. Ms. White-Newsome supported Ms. Watson's comment. She suggested combining the Urban Air Toxics report with a discussion on communication. Robert Morehouse, Air Permitting Forum, expressed his interest in the Agency's emission inventory report which is part of the air toxics assessment. Ms. Craig informed him the updated report is expected to be complete by October.

Seeking Advice on Clean Air Excellence Awards

Ms. Craig invited Mr. Koerber to provide background on the Clean Air Excellence Awards. Mr. Koerber reviewed the Clean Air Excellence Awards information that was distributed to CAAAC members prior to the teleconference. The Clean Air Excellence Awards began in 2000 at the recommendation of CAAAC. The Awards have recognized more than 170 organizations and efforts to promote cleaner air.

Projects are judged based on the following general criteria: (1) the entry directly or indirectly (i.e., by encouraging actions) reduces emissions of criteria pollutants or hazardous air pollutants; (2) the entry

demonstrates innovation and uniqueness; (3) the entry provides a model for others to follow (i.e., it is replicable); and (4) the positive outcomes from the entry are continuing/sustainable. Although not required to win an award, the following general criteria is considered: (1) the entry has positive effects on other environmental media in addition to air; (2) the entry demonstrates effective collaboration and partnerships; and (3) the individual or organization submitting the entry has effectively measured/evaluated the outcomes of the project, program, or technology.

The Clean Air Excellence Awards honor five general categories and two special categories. Mr. Koerber reviewed the five general categories: Clean Air Technology Award, Community Action Award, Education/Outreach Award, Regulatory/Policy Innovations Award, and Transportation Efficiency Innovations Award. The two special award categories are Thomas W. Zosel Outstanding Individual Achievement Award and Gregg Cooke Visionary Program Award.

Mr. Koerber invited members of CAAAC to provide input on the Clean Air Excellence Awards.

Julie Simpson, Nez Perce Tribe, noted the difficulty for smaller tribes and organizations to compete with large scale projects. She supported the methods of collecting entries (i.e., stakeholder email and Federal Register notice). Ms. Simpson has been a member of the Awards panel in the past and volunteered to take part in the judging again. Ms. Simpson stressed the importance of having Ms. McCarthy and Ms. McCabe at the ceremony. John Crouch, Hearth, Patio & Barbeque Association, stressed the importance of having Ms. McCarthy and Ms. McCabe attend the award ceremony. Several additional members made the point that the real recognition of awards comes from having the Assistant Administrator present the awards. Lee Kindberg, Maersk Incorporated, supported Ms. Simpson and Mr. Crouch's comments. Ms. Wiecks suggested broadening the criteria to make it easier for smaller scale projects to be considered, perhaps by creating an award category for small scale projects.

Ms. Reece suggested reaching out to states to help spread the word of the awards. She also suggested having an additional category to recognize successful Advance areas, although Dan Johnson, WESTAR Council, did not support expanding the categories.

Mr. Koerber thanked all members for their input on the Clean Air Excellence Awards.

Plans for Fall Face-to-Face Meeting

Ms. Craig reviewed the information for the next face-to-face meeting. The meeting is scheduled for Tuesday, October 15th and Wednesday, October 16th. The Permits, New Source Reviews, and Toxics Subcommittee will meet Tuesday, October 15th and the full CAAAC will meet Wednesday, October 16th. Hotel blocks are available and Ms. Craig encouraged members to book travel and hotel arrangements as soon as possible.

Public Comment Period

Ms. Craig opened the floor for public comments. There were no public comments.

Ms. Craig thanked all members for participating in the teleconference.

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CAAAC Attendees:

Kathy Ackley	ICF
Jenny Craig	U.S. Environmental Protection Agency (USEPA)
John Crouch	Hearth, Patio & Barbeque Association
Jim DeMocker	USEPA
Linda Farrington	Eli Lilly and Company
Howard Feldman	American Petroleum Institute
Paula Hamel	Dominion Resources Inc.
Vince Hellwig	Michigan Department of Environmental Quality
Thomas Huynh	Philadelphia Air Management Services
Anthony Jacobs	International Brotherhood of Boilermakers
Dan Johnson	WESTAR Council
Chris Kaiser	Rio Tinto Copper
Rob Kaufmann	Koch Companies Public Sector, LLC
Lee Kindberg	Maersk Incorporated
Mike Koerber	USEPA
Janet McCabe	USEPA
Graham McCahan	Environmental Defense Fund
Gina McCarthy	USEPA
Robert Morehouse	Air Permitting Forum
Brian Mormino	Cummins Inc.
Judi Mosley	Pacific Gas & Electric
Peter Pagano	American Iron and Steel Institute
John Paul	Regional Air Pollution Control Agency
Robert Perciasepe	USEPA
Myra Reece	South Carolina Department of Health and Environmental Control
Shelley Schneider	Nebraska Department of Environmental Quality
Nicky Sheats	Thomas Edison State College
Adrian Shelley	Air Alliance Houston
Julie Simpson	Nez Perce Tribe
Syndi Smallwood	Pechanga Band of Luiseno Indians
Geraldine Smith	Public Services Enterprise Group
Patricia Strabbing	Chrysler Group, LLC
Mary Turner	Waste Management
Phil Wakelyn	Texas Cotton Ginners' Association
Jason Walker	Northwestern Band of Shoshone Nation
Kathryn Watson	Improving Kids' Environment
Jalonne White-Newsome	We Act for Environmental Justice
Joy Wiecks	Fond du Lac Reservation
Pete Jonker	Southern California Edison

Members of the Public:

Doug Austin	Institute of Clean Air Companies
Pam Giblin	Technical Industry Project
John Kinsmen	Edison Electric Institute
Chris Knight	Inside EPA
Doug Martin	Defense Logistics Agency
Betsey Natz	Institute of Clean Air Companies
Chris Nelson	3M Company
Gene Trisko	United Mine Workers
Stephanie Tsao	Argus Media