

MINUTES

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

Sunday, April 26, 2015

**Renaissance Providence Downtown Hotel
Providence, Rhode Island**

Introductions, Review of Agenda and Approval of the Minutes of Board of Directors and Committee Chairs' 2015 Winter Meeting

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 Bob Colby (Chattanooga, TN), Anne Gobin (CT), Craig Kenworthy (Seattle, WA), Dave Klemp (MT), Thomas Huynh (Philadelphia, PA), Ursula Nelson (Tucson, AZ), Dave Shaw (NY), Bart Sponseller (WI), Richard Stedman (Monterey, CA) and Barry Stephens (TN). Committee Co-Chairs, who are not also Board members, present included Will Allison (CO), Mike Dowd (VA), Larry Greene (Sacramento, CA), Lynne Liddington (Knoxville, TN), Ali Mirzakhali (DE), Bill O'Sullivan (NJ), Sam Rubens (Akron, OH), Nancy Seidman (MA) and Eddie Terrill (OK). 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.

The State Agency Members of the Board and the Local Agency Members of the Board, in separate votes, unanimously approved the minutes of the 2015 Winter Board of Directors and Committee Chairs' Meeting.

Global Warming – 111(d)

Larry Green (Sacramento, CA), Co-Chair of the NACAA Global Warming Committee, asked Phil Assmus (NACAA) to provide updates on two tools NACAA is developing to assist states with their compliance efforts under EPA's proposed Clean Power Plan (CPP): the NACAA Menu of Options and the NACAA Model State Plan. Phil noted that the Menu was nearly complete and would be made available to the public within a few weeks. The Board discussed how and when the Menu would be distributed. Regarding the Model State Plan, Phil noted that it remains a challenging project but NACAA has started circulating chapters for review by the NACAA 111(d) Steering Committee. A chapter on implementing heat rate improvements at affected electric generating units was reviewed and revised to incorporate significant comments from the Steering Committee. Phil also noted that NACAA intends to release the model shortly after EPA issues its final CPP rule. Larry then led a discussion of state CPP implementation planning efforts at state and local air pollution control agencies. Each agency in attendance described its recent activities; many stated that they are awaiting release of the final CPP rule.

FY 2016 Federal Appropriations

Will Allison (CO), Co-Chair of the NACAA Program Funding Committee, summarized the President's request for FY 2016 federal funding for state and local air grants under Sections 103 and 105 of the Clean Air Act. The request included an increase of \$40 million above the previous year for a total of \$268.2 million – \$25 million for implementation of the Clean Power Plan and \$15 million for other continuing state and local activities. He noted that, among other things, EPA is planning to begin a four-year transition of PM_{2.5} monitoring grants from Section 103 authority (where matching funds are not needed) to Section 105 authority.

Will reported that NACAA had submitted testimony to both the House and Senate supporting the proposed grant increases but recommending that agencies be given the flexibility to determine how best to use the additional funds. Additionally, NACAA recommended that PM_{2.5} monitoring grants remain under Section 103 authority. Finally, he noted that NACAA had provided the members with model language to be used in communicating with their Congressional delegations about the need for increased grants and encouraged the members to contact their House and Senate members.

Major Committee Issues/Initiatives over Next Six Months

Agriculture

Merlyn Hough (Springfield, OR), Co-Chair of the NACAA Agriculture Committee, summarized the Agriculture Committee's goals for the next six months. The Committee intends to focus on monitoring two agriculture-related lawsuits: *Zook v. EPA*, involving an attempt to force EPA to regulate emissions from animal feeding operations (AFOs), and a separate challenge to EPA emissions reporting exemptions for AFOs. In addition, Merlyn noted that there are three important EPA policy developments or rulemakings that the Committee intends to follow: 1) the exceptional events rule; 2) revisions to the AFO emissions estimation methodology; and 3) the revised ozone standard.

Air Toxics

Bob Colby (Chattanooga, TN), Co-Chair of the NACAA Air Toxics Committee, provided information about three issues the Committee will be focusing on in the near future. The first is a petition by New York State and an industry group to list n-Propyl Bromide (n-PB) as a hazardous air pollutant (HAP) under Section 112. EPA published a notice of a complete application and requested public comment. The Air Toxics Committee had prepared a letter supporting the petition to list n-PB as a HAP and would be submitting it shortly.

The second issue had to do with methyl bromide, which is a HAP but does not have an associated MACT standard. Several states have facilities that fumigate goods prior to export and emit over 10 tons per year. The Committee had discussed the issue on its recent calls and there is a small workgroup drafting a letter asking EPA to look into this source category as a possible candidate for regulation.

The third issue relates to the National Air Toxics Assessment (NATA). EPA has compiled the emission inventory for the 2011 NATA, which included a period for state and local review, and is conducting the exposure and risk modeling. EPA expects that in late May or early June they will begin a preview of the 2011 risk results with state, local and tribal agencies. That review will last about six weeks, until the end of July. Early in this review period, EPA will

hold a series of regional webinars to help focus the review. EPA is still aiming for late September 2015 for the public release.

Criteria Pollutants

On behalf of the NACAA Criteria Pollutant (CP) Committee, Co-Chair Lynne Liddington (Knoxville, TN) highlighted three of the highest priority issues the Committee is working on over the next six months. First is the ozone NAAQS revision, which EPA is under court order to issue by October 1, 2015. Between now and then, NACAA will work to engage EPA in discussions about roll out and implementation of the new standards. The association will continue to underscore with EPA the critical need for timely implementation rules and guidance.

The second issue is EPA's proposed PM_{2.5} SIP Requirements Rule (SRR). EPA proposed this rule in March 2015; comments are due May 29, 2015. The CP Committee will convene a call shortly after this Spring Membership to discuss what comments NACAA should make on the proposal and, accordingly, draft comments for the full membership's review.

The third issue is the NACAA-ECOS-EPA SIP Reform Workgroup's (SRWG) first annual review of progress on addressing the SIP backlog. Under the February 2014 NACAA-ECOS-EPA SRWG agreement on the backlog, the workgroup is to convene annually to assess progress under the agreement. It is time for the first progress review to take place; NACAA staff will coordinate the timing with EPA. For its part, NACAA will preface the review with a session at this Spring Membership Meeting (Monday afternoon) to hear from EPA about its perspective on progress and to hear from NACAA members about their experiences. Related to this is how EPA will ensure timely review and approval of state plans under Section 111(d); the CP Committee will be monitoring this as well.

Emissions and Modeling

Karen Mongoven (NACAA) reported that the Emissions and Modeling Committee will soon direct its attention to EPA's forthcoming proposed revisions to the *Guideline on Air Quality Models* (Appendix W). EPA expects to release the proposed rule in early June. This will be the first time Appendix W has been revised since 2005 and the proposed changes are expected to be substantial. Among other things, EPA is expected to identify modeling techniques specific to PM_{2.5} and to PM₁₀, identify newer ozone models and add models and modeling techniques for addressing the impacts of secondary PM. The Committee will develop comments on the proposed Appendix W revisions and NACAA may provide public testimony as well.

EPA recently informed the Committee that the 11th Modeling Conference (required to be held every three years under the Clean Air Act) and the 2015 Regional/State/Local Modelers' Workshop will not take place in June 2015, as was previously announced. The events are now tentatively scheduled for August 10-11 (R/S/L Workshop) and August 12-13 (11th Modeling Conference). Both events are to be held in Research Triangle Park, NC. The reason for the delay is that EPA plans to hold a public hearing on its Appendix W proposal at the 11th Modeling Conference, and the agency has received numerous requests to allow stakeholders more time to review the proposal before providing testimony.

Enforcement

Richard Stedman (Monterey, CA), Co-Chair of the NACAA Enforcement and Compliance Committee, reported that the Committee has been discussing concerns that EPA is increasing its minimum data requirements (MDRs) in various areas of the enforcement program. These expansions appear to be occurring even though EPA has stated that the agency is not intending to change MDRs.

Eddie Terrill (OK), Co-Chair of the NACAA Enforcement and Compliance Committee, noted that there would be a presentation at the membership meeting about EPA's Next Generation Compliance program. He reported that EPA has been making in-depth presentations around the country to inform state and local agencies about the Next Generation program and he encouraged the members to attend such an event in their respective regions, if possible. He also suggested that NACAA have a session at a future meeting to discuss concerns about the expansion of the MDRs in various EPA enforcement and other programs, some of them as a result of the Next Generation effort.

The members discussed some concerns they have about submitting large amounts of data to EPA, including the increased workload for their staffs, the resources the submittals require and the problems associated with providing raw data that has not necessarily been reviewed. They also noted that it was unclear what would be done with the additional data and if EPA needs all of it.

Global Warming

Larry Greene (Sacramento, CA), Co-Chair of the NACAA Global Warming Committee, shared the Committee's upcoming goals. In addition to NACAA's ongoing work related to EPA's Clean Power Plan, the Committee will focus on the international climate talks scheduled for Paris at the end of 2015 and climate adaptation measures. Larry closed by asking for additional suggestions on topics to pursue. Some Board members stated support for the focus on adaptation and also suggested specific adaptation topics for NACAA to investigate.

Mobile Sources and Fuels

Nancy Seidman (MA), Co-Chair of the NACAA Mobile Sources and Fuels Committee, highlighted the top two issues for the Committee over the next six months. First is the forthcoming EPA-Department of Transportation (DOT) proposal for Phase 2 greenhouse gas and fuel efficiency standards for heavy-duty vehicles and engines. The proposal is expected in late May or early June. NACAA will testify on the proposal and submit written comments. Nancy reminded the group that on March 18, 2015, NACAA provided recommendations to EPA and DOT on taking full advantage of this opportunity continue, and build upon, the first phase of standards, which was adopted in September 2011. NACAA will use its recommendations as the basis for its testimony and comments. The Committee will convene a conference call to discuss this as soon as the proposal is announced.

The second issue is reauthorization of surface transportation legislation, on which NACAA adopted legislative principles in October 2014. Nancy provided an update on the current congressional landscape and indicated that NACAA will continue to engage with congressional staff and others as this issue progresses.

Monitoring

Sam Rubens (Akron, OH), Co-Chair of the NACAA Monitoring Committee, reported that over the next six months, the Committee expects EPA to finalize revisions to the ambient monitoring rules (40 C.F.R. Part 58 and appendices). Committee members also anticipate extensions to the ozone seasons in many parts of the country when EPA finalizes revisions to the ozone NAAQS. In addition, the Committee is preparing for extensive changes to the Photochemical Assessment Monitoring System (PAMS) network. Currently, Sam reported, the Monitoring Committee is working with the Public Outreach Committee to develop communications materials for state and local agencies concerning small, portable air sensor technologies.

Permitting/New Source Review

Ali Mirzakhilili (DE), Co-Chair of the NACAA Permitting Committee, reported that the Permitting and New Source Review Committees are working with EPA to improve the utility of the RACT/BACT/LAER Clearinghouse (RBLC), the EPA database of air pollution technology information (including past RACT, BACT and LAER decisions contained in NSR permits) to promote the sharing of information among permitting agencies. The RBLC began as a NACAA project. Ali said it is important that NACAA's members keep their lists of authorized RBLC editors up-to-date and that they input permit information into the database in a timely manner. In addition, the Committees have developed a list of recommendations for RBLC improvements and EPA will explain how it is addressing those concerns on the next joint New Source Review and Permitting Committees call.

Ali next noted that on April 24, the Permitting Committee sent a letter to EPA providing feedback on EPA's "draft principles and best practices for efficient and effective oversight of state permitting programs," as set forth in a March 11, 2015 letter to the Environmental Council of the States (ECOS). NACAA noted at the outset of the letter that EPA should remember to consult with local agencies when developing principles that apply to them as well as to states. NACAA also observed that EPA's lists of principles and best practices seem to be data-intensive. NACAA recommended that the agency refrain from imposing additional reporting burdens on state and local agencies.

Permitting Committee Co-Chair Ursula Nelson (Tucson, AZ) provided an update on EPA's plans for the rollout of EJSCREEN, its new environmental justice screening and mapping tool. A small group, including representatives of NACAA, ECOS and a number of state and local agencies, has been holding regular calls with EPA to discuss issues and concerns associated with its release. EPA currently plans to release the tool to a group of about 40 agencies on May 11 for a one-month preview period. The public release will not occur until June, and the tool will utilize updated PM_{2.5} and ozone data, as urged by NACAA and others. In addition, also responding to concerns raised by NACAA and others, EPA will *not* include the 2005 National-Scale Air Toxics Assessment data in the tool in the initial release. The NATA-related components of EJSCREEN will not be functional until the 2011 NATA data can be incorporated into the tool, which will not occur until late fall or winter.

Bill O'Sullivan (NJ), Co-Chair of the NACAA New Source Review Committee, then provided a brief update on the Committees' Title V fees survey. A summary of the survey results will be made available soon in draft form, along with a request for feedback. The survey is intended to help agencies that have had trouble raising enough fees to fund their Title V

programs. A more detailed compilation of survey data and a more detailed analysis will be ready sometime in the next six months.

Public Outreach

Craig Kenworthy (Seattle, WA), Co-Chair of the NACAA Public Outreach Committee, reported that over the next six months the Committee will update, as necessary, the ozone outreach materials it developed when EPA proposed its revised ozone standard at the end of last year and work with the NACAA Monitoring Committee to develop an online toolkit of resources related to personal air monitors.

Training

Mike Dowd (Virginia), Co-Chair of the NACAA Training Committee, reported that the Committee will be working to adjust its approach to training issues over the next few months. Mike noted that many of the significant projects NACAA has worked on in recent years are complete and that EPA is now coordinating a separate set of national training planning calls. As such, the Committee would like to ensure it is pursuing topics that are useful and timely for NACAA members. NACAA staff and Committee leadership are working to identify new thematic issues to investigate as well as specific training practices at state and local agencies that can be highlighted as innovated or best practices.

NACAA-AAPCA Relations

The group discussed interactions to date between NACAA and the Association of Air Pollution Control Agencies and the differences between the two organizations.

NACAA 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 some carryover of funds from the first year of NACAA's two-year grant. He also noted that NACAA had received a small grant from the Virginia Department of Mines, Minerals, and Energy to provide some assistance with an ongoing energy efficiency project. In addition, Bill noted that NACAA would continue to seek outside funding if it is anticipated that future funding will fall short of what is needed to operate the association.

Investments

Bill Becker discussed NACAA's investment account and noted that this account is also doing well. He noted that the funds in the account include some liquid resources that the *association can consider to be its reserve funds for use in an emergency.

Future Meetings

Bill reviewed the schedule for upcoming NACAA meetings:

2015 NACAA Summer Board of Directors and Committee Chairs' Meeting
July 31-August 3, 2015 in Williamsburg, VA (Kingsmill Resort)

2015 NACAA Fall Membership Meeting
October 5-7, 2015 in New Orleans, LA (Westin New Orleans Canal Place)
(Board of Directors and Committee Chairs' Meeting, October 4, 2015)

The group also discussed potential locations for future meetings including Charleston, South Carolina for the 2016 NACAA Winter Board of Directors and Committee Chairs' Meeting and Santa Fe, New Mexico for the 2016 NACAA Spring Membership Meeting.

New Business

There was no new business.

Adjourn

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

FINAL AGENDA

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

**April 26, 2015
8:30 a.m. – 12:30 p.m.**

**Haydn Room
Renaissance Providence Downtown Hotel
Providence, Rhode Island**

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| 7:00 a.m. – 8:30 a.m. | Continental Breakfast |
| 8:30 a.m. – 8:45 a.m. | Introductions, Review of Agenda and Approval of Minutes of Board of Directors and Committee Chairs' 2015 Winter Meeting |
| 8:45 a.m. – 9:45 a.m. | Global Warming – 111(d) <ol style="list-style-type: none">1. Update on NACAA Menu of Options2. Update on NACAA Model State Plan3. Status of State and Local Efforts (brief updates by Board Members and Committee Chairs) |
| 9:45 a.m. – 10:00 a.m. | FY 2016 Federal Appropriations |
| 10:00 a.m. – 10:30 a.m. | Major Committee Issues/Initiatives over Next Six Months <ol style="list-style-type: none">1. Agriculture2. Air Toxics3. Criteria Pollutants4. Emissions and Modeling5. Enforcement6. Global Warming |
| 10:30 a.m. – 10:45 a.m. | Break |
| 10:45 a.m. – 11:15 a.m. | Major Committee Issues/Initiatives over Next Six Months (continued) <ol style="list-style-type: none">7. Mobile Sources and Fuels8. Monitoring9. New Source Review/Permitting10. Public Outreach11. Training |
| 11:15 a.m. – 12:00 p.m. | NACAA – AAPCA Relations |

12:00 p.m. – 12:15 p.m.	NACAA Finances 1. Financial Reports 2. Investments
12:15 p.m. – 12:25 p.m.	Future Meetings
12:25 p.m. – 12:30 p.m.	New Business
12:30 p.m.	Adjourn

(4/20/2015)