

#### NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES 2010 FALL MEMBERSHIP MEETING AND 30<sup>TH</sup> ANNIVERSARY REUNION

#### October 18-20, 2010

#### Hyatt Regency Washington on Capitol Hill Washington, DC

The National Association of Clean Air Agencies (NACAA) held its 2010 Fall Membership Meeting and 30<sup>th</sup> Anniversary Reunion October 18-20, 2010, at the Hyatt Regency Washington on Capitol Hill, in Washington, DC. 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 Tuesday afternoon, October 19, 2010, followed by the minutes of the NACAA Board of Directors meeting, held Sunday, October 17, 2010. The Membership Meeting agenda and attendees list are attached, as is the Board Meeting agenda.

#### MINUTES NACAA BUSINESS MEETING Tuesday, October 19, 2010

Larry Greene (Sacramento, CA) and Vince Hellwig (MI), Co-Presidents of NACAA, called the Business Meeting to order.

#### Approval of Minutes

The 2010 Spring 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, including both federal and non-federal funds.

#### NACAA Elections

NACAA Co-President Vince Hellwig introduced the state agency group of nominees, who would serve one-year terms. There were no nominations from the floor and the slate proposed by the State Agency Subcommittee of the NACAA Nominating Committee was approved unanimously, with 30 "yes" votes, 0 "no" votes and no abstentions. NACAA Co-President Larry Greene introduced the local agency group of nominees for the NACAA Board of Directors, who would serve one-year terms. There were no nominations from the floor and the slate proposed by the Local Agency Subcommittee of the NACAA Nominating Committee was approved unanimously, with 21 "yes" votes, 0 "no" votes and no abstentions. The new NACAA Board for 2010-2011, to take office at the conclusion of this Membership Meeting, is as follows:

	<u>State Group</u>	Local Group
Co-Presidents	David Shaw (NY/Reg 2)	Lynne Liddington (Knoxville, TN/Reg 4)
Co-Vice Presidents	Mary Uhl (NM/Reg 6)	Bruce Andersen (Kansas City, KS/Reg 7)
Co-Treasurers	Tad Aburn (MD/Reg 3)	Merlyn Hough (Springfield, OR/Reg 10)
Director:	Andy Ginsburg (OR/Reg 10)	Richard Stedman (Monterey, CA/Reg 9)
Director	Anne Gobin (CT/Reg 1)	Barry Wallerstein (Los Angeles, CA/Reg 9)

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Director: James Goldstene (CA/Region9) Thomas Huynh (Philadelphia, PA/Reg 3) Cheryl Heying (UT/Reg 8) Director: Director John Lyons (KY/Reg 4) Director: Shelley Schneider (NE/Reg 7) **Co-Immediate Past** Vince Hellwig (MI/Reg 5) Larry Greene (Sacramento, CA/Reg 9) Presidents

#### Consideration of Proposed NACAA Principles for Reauthorization of Federal Surface Transportation Legislation

Nancy Seidman (MA), Co-Chair of the Mobile Sources and Fuels Committee, explained that the most recent authorizing legislation for the federal surface transportation program (SAFETEA-LU) had expired and the program was now operating on an extension. Because it is expected that the next Congress will take up the issue of reauthorization, it is important that NACAA be prepared with guiding principles that will allow the association's leadership and staff to engage in the forthcoming discussions and debates. Accordingly, over the summer, the Mobile Sources and Fuels Committee undertook an initiative to draft NACAA Principles for Reauthorization of Federal Surface Transportation Legislation. Nancy noted that the draft principles had been circulated to the full NACAA membership for review and comment and that most of the suggested changes and additions had been incorporated into the proposal. She further noted that at the NACAA Board of Directors and Committee Chairs Meeting a few days earlier, that group had made a few additional refinements to the proposed principles and then voted unanimously to recommend that the NACAA membership approve the proposal as revised. Barry Wallerstein (Los Angeles, CA), Co-Chair of the Mobile Sources and Fuels Committee, reviewed the five proposed overarching principles as well as the sub-principles for each. After discussion, the NACAA membership voted to adopt the principles by the following votes: 1) state agencies - 25 in favor, none opposed, one abstention: 2) local agencies – 19 in favor, none opposed, no abstentions.

#### Consideration of Proposed NACAA Resolution on the Need for Strong Federal Control Measures

Tad Aburn (MD), Co-Chair of the Criteria Pollutants Committee, described why a resolution calling for strong federal control measures is needed and the process used by NACAA in developing the resolution. He said that there had been a healthy discussion of the proposed resolution at the NACAA Board Meeting and, as a result, changes were made to the proposal. The Board was then generally supportive of the resolution. Tad then went through the final proposal, including the edits made since it was distributed prior to the meeting, and highlighted the changes

that had been made by the Board. The resolution was approved by the following votes: 1) state agencies -20 in favor, none opposed, two abstentions; 2) local agencies -19 in favor, none opposed, no abstentions.

#### Other Business

Dick Valentinetti (VT) reminded the members that EPA has available \$300,000 in grant funds for two cities – one large and one smaller – to purchase equipment to conduct their near-roadway monitoring study. Jurisdictions interested in competing for this funding should contact Nielsen Watkins at EPA OAQPS.

Andy Ginsburg (OR) asked the members if they would be interested in conducting a study to determine the actual benefits derived from inspection and maintenance programs, in light of the fact that EPA's new MOVES Model appears to underestimate the benefits from these programs.

The NACAA Business Meeting was adjourned.



#### MINUTES

#### NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES 2010 FALL BOARD OF DIRECTORS MEETING

#### Sunday, October 17, 2010 8:30 a.m. – 12:30 p.m.

#### Hyatt Regency Washington on Capitol Hill Washington, DC

The NACAA Board of Directors convened its meeting at 8:30 a.m. NACAA Board members present included Arturo Blanco (Houston, TX), Andy Ginsburg (OR), Larry Greene (Sacramento, CA), Anne Gobin (CT), Vince Hellwig (MI), Jim Hodina (Cedar Rapids, IA), Merlyn Hough (Springfield, OR), Cindy Kemper (Johnson County, KS), Lynne Liddington (Knoxville, TN), Dave Shaw (NY), Richard Stedman (Monterey, CA) and Mary Uhl (NM). Committee Co-Chairs present who are not Board members included Tad Aburn (MD), Bruce Andersen (Kansas City, KS), Cory Chadwick (Cincinnati, OH), Stu Clark (WA), Bob Hodanbosi (OH), Ursula Kramer (Tucson, AZ), Bill O'Sullivan (NJ), John Paul (Dayton, OH), Shelley Schneider (NE), Nancy Seidman (MA), Eddie Terrill (OK), Dick Valentinetti (VT) and Barry Wallerstein (Los Angeles, CA). Others present included James Goldstene (CA), Sheila Holman (NC), Eric Stevenson (San Francisco, CA) and Paul Tourangeau (CO). NACAA staff present included Bill Becker, Nancy Kruger, Mary Sullivan Douglas, Amy Royden-Bloom, Misti Duvall, Stephanie Cooper and Monique Faye. The meeting agenda is attached.

#### Legislative Update

Bill Becker (NACAA Executive Director) presented a legislative update in several areas, including climate change, multipollutant, renewable energy and transportation legislation, as well as appropriations and upcoming Congressional actions. Bill reported that climate change legislation had stalled in the Senate, as has Senator Carper's (D-DE) "3-P" bill (which aimed to reduce emissions of SO<sub>2</sub>, NO<sub>x</sub>, and mercury). Attempts to overturn and delay EPA regulation of GHGs also failed, though a proposal from Senator Rockefeller (D-WV) to delay EPA regulation of GHGs from power plants and other stationary sources for two years may be introduced during the lame duck session. Bill also reviewed renewable energy legislation that has been introduced over the past two years, and reported that the transportation reauthorization bill was extended to the end of this year and will likely be addressed next year.

On appropriations, Bill expressed optimism about the state-local increase, but noted that Congress had not yet been able to pass an omnibus bill. Congress passed a Continuing Resolution (CR) through December 3, 2010; there may be another CR, or possibly an omnibus bill, during the lame duck session. The President will likely include the \$82.5-million increase for states and localities in next year's budget, either as an increase if it does not pass this year or as level funding including this year's increase.

With respect to the lame duck session, there will not likely be much action on air issues. Bill also discussed various scenarios for the next Congress, depending on the outcome of the November elections,

#### Discussion of Changes to NACAA Dues Structure

Bill Becker reported that Board members had asked at the last meeting that the issue of NACAA dues be on the agenda for this Board meeting. In the past, EPA had always calculated each state's contribution based on population. The Board was interested in discussing additional options for calculating dues.

Bill listed several other ways the dues could be calculated, including equally (where each agency pays the same amount), proportionally (based on a factor such as population, agency budget, Section 105 grant allotment, etc.), tiered (based on agency size or some other metric), a base amount plus equity (each agency pays an equal minimum amount and addition contributions are based on a variable), or air quality.

Bill noted that EPA had spent two years updating the formula by which Section 105 grants would be distributed. The staff's recommendation is that NACAA use this updated formula to determine how much each state's dues would be – that is, each state would pay the same percentage of NACAA's budget as the percentage of Section 105 grants that it receives.

The members discussed several issues related to the calculation of dues, including how to address the one-half-of-one-percent states, timing issues, the possibility that there would not be additional appropriations in FY 2011, current inequities in the dues formula, etc.

Bill noted that EPA did not yet have the allotment figures for each region for FY 2011, so the staff had not been able to develop projected amounts based on the new formula and grant amounts.

Following a discussion, the Board agreed that it is difficult to discuss the issue without having some idea about what a new distribution would be. Since the FY 2011 grants will fund NACAA in FY 2012, there is still time to discuss this at the Winter Board Meeting. So the Board decided to postpone further discussion until more is known about FY 2011 funding. The Board asked the Program Funding Committee Chairs to prepare a spreadsheet that contains figures that the members could use to compare the options for a dues structure.

#### **Critical Issues**

#### Training

Arturo Blanco (Houston, TX), NACAA Training Committee Co-Chair, discussed recent activities by the Training Committee. For the \$1 million in excess section 105 funds, the Committee has identified projects to support training: 1) development of a Learning Management System (LMS); 2) updates and development of critical self-instructional courses; and 3) determining the skills/competencies most needed by today's air quality management employees. The Committee is also working on finalizing the Training Strategy Action Plan. The Committee met in September regarding the LMS and has scheduled another meeting in November to finalize the Training Strategy Action Plan.

#### GHG Permitting

John Paul (Dayton, OH) gave an update on the status of the greenhouse gas (GHG) permitting regulations. The four main regulations relevant to GHG permitting (i.e. the Endangerment Finding, Light-Duty Vehicle Rule, Johnson Memo Reconsideration and Tailoring Rule) have all been challenged in federal court. There are three cases ongoing, as litigation challenging the Johnson Memo Reconsideration and Tailoring Rule was consolidated into one case. GHG permitting under the Prevention of Significant Deterioration (PSD) program begins January 2, 2011. Any permits issued after this date will have to address Best Available Control Technology (BACT) if the source meets the Tailoring Rule requirements. EPA has draft GHG permitting and BACT guidance; the guidance was sent to OMB last month and is still being held there. The guidance will likely recommend using the top-down BACT process for GHGs, and will likely entail energy efficiency. We expect to see the guidance soon, after which EPA has indicated there will be regional training followed by state/local training. John stressed the importance of documenting information related to the BACT decision in the permit record.

There was a discussion about state/local efforts to prepare for GHG permitting. Most agencies appear to be moving forward to prepare. Except for Texas, there should be authority in place (either EPA or state/local agency) to issue PSD permits for GHGs come January 2, 2011. Those in the room were asked how many permits they expect to address GHGs in 2011. Most indicated only a few; only a handful indicated that they expected more than five.

#### Lesser Quantity Cut-Offs

Vince Hellwig (MI), Co-Chair of the Air Toxics Committee, reported that the Quicksilver Caucus (QSC), of which NACAA, ECOS and other state environmental associations are members, is considering a recommendation that EPA establish a Lesser Quantity Threshold (LQT) for mercury. Currently, the Clean Air Act considers a source of hazardous air pollutants (HAPs) to be "major" if it emits 10 tons of a HAP or 25 tons of a combination of HAPs. However, the Act allows EPA to establish a lower threshold for persistent and bioaccumulative toxic pollutants. The Great Lakes Governors and several states are considering recommendations for a LQT for mercury of 10 to 25 pounds per year. Vince also noted that the 1990 amendments to the CAA made the provisions related to mercury less protective than those in the 1977 amendments and establishing a LQT would help to address that problem. Since the LQT issue is primarily a Clean Air Act matter, the QSC is seeking NACAA's input before proceeding.

Vince noted that on the NACAA Air Toxics Committee most of the members are in favor, although a couple expressed opposition due to concerns about permitting burdens.

Following a discussion about the issue, including whether it is better to identify 10 or 25 pounds per year as the recommended LQT, the Board voted by a show of hands. Those voting agreed unanimously to support the establishment of a lesser quantity threshold for mercury, in the range of 10 to 25 pounds per year

#### Proposed NACAA Principles for Reauthorization of Federal Surface Transportation Legislation

Barry Wallerstein (Los Angeles, CA), Co-Chair of the Mobile Sources and Fuels Committee, reminded the group that the current federal surface transportation authorization bill (SAFETEA-LU) had expired and was operating on an extension and that it was expected that Congress would take up the issue of reauthorization in the next session. He noted that, as was discussed and agreed upon during the 2010 Summer Board Meeting, it is especially important for NACAA to have guiding

principles in place so that the association can engage actively in the forthcoming discussions and debates. Barry then provided an overview of the process the Mobile Sources and Fuels Committee had followed to develop the proposed NACAA Principles for Reauthorization of Federal Surface Transportation Legislation – which included Committee discussion, review and comment, followed by full membership review and comment. He noted that nearly all of the membership's recommended changes had been incorporated with just a few exceptions and that these changes were highlighted in the current version. Next, Committee Co-Chair Nancy Seidman (MA) reviewed the principles as well as the recommended changes, explaining the rationale for each and also why several recommended changes were not incorporated

The group then discussed the proposed principles. Several other changes were recommended and agreed to and then the Board of Directors and Committee Chairs voted unanimously to endorse the proposed NACAA principles as revised and to forward to the full NACAA membership their recommendation that the membership adopt the principles at the upcoming NACAA Business Meeting.

#### Proposed NACAA Resolution on the Need for Strong Federal Control Measures

Tad Aburn (MD), Criteria Pollutants Committee Co-Chair, discussed the reasons the Committee thought a resolution advocating for strong federal control measures was necessary. He also described the process NACAA followed in crafting the resolution. He reviewed some additional changes made to the resolution since its distribution a month before the meeting. The Board discussed the resolution, made some additional changes to the wording and then agreed that the resolution should be presented for a vote at the NACAA Business Meeting, and that Tad should note in introducing the resolution that the Board had engaged in substantial discussion on the resolution, made edits to it and is generally supportive of the resolution.

#### NACAA Finances

Bill Becker presented and explained the NACAA financial statements, including those covering the association's non-federal funds and the operating grant (through August 31, 2010).

#### Future NACAA Meeting Locations

Bill Becker apprised the group that the Winter Board and Committee Chairs Meeting will be held January 28-31, 2011, at the Sonesta Coconut Grove, in Coconut Grove, Florida. The 2011 Spring Membership Meeting will be held May 21-25, 2011, at the Drake Hotel in Chicago, Illinois. The 2011 Fall Membership Meeting will be held in September 2011; the staff is currently exploring options in the Southeast.

#### <u>Adjourn</u>

The NACAA Board of Directors meeting was adjourned.



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

#### Sunday, October 17, 2010 8:30 a.m. – 12:30 p.m.

#### Hyatt Regency Washington on Capitol Hill Capitol Room A 400 New Jersey Avenue, NW Washington, DC 20001

# FINAL AGENDA

- 7:00 a.m. 8:30 a.m. Breakfast
- 7:30 a.m. 8:30 a.m. Registration
- 8:30 a.m. 8:45 a.m. Introductions and Review of Agenda
- 8:45 a.m. 9:15 a.m. Legislative Update
  - Climate Change and Energy
  - 3P
  - Appropriations
- 9:15 a.m. 10:15 a.m. <u>Discussion of Changes to NACAA Dues Structure</u>
- 10:15 a.m. 10:30 a.m. Break
- 10:30 a.m. 12:00 p.m. Critical Issues

#### <u>Jilical Issues</u> Training (15 minu

- Training (15 minutes)
- GHG Permitting (30 minutes)
- Lesser Quantity Cut-offs (15 minutes)
- Proposed NACAA Principles for Reauthorization of Federal Surface Transportation Legislation (15 minutes)
- Proposed NACAA Resolution on Federal Control Measures (15 minutes)
- 12:00 p.m. 12:15 p.m. NACAA Finances
- 12:15 p.m. 12:30 p.m. Future NACAA Meeting Locations
- 12:30 p.m. Adjourn/Box Lunch
- (10/13/2010)



# FINAL AGENDA

#### NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES FALL MEMBERSHIP MEETING & 30<sup>th</sup> ANNIVERSARY REUNION

#### October 17-20, 2010

#### Hyatt Regency Washington on Capitol Hill 400 New Jersey Avenue, NW Washington, DC 20001

#### Sunday, October 17, 2010

8:30 a.m. – 12:30 p.m.	NACAA Board of Directors and Committee Chairs Meeting	Capitol Room A
6:00 p.m. – 7:00 p.m.	Social Hour	Thornton Room
Monday, October 18, 201	0 – NACAA 30 <sup>th</sup> Anniversary Reunion	
7:30 a.m. – 8:30 a.m.	Continental Breakfast	
8:00 a.m. – 8:30 a.m.	Registration	
8:30 a.m. – 8:45 a.m.	Welcome and Introductions by NACAA Co-Presidents Larry Greene (Sacramento, CA) Vince Hellwig (Michigan)	Capitol Room
8:45 a.m. – 9:15 a.m.	NACAA Executive Director's Report Bill Becker (NACAA)	Capitol Room
9:15 a.m. – 10:45 a.m.	Three Decades of Clean Air History: A Conversation with a Clean Air Icon <u>Moderator</u> : Bill Becker (NACAA) <u>Speakers</u> : David Hawkins (Natural Resources Defense of and EPA Assistant Administrator for Air, Nois Radiation, 1977-1981)	
10:45 a.m. – 11:00 a.m.	Break	

# Monday, October 18, 2010 – NACAA 30<sup>th</sup> Anniversary Reunion (continued)

11:00 a.m. – 12:30 p.m.	<ul> <li>Partnerships to Promote Clean Air: Environmental Organizations, Public Health Groups and State and Local Clean Air Agencies Working Together Moderator: Amy Royden-Bloom (NACAA) Speakers:</li> <li>Joe Mendelson (National Wildlife Federation)</li> <li>Bruce Nilles (Sierra Club)</li> <li>Frank O'Donnell (Clean Air Watch)</li> <li>Vickie Patton (Environmental Defense Fund)</li> <li>John Walke (Natural Resources Defense Count Nathan Willcox (Environment America)</li> </ul>	Capitol Room
12:30 p.m. – 2:00 p.m.	Lunch	Columbia AB
2:00 p.m. – 3:30 p.m.	<ul> <li>Hot Topics in Congress: A Discussion with Congressional Staff</li> <li>Moderator: Bill Becker (NACAA) Speakers:</li> <li>Greg Dotson (Chief Counsel, Environment and Energy, House Energy and Commerce Commit</li> <li>Michael Goo (Staff Director and Chief Counsel, House Select Committee on Energy Independer and Global Warming)</li> <li>Tom Hassenboehler (Minority Counsel, Senate Environment and Public Works Committee)</li> <li>Laura Haynes (Legislative Assistant, Office of S Tom Carper)</li> <li>Chris Miller (Senior Policy Advisor to Senate M Leader Harry Reid)</li> <li>Bettina Poirier (Staff Director and Chief Counse Senate Environment and Public Works Commit</li> </ul>	ttee) ence Senator ajority el,
3:30 p.m. – 4:00 p.m.	<ul> <li>Global Warming: The State of the Science <u>Moderator</u>: Stu Clark (Washington) <u>Speaker</u>:</li> <li>Deke Arndt (National Oceanic and Atmospheric Administration)</li> </ul>	Capitol Room
4:30 p.m. – 9:30 p.m.	NACAA 30 <sup>th</sup> Anniversary Reunion Celebration • 4:30 p.m. – NACAA Tour of the Newseum Entrance	Newseum 6 <sup>th</sup> Street, NW
	• 6:15 p.m. – Reception and Banquet	Newseum's Knight Conference Center

# Tuesday, October 19, 2010

7:30 a.m. – 8:30 a.m.	Continental Breakfast	
8:30 a.m. – 10:00 a.m.	<ul> <li>The Latest on the NAAQS and Regional Haze <u>Moderator</u>: Lynne Liddington (Knoxville, TN) <u>Speakers</u>:</li> <li>Sam Napolitano (EPA CAMD)</li> <li>Anna Wood (EPA OAQPS)</li> </ul>	Capitol Room
10:00 a.m. – 10:30 a.m.	Break	
10:30 a.m. – 12:00 noon	Gina McCarthy: "Face the Air Directors" <u>Moderators</u> : Larry Greene (Sacramento, CA) Vince Hellwig (Michigan) <u>Speaker</u> : • Gina McCarthy Assistant Administrator EPA Office of Air and Radiation	Capitol Room
12:00 noon – 1:30 p.m.	Lunch	Thornton Room
	<ul> <li><u>Speaker</u>:</li> <li>The Honorable Henry A. Waxman, Chairman House Energy and Commerce Committee</li> </ul>	
1:30 p.m. – 2:30 p.m.	<ul> <li>Environmental Public Health Tracking: Improving Our Understanding of Air Pollution and Health <u>Moderator</u>: Jim Hodina (Cedar Rapids, IA) <u>Speakers</u>:</li> <li>Fred Dimmick (EPA ORD)</li> <li>Judith Qualters (U.S. Centers for Disease Conte Steve Anderson (New Jersey)</li> <li>Thomas Matte (City University of New York, So Health at Hunter College)</li> </ul>	
2:30 p.m. – 3:00 p.m.	Break	
3:00 p.m. – 4:30 p.m.	<ul> <li>NACAA Business Meeting</li> <li>Approval of Spring 2010 Minutes</li> <li>Treasury Report</li> <li>Election of Officers</li> <li>Consideration of Proposed NACAA Principles for Reauthorization of Federal Surface Transportation Legislation</li> </ul>	Capitol Room

# Tuesday, October 19, 2010, continued

•	Consideration of Proposed NACAA Resolution		
	on the Need for Strong Federal Control Measures		

• Other Business

# Wednesday, October 20, 2010

7:30 a.m. – 8:30 a.m.	Continental Breakfast	
8:00 a.m. – 8:30 a.m.	<ul> <li>Helping State and Local Governments Quantify Emissions Reductions From Greenhouse Gas Mitigation Measures Moderator:</li> <li>Larry Greene (Sacramento, CA) Speaker:</li> <li>Barbara Lee (Northern Sonoma County, CA)</li> </ul>	Capitol Room
8:30 a.m. – 9:30 a.m.	Citizen Monitoring: Working with Communities to Evaluate and Communicate Risk <u>Moderator</u> : Dave Shaw (New York) <u>Speaker</u> : • Philip Fine (Los Angeles, CA)	Capitol Room
9:30 a.m. – 10:00 a.m.	Break and Check Out	
10:00 a.m. – 11:00 a.m.	GHG Permitting Implementation <u>Moderator</u> : Bob Hodanbosi (Ohio) John Paul (Dayton, OH) <u>Speaker</u> : • Anna Wood (EPA OAQPS)	Capitol Room
11:00 a.m.	Adjourn	

#### NACAA Members

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#### **Attendees List**

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