

**NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES
2008 SPRING MEMBERSHIP MEETING**

May 4-7, 2008

**Hyatt Regency Tampa
Tampa, Florida**

The National Association of Clean Air Agencies (NACAA) held its 2008 Spring Membership Meeting from May 4 to May 7, 2008 at the Hyatt Regency Tampa in Tampa, Florida. The meeting agenda and attendees list are attached. Presentations provided by speakers are available electronically on Air Web – NACAA’s members-only web site. Below are minutes of the NACAA Business Meeting, held Wednesday morning, May 7, 2008 and the NACAA Board of Directors meeting, held Sunday, May 4, 2008.

**MINUTES
NACAA BUSINESS MEETING
Wednesday, May 7, 2008**

Ursula Kramer (Tucson, AZ) and Andy Ginsburg (OR), Co-Presidents of NACAA, called the Business Meeting to order.

Approval of Minutes

The 2007 Fall Membership Meeting minutes were unanimously approved by the membership.

NACAA Co-Treasurers’ Report

Bill Becker, Executive Director of NACAA, reported on the association’s finances. He brought to the attention of new attendees that the association is funded through federal and non-federal funds and described the types of activities that each covers.

Update on NACAA Performance Excellence Network

James Hodina (Cedar Rapids, IA) reported to the membership on the development of the NACAA Performance Excellence Network (PEN). The Network is being created to enable state and local air agencies to better share and develop resources that improve work processes and performance management systems. It is expected that the PEN website will serve as a confidential portal for NACAA members to seek information from other members on process improvement, post information on their own process improvement activities and find additional resources for process improvement. The PEN web site is currently under development.

NACAA Response to EGU MACT Vacatur

John Paul (Dayton, OH) reported to the membership that on February 8, 2008, the U.S. Circuit Court of Appeals for the District of Columbia vacated EPA's rules delisting electric generating units (EGUs) from Clean Air Act §112 (Maximum Achievable Control Technology standards) and regulated them under §111. EPA delisted EGUs from §112 in March 2005 in its Delisting Rule, instead regulating mercury emissions from new coal-fired EGUs under §111 under the Clean Air Mercury Rule, establishing a mercury cap-and-trade program for new and existing EGUs and allocating mercury allowances to states. John noted that in light of this court decision, it is likely that any new standards would be determined on a case-by-case basis until such time as EPA could promulgate a new rule.

Other Business

Mel Zeldin (CAPCOA) informed the membership about an upcoming conference, entitled "The Future is Green Conference & Expo on New and Emerging Clean Air Technologies and Innovations," being hosted by CAPCOA, September 14-16, 2008, in Long Beach, California.

Andy Ginsburg (Oregon) informed the membership that NACAA's Executive Director, Bill Becker, had been selected to receive the S. Smith Griswold award for outstanding accomplishments in the prevention and control of air pollution from the Air & Waste Management Association. Bill will be honored at AWMA's June 2008 meeting being held in Portland, Oregon.

AGENDA

**NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES
SPRING MEMBERSHIP MEETING
May 4-7, 2008**

**Hyatt Regency Tampa
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Sunday, May 4, 2008

9:00 a.m. – 12:00 noon	NACAA Board of Directors and Committee Chairs Meeting	Garrison Suite
12:00 noon – 6:00 p.m.	Hospitality Suite Open	Hospitality Suite
6:00 p.m. – 7:00 p.m.	Registration	Hospitality Suite
6:30 p.m.	Meeting Preview	Hospitality Suite

Monday, May 5, 2008

7:30 a.m. – 8:30 a.m.	Breakfast	Regency 1
8:00 a.m. – 8:30 a.m.	Registration	Pre-function Area
8:30 a.m. – 9:00 a.m.	Welcome and Introductions by NACAA Co-Presidents <i>Andy Ginsburg (Oregon)</i> <i>Ursula Kramer (Tucson, AZ)</i>	Regency 1
9:00 a.m. – 9:30 a.m.	NACAA Executive Director's Report <i>Bill Becker</i>	Regency 1
9:30 a.m. – 10:00 a.m.	Air Quality Profile of Florida <i>Jerry Campbell (Tampa, FL)</i> <i>Pete Hessling (Clearwater, FL)</i> <i>Mara Nasca (Florida)</i>	Regency 1
10:00 a.m. – 10:30 a.m.	Break	Regency 1
10:30 a.m. – 12:15 p.m.	ROLE OF STATES AND LOCALITIES IN FEDERAL CLIMATE CHANGE LEGISLATION: A NACAA-ONLY DISCUSSION OF KEY ISSUES <u>Moderator:</u> <i>Art Williams (Louisville, KY)</i>	Regency 1

Monday, May 5, 2008 (continued)

10:30 a.m. – 12:15 p.m.	ROLE OF STATES AND LOCALITIES IN FEDERAL CLIMATE CHANGE LEGISLATION: A NACAA-ONLY DISCUSSION OF KEY ISSUES (continued) The Basic Elements of a Cap-and-Trade Program <u>Speaker/Discussion Facilitator:</u> <ul style="list-style-type: none">• <i>Richard Cowart (Regulatory Assistance Project)</i> Key Features of S. 2191, <i>America's Climate Security Act</i> (Lieberman-Warner Bill) <u>Speaker/Discussion Facilitator:</u> <ul style="list-style-type: none">• <i>Art Williams (Louisville, KY)</i> Major Themes Emerging from NACAA's February 2008 Global Warming Conference <u>Speaker/Discussion Facilitator:</u> <ul style="list-style-type: none">• <i>Chris James (NACAA Consultant)</i>	Regency 1
12:15 p.m. – 1:45 p.m.	Lunch	Regency 2-3
1:45 p.m. – 3:45 p.m.	ROLE OF STATES AND LOCALITIES IN FEDERAL CLIMATE CHANGE LEGISLATION: A NACAA-ONLY DISCUSSION OF KEY ISSUES (continued) Allocations: Issues and Options <u>Speaker/Discussion Facilitator:</u> <ul style="list-style-type: none">• <i>Richard Cowart (Regulatory Assistance Project)</i> State and Local GHG Reduction Strategies <u>Speaker/Discussion Facilitator:</u> <ul style="list-style-type: none">• <i>Dennis McLerran (Seattle, WA)</i>	Regency 1
3:45 p.m. – 4:00 p.m.	Break	Regency 1
4:00 p.m. – 5:00 p.m.	ROLE OF STATES AND LOCALITIES IN FEDERAL CLIMATE CHANGE LEGISLATION: A NACAA-ONLY DISCUSSION OF KEY ISSUES (continued) Preservation of States'/Localities' Rights <u>Speaker/Discussion Facilitator:</u> <ul style="list-style-type: none">• <i>Andy Ginsburg (Oregon)</i>	Regency 1
6:15 p.m.	NACAA Banquet	Columbia Restaurant

Tuesday, May 6, 2008

7:30 a.m. – 8:30 a.m.	Breakfast	Regency 1
8:30 a.m. – 10:30 a.m.	A Conversation with EPA OAR's Senior Management <u>Moderator:</u> <i>Ursula Kramer (Tucson, AZ)</i> <u>Speakers:</u> <ul style="list-style-type: none">• <i>Steve Page, Director</i> <i>Office of Air Quality Planning and Standards</i>• <i>Margo Oge, Director</i> <i>Office of Transportation and Air Quality</i>• <i>Brian McLean, Director</i> <i>Office of Atmospheric Programs</i>• <i>Jerry Kurtzweg, Director</i> <i>Office of Program Management Operations</i>	Regency 1
10:30 a.m. – 10:45 a.m.	Break	Regency 1
10:45 a.m. – 12:45 p.m.	Implementing the Ozone and PM NAAQS: EPA Actions and Innovative State and Local Measures <u>Moderator:</u> <i>Brock Nicholson (North Carolina)</i> <u>Speakers:</u> <ul style="list-style-type: none">• <i>Bill Harnett (EPA OAQPS)</i>• <i>Anna Garcia (Ozone Transport Commission)</i>• <i>Laki Tisopulos (Los Angeles, CA)</i>	Regency 1
12:45 p.m. – 2:00 p.m.	Lunch	Regency 2-3
2:00 p.m. – 3:30 p.m.	Carbon Capture and Sequestration <u>Moderator:</u> <i>David Klemp (Montana)</i> <u>Speakers:</u> <ul style="list-style-type: none">• <i>Robin Newmark (Lawrence Livermore National Laboratory)</i>• <i>Ben Hengst (EPA OAR)</i>	Regency 1
3:30 p.m. – 3:45 p.m.	Break	Regency 1
3:45 p.m. – 5:15 p.m.	Permitting Coal-Fired Power Plants for GHGs and Other Pollutants <u>Moderator:</u> <i>Bob Hodanbosi (Ohio)</i> <u>Speakers:</u> <ul style="list-style-type: none">• <i>Mark Hornick (Tampa Electric Power Company)</i>• <i>Keith Overcash (North Carolina)</i>• <i>Bruce Buckheit (NACAA Consultant)</i>	Regency 1

Wednesday, May 7, 2008

7:30 a.m. – 8:30 a.m.	Breakfast	Regency 1
8:30 a.m. – 9:15 a.m.	NACAA Joint Business Meeting <u>Moderators:</u> <i>Andy Ginsburg (Oregon)</i> <i>Ursula Kramer (Tucson, AZ)</i> <ul style="list-style-type: none">• Approval of 2007 NACAA Fall Membership Meeting Minutes <i>Andy Ginsburg (Oregon)</i> <i>Ursula Kramer (Tucson, AZ)</i>• NACAA Co-Treasurers' Report <i>Bill Becker (NACAA)</i>• Update on NACAA Performance Excellence Network <i>James Hodina (Cedar Rapids, IA)</i>• NACAA Response to EGU MACT Vacatur <i>John Paul (Dayton, OH)</i>	Regency 1
9:15 a.m. – 10:15 a.m.	Federal Enforcement Update <u>Moderator:</u> <i>Eddie Terrill (Oklahoma)</i> <u>Speaker:</u> <ul style="list-style-type: none">• <i>Edward Messina (EPA OECA)</i>	Regency 1
10:15 a.m. – 10:30 a.m.	Break (and check-out)	Regency 1
10:30 a.m. – 11:30 a.m.	State and Local Options for Reducing Boiler Emissions: Roll Out of NACAA's Draft Model Rule <u>Moderator:</u> <i>Vince Hellwig (Michigan)</i> <u>Speaker:</u> <ul style="list-style-type: none">• <i>Bruce Buckheit (NACAA Consultant)</i>	Regency 1
11:30 a.m.	Adjourn	

(4/30/08)

**NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES
2008 SPRING MEMBERSHIP MEETING**

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MINUTES

NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES 2008 SPRING BOARD OF DIRECTORS MEETING

Sunday, May 4, 2008
9:00 a.m. – 12:00 noon

Hyatt Regency Tampa
Tampa, Florida

The NACAA Board of Directors convened its meeting at 9:00 a.m. NACAA Board members present included Arturo Blanco (Houston, TX), Colleen Cripps (NV), Joyce Epps (PA), Andy Ginsburg (OR), Anne Gobin (CT), Larry Greene (Sacramento, CA) Vince Hellwig (MI), Jim Hodina (Cedar Rapids, IA), Shelley Kaderly (NE), Ursula Kramer (Tucson, AZ), Lynne Liddington (Knoxville, TN), Keith Overcash (NC), John Paul (Dayton, OH), David Shaw (NY), Paul Tourangeau (CO), and Mary Uhl (NM). NACAA staff present included Bill Becker, Nancy Kruger, Mary Stewart Douglas, Mary Sullivan Douglas, Stephanie Cooper and Monique Faye. The meeting agenda is attached.

Critical Issues

Climate Change

Bill Becker (NACAA) began the discussion by reporting to the Board on several of the contentious items included in current climate change legislation including the issues of preemption, cost containment, international competition and nuclear energy.

Following the overview of the current legislative landscape, Art Williams (Louisville, KY), Co-Chair of NACAA's Global Warming Committee, summarized the Liebermann-Warner bill.

Andy Ginsburg (OR) then summarized a proposal to develop a "quick response team," comprised of the NACAA Co-Presidents, Committee Chairs and headquarters staff that would be able to respond quickly to requests for information or comments from Congressional staff on relevant issues in upcoming global warming legislation. It was noted that this type of a smaller group was used very successfully to efficiently represent state and local perspectives during the 1990 Clean Air Act Amendment negotiations.

Industrial Boiler Model MACT

Vince Hellwig (MI) reported to the Board on the completion of a draft of NACAA's model rule for the Industrial Boiler MACT, which addresses oil, gas, coal, wood, CO as a surrogate for organics, and PM as a metals surrogate. Vince noted that NACAA's data base is far larger than EPA's, and that EPA's "floor" levels were higher than any of NACAA's. Vince also indicated that NACAA members' comments were being solicited on the draft before it becomes final and encouraged Board members to review the data, share it with their permit engineers, and then comment on the draft.

NACAA's Amicus Brief in the California Waiver Case

Nancy Kruger (NACAA) reported to the Board on NACAA's preparation of an *amicus* brief in the case of *California v. EPA*, regarding California's challenge of EPA's denial of the state's request for a waiver of federal preemption to enforce its vehicle greenhouse gas emission standards. During a March 2008 conference call, the Board of Directors agreed that NACAA should participate in this litigation as *amicus curiae*. The Institute for Public Representation at the Georgetown University Law Center is providing *pro bono* counsel to NACAA. King County (Washington) and the cities of New York and Seattle are joining NACAA on its brief as *amici curiae*.

Update on Performance Excellence Network

James Hodina (Cedar Rapids, IA) reported to the Board on the development of the NACAA Performance Excellence Network (PEN). The Network is being created to enable state and local air agencies to better share and develop resources that improve work processes and performance management systems. It is expected that the PEN website will serve as a confidential portal for NACAA members to seek information from other members on process improvement, post information on their own process improvement activities and find additional resources for process improvement. The PEN web site is currently under development.

Program Funding Issues

Bruce Anderson (Kansas City, KS), NACAA Program Funding Committee Co-Chair, reported to the Board on current program funding issues. Bruce described the process and results relating to reallocation of the proposed Fiscal Year (FY) 2008 budget. Bruce mentioned a shift in funds from the community scale air toxics monitoring grant program to the Regional Planning Organizations and the \$105 "base" grants for states and localities. Discussion ensued about the community scale air toxics grant program.

NACAA Response to CAMR Vacatur

John Paul (Dayton, OH) reported to the Board on the Clean Air Mercury Rule (CAMR) vacatur. John presented written materials on §112(j) and §112(g), and made available a summary of the vacatur. John also discussed the timing of issuance of the mandate, and the possibility that EPA or industry could appeal the vacatur to the U.S. Supreme Court, or petition for rehearing by the full panel of the D.C. Circuit Court of Appeals. John noted that NACAA had begun to survey the membership on what other steps NACAA could take to assist the members.

Update on International Maritime Organization Negotiations/Regulation of C3 Marine Vessel Emissions

Dennis McLerran (Seattle, VA) reported to the Board on the International Maritime Organization's (IMO's) negotiations regarding the regulation of emissions from Category 3 marine vessels. Dennis provided background and an update on the negotiations, including the switch in focus from a Sulfur Emission Control Area (SO_x only) to an Emissions Control Area (SO_x and NO_x), fuel sulfur levels and the timeframes being deliberated. He noted that a key issue is whether the U.S. will have an Emission Control Area in 2010.

NACAA Business

Update on Future Meeting Locations

Bill Becker advised the Board that plans were underway to hold the Summer Board and Committee Chairs meeting in Portland, Oregon and the Fall Membership Meeting in Phoenix or Tempe, Arizona.

Review of Financial Information

Bill Becker presented and explained the NACAA financial statements, including those covering the association's non-federal funds and the operating grant (through March 31, 2008).

Adjourn

The NACAA Board of Directors meeting was adjourned.

**NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES
BOARD OF DIRECTORS AND COMMITTEE CHAIRS MEETING**

**Sunday, May 4, 2008
9:00 a.m. – 12:00 noon**

**Hyatt Regency Tampa
Tampa, Florida**

AGENDA

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|-------------------------|--|
| 7:30 a.m. – 9:00 a.m. | Registration and Breakfast |
| 9:00 a.m. – 9:15 a.m. | <u>Introductions and Review of Agenda</u>
<i>Andy Ginsburg (Oregon)</i>
<i>Ursula Kramer (Tucson, AZ)</i> |
| 9:15 a.m. – 10:30 a.m. | <u>Critical Issues</u> <ul style="list-style-type: none">• Climate Change (45 minutes)
<i>Art Williams (Louisville, KY)</i>
<i>Bill Becker (NACAA)</i>
<i>Andy Ginsburg (Oregon)</i>• Industrial Boiler Model MACT (15 minutes)
<i>Vince Hellwig (Michigan)</i>• NACAA's Amicus Brief in the California Waiver Case (5 minutes)
<i>Nancy Kruger (NACAA)</i>• Update on Performance Excellence Network (10 minutes)
<i>James Hodina (Cedar Rapids, IA)</i> |
| 10:30 a.m. – 10:45 a.m. | Break |
| 10:45 a.m. – 11:45 a.m. | <u>Critical Issues (continued)</u> <ul style="list-style-type: none">• Program Funding Issues (30 minutes)
<i>Bruce Andersen (Kansas City, KS)</i>• NACAA Response to CAMR Vacatur (20 minutes)
<i>John Paul (Dayton, OH)</i>• Update on International Maritime Organization Negotiations/
Regulation of C3 Marine Vessel Emissions (10 minutes)
<i>Dennis McLerran (Seattle, WA)</i> |
| 11:45 a.m. – 12:00 noon | <u>NACAA Business</u> <ul style="list-style-type: none">• Review of NACAA Finances
<i>Bill Becker (NACAA)</i>• Discussion of Future Meeting Locations
<i>Bill Becker (NACAA)</i> |
| 12:00 noon | Adjourn/Box Lunch |