

## MINUTES

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

Sunday, October 19, 2014

Grand Hyatt Denver,  
Denver, Colorado

NACAA Co-Presidents Tad Aburn (MD) and Merlyn Hough (Springfield, OR) called to order the NACAA Board of Directors and Committee Chairs Fall Meeting at 8:30 a.m. In addition to Tad and Merlyn, NACAA Board members present included Mark Asmundson (Mount Vernon, WA), Rita Bates (NM) (on behalf of Sandra Ely), Bob Colby (Chattanooga, TN), Anne Gobin (CT), Thomas Huynh (Philadelphia, PA), Ursula Nelson (Tucson, AZ), Dave Shaw (NY), Richard Stedman (Monterey, CA), Barry Stephens (TN) and Barry Wallerstein (Los Angeles, CA). Committee Co-Chairs, who are not also Board members, present included Will Allison (CO), Bruce Andersen (Kansas City, KS), Mike Dowd (VA), Larry Greene (Sacramento, CA), Craig Kenworthy (Seattle, WA), Barbara Lee (Healdsburg, CA), Lynne Liddington (Knoxville, TN), Bill O'Sullivan (NJ), Sam Rubens (Akron, OH), Nancy Seidman (MA), Shelley Schneider (NE) and Eddie Terrill (OK). Other attendees included Alice Edwards (AK). NACAA staff present included Phil Assmus, Bill Becker, Mary Sullivan Douglas, Monique Faye, Nancy Kruger, Karen Mongoven and Stephanie Steigman. The meeting agenda is attached.

#### **Permitting-NSR**

Bill O'Sullivan (NJ), Co-Chair of the NACAA New Source Review (NSR) Committee, briefed the group on the impending launch of EJSCREEN, a web-based environmental-justice screening and mapping tool developed by EPA's Office of Environmental Justice. EJSCREEN utilizes detailed census block data and environmental data to create reports and maps showing how particular communities compare against the rest of the nation with respect to twelve environmental justice "indicators." Six of the twelve indicators, Bill noted, are air-related. EPA intends to make the EJSCREEN website available to the general public before the end of the year. The NACAA NSR and Permitting Committees have several serious concerns about this.

Bill reported that EPA provided an overview of EJSCREEN on the most recent joint NSR and Permitting Committees call. Committee members were very concerned to learn that much of the air quality data utilized by EJSCREEN is outdated, in some cases by many years. In particular, Bill noted, the tool incorporates National-Scale Air Toxics Assessment (NATA) data from 2005 (the most recent year available), as well as modeled PM<sub>2.5</sub> and ozone data from 2008. As a result, EJSCREEN will generate maps based on outdated information that appear to show air quality problems or "hotspots" that no longer exist. Bill emphasized that this will create problems for state and local agencies, which will likely be confronted by community members who are alarmed by data that is inaccurate and/or conflicts with accurate, up-to-date information. He opined that EJSCREEN requires serious evaluation by air regulators, including QA/QC by state and local air agencies, before it is publicly released. Training is also required, and the air data should be updated, before the tool is released.

A lengthy discussion ensued among the Board Members and Committee Chairs. Many members echoed Bill's concerns about the outdated NATA and other emissions data in EJSCREEN and the resulting potential for public confusion. Tad Aburn (MD) questioned why state and local air agencies were not informed by EPA from the outset about the tool's development. Several members from the West Coast noted that California has its own environmental justice screening tool, CalEnviroScreen, which will yield different results than EJSCREEN. Dave Shaw (NY) observed that state and local agencies should be in agreement with EPA about the many facets of the tool before it is made public. Barry Wallerstein (Los Angeles, CA) suggested that a small group of NACAA members attempt to work through these and other related concerns with EPA.

Bill O'Sullivan next reported that the NSR and Permitting Committees will soon be distributing a Title V fees survey to all NACAA members. He encouraged those present to participate in the survey.

### **Mobile Sources and Fuels**

Nancy Seidman (MA), Co-Chair of the NACAA Mobile Sources and Fuels Committee, reviewed with the group the process that had been undertaken to develop the proposed NACAA Principles on Surface Transportation Reauthorization Legislation that the membership will consider at its Business Meeting on Monday afternoon. At their 2014 Summer Meeting, the Board and Committee Chairs reviewed and provided input on potential issues for inclusion in NACAA principles with the goal of having the membership consider such principles at the Fall Membership meeting so that NACAA is prepared to provide input once Congress takes up transportation reauthorization. Following the Summer Meeting, the Mobile Sources and Fuels Committee hosted a conference call, to which all air directors were invited, to discuss a set of draft NACAA principles and to invite additional comments following the call. Based on input on and following that call, the draft principles were revised and sent to the full membership for review and comment. The proposed NACAA principles that the membership will now consider reflect that input. Nancy asked if anyone had concerns about the principles or has heard of concern among the NACAA membership; no one had.

Next, Barry Wallerstein (Los Angeles, CA), Co-Chair of the NACAA Mobile Sources and Fuels Committee, discussed EPA's and the National Highway Traffic Safety Administration's (NHTSA) work to develop a proposed rule for Phase 2 fuel efficiency and greenhouse gas standards for heavy-duty vehicles. Barry indicated that the Mobile Sources and Fuels Committee would convene a call to discuss what recommendations NACAA should make in a letter to EPA and NHTSA for the two agencies to consider as they develop the proposal and then draft a letter for membership review, to ultimately be sent to the two agencies. The Board and Committee Chairs supported moving ahead with this initiative.

Finally, Nancy Seidman updated the group on the implementation of an October 2013 Memorandum of Understanding (MOU) among eight states – California, Connecticut, Maryland, Massachusetts, New York, Oregon, Rhode Island and Vermont – on zero-emission vehicles (ZEVs). She reported on the May 2014 release by the MOU states of an action plan including 11 actions, and also discussed the areas of focus for the MOU states. The group discussed and agreed that at the 2015 Winter Board-Chairs Meeting it should consider a session on ZEVs for the 2015 Spring Membership Meeting.

## **The Federal Appropriations Landscape**

Will Allison (CO), Co-Chair of the NACAA Program Funding Committee, provided an update on congressional activities with respect to FY 2015 appropriations. He briefly reviewed the President's funding request as well as House and Senate recommendations. He reported that Congress had adopted a Continuing Resolution to continue to fund the federal government from October 1, 2014 through December 11, 2014 at FY 2014 funding levels. The outcome of the mid-term elections will likely have an impact on what Congress will do after December 11, 2014.

Bill Becker, Executive Director of NACAA, reported that the President's budget request for FY 2016 would be announced in early February 2015 and that he had learned unofficially that the request for state and local air grants under sections 103 and 105 in FY 2016 may be the same as the amount that had been requested in FY 2015 (\$243 million).

The members discussed the importance of maintaining and even increasing funding for core program activities, especially in light of new federal standards for ozone that are forthcoming.

## **Global Warming**

Larry Greene (Sacramento, CA), Co-chair of the NACAA Global Warming Committee, summarized NACAA's recent activities related to EPA's proposed Clean Power Plan under section 111(d) of the Clean Air Act. These include development of the NACAA Menu of Options and Model Plan, upcoming "3-N" meetings with the National Association of Regulatory Utility Commissioners and the National Association of State Energy Officials and the recent completion of a series of NACAA-cosponsored 111(d) webinars.

Larry also described the likely content of NACAA's draft comments on the EPA Clean Power Plan proposal, due on December 1, 2014. He noted that the comments would likely be based on NACAA's July 111(d) testimony. Aside from a few edits and updates, the comments are not expected to go any further than the testimony. However, they will include a brief description of the NACAA-cosponsored 111(d) webinars as well as copies of the questions asked during the webinars.

Board members expressed support for NACAA's efforts related to the Clean Power Plan and, in particular, the successful completion of the webinars.

## **Enforcement and Compliance**

Richard Stedman (Monterey, CA), Co-chair of the NACAA Enforcement and Compliance Committee, provided updates on EPA's High Priority Violations (HPV) Policy and the Transition to ICIS-Air. EPA's revised HPV Policy was released on September 16, 2014, and has led to worries from some NACAA members that it expands the universe of covered sources. He noted that the Enforcement and Compliance Committee would continue to review the policy and encouraged members with concerns to communicate them to EPA.

Regarding the ICIS-Air transition, Richard summarized NACAA's recent work to monitor the transition and share any concerns with EPA. Though some agencies still have issues, Richard noted that the transition appears to be going smoothly overall.

## **Finances**

### ***Financial Reports***

Bill Becker, Executive Director of NACAA, reported on the association's finances, including both federal and non-federal funds. Bill noted that the association is in good financial shape, in part due to the no-cost extension NACAA received on its previous grant. Those funds will be used to help address the shortfall NACAA anticipates this year; NACAA will continue to seek outside funding if we anticipate that future funding will fall short of what is needed to operate the association.

### ***Records Retention Policy***

At the 2014 Summer Board Meeting, the Board of Directors directed the NACAA staff to develop a document-retention policy for the headquarters office. Bill noted that NACAA already had a records-retention policy as part of its broader administrative policies and procedures document. The records retention policy was shared with the Board prior to the meeting. The group discussed various possible ways to implement the policy.

### ***Proposed NACAA Reserve Policy***

Bill noted that, at the request of the Board of Directors, NACAA staff researched and developed a proposed reserve policy for the Board's consideration. The proposed policy calls for a range of three to six months of reserves. The Board unanimously approved the proposed reserve policy.

## **Future Meetings**

Bill reviewed the schedule for upcoming NACAA meetings:

NACAA Joint Permitting and Enforcement Workshop  
December 9-11, 2014 in Chicago, IL (Embassy Suites Chicago Downtown Lakefront)

Winter 2015 NACAA Board of Directors and Committee Chairs Meeting  
February 7-9, 2015 in Orlando, FL (JW Marriott, Grande Lakes)

NACAA 2015 Spring Membership Meeting  
April 27-29, 2015 in Providence, RI (Renaissance Providence Downtown)  
(Board of Directors and Committee Chairs Meeting, April 26, 2015)

The group then discussed as potential locations for future meetings Williamsburg, Virginia for the 2015 Summer Board of Directors and Committee Chairs Meeting and San Francisco, California for the 2015 Fall Membership Meeting. The group also discussed the desire to schedule a NACAA-EPA leadership meeting.

## **Approval of Minutes of Board of Directors and Committee Chairs 2014 Summer Board Meeting**

The members approved the minutes of the 2014 Board of Directors and Committee Chairs Summer Meeting. The state agency members of the Board approved the minutes with one abstention; the local agency members approved them with two abstentions.

### **Preparation for Discussion with EPA Acting Assistant Administrator Janet McCabe**

In preparation for the telephone discussion with EPA Acting Assistant Administrator Janet McCabe, the group identified the following topics for discussion: 1) a NACAA-EPA leadership meeting, 2) EJ Screen, 3) funding and 4) forthcoming proposed ozone NAAQS.

### **Discussion with EPA Acting Assistant Administrator Janet McCabe**

**EPA-NACAA Leadership Meeting** – NACAA Co-President Tad Aburn (MD) raised with Janet convening a NACAA-EPA leadership meeting to continue the NACAA-EPA partnership process that began when Gina McCarthy and Janet joined the agency. Janet indicated that she was definitely interested in such a constructive discussion and would like to get together a small NACAA-EPA group to discuss potential topics for a meeting. Janet and the NACAA Board and Committee Chairs also agreed to work on finding a date and location that would work for all.

**Funding** – Bruce Andersen (Kansas City, KS), Co-Chair of the NACAA Program Funding Committee, thanked Janet for the additional funding contained in the FY 2015 request for state and local air grants. He noted that, with respect to FY 2016 funding, state and local air agencies will be faced with new climate change activities related to the section 111(d) rule and a new ozone standard. At the same time, it is important that core programs remain well funded. He asked how NACAA can help. Janet acknowledged that it is a difficult time for funding. She noted that the agency is very mindful of the work facing state and local air agencies and that the FY 2016 request will reflect that. However, EPA cannot affect what happens after the request goes to Congress. She also emphasized the importance of being efficient and prioritizing the most important activities. Janet noted that EPA's National Program Manager's guidance includes discussions about EPA priorities and the agency hopes to receive input on that document when the next draft is released.

**EJSCREEN** – Bill O'Sullivan (NJ) conveyed to Janet the many concerns discussed earlier by the Board of Directors and Committee Chairs about the impending release of EJSCREEN – in particular, the problem of the outdated air toxics and emissions data utilized by the tool. Janet agreed that EJSCREEN poses a number of troubling issues for air regulators and said that the Office of Air and Radiation has raised many of these issues with the Office of Environmental Justice. Barbara Lee (Healdsburg, California) told Janet that state and local air agencies have not been well informed about the development of EJSCREEN and they have not had a chance to compare its output with their own data. She predicted that news media will take maps generated by the tool and give them more publicity than EPA expects. Janet agreed that there is a real tension between having a first-level screening tool that produces quantitative output, and knowing that there will be some people who interpret its results to be more conclusive than mere "screening." She agreed that EPA will work with NACAA to see that the Office of Environmental Justice understands and addresses the concerns of state and local air regulators.

**Ozone NAAQS** – Barry Wallerstein raised with Janet the need for effective communication when EPA issues its proposal for the revised ozone NAAQS, which will be of significant national interest. Others elaborated on this point. Janet agreed.

### **Adjourn**

The NACAA Board of Directors and Committee Chairs Meeting was adjourned.

