

## **MINUTES**

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

**Sunday, October 2, 2011**

**Renaissance Cleveland Hotel  
Ambassador Room  
24 Public Square  
Cleveland, Ohio**

The NACAA Board of Directors convened its meeting at 8:30 a.m. NACAA Board members present included Tad Aburn (Maryland), Bruce Andersen (Kansas City, KS), Anne Gobin (Connecticut), Larry Greene (Sacramento, CA), Vince Hellwig (Michigan), Merlyn Hough (Springfield, OR), Thomas Huynh (Philadelphia, PA), Dave Klemp (Montana), Lynne Liddington (Knoxville, TN), John Lyons (Kentucky), Shelley Schneider (Nebraska), Dave Shaw (New York), Richard Stedman (Monterey, CA), Eddie Terrill (Oklahoma) and Barry Wallerstein (Los Angeles, CA). Committee Co-Chairs, who are not also Board members, present included Cory Chadwick (Cincinnati, OH), Stu Clark (Washington), Bob Colby (Chattanooga, TN), Mike Dowd (Virginia), Jim Hodina (Cedar Rapids, IA), Ursula Kramer (Tucson, AZ), Barbara Lee (Healdsburg, CA), Bill O'Sullivan (New Jersey), John Paul (Dayton, OH), Nancy Seidman (Massachusetts) and Dick Valentinetti (Vermont). NACAA staff present included Bill Becker, Stephanie Cooper, Mary Sullivan Douglas, Misti Duvall, Monique Faye, Nancy Kruger and Amy Royden-Bloom. The meeting agenda is attached.

#### **Legislative Update**

Bill Becker, NACAA Executive Director, presented a legislative update. In the current Congress, the Clean Air Act is coming under fire through efforts ranging from appropriations add-ons to administrative hearings. House Republican leaders recently released their jobs agenda, which identifies what they consider to be "the 10 most harmful job-destroying regulations." Six of these regulations are under the Clean Air Act, and the House plans to address them in the next several months. Efforts include bills to delay the Boiler and Cement MACT standards and the Transparency in Regulatory Analysis of Impacts on the Nation (TRAIN) Act, which was approved by the House last week. The TRAIN Act would remove a 1970 Clean Air Act provision mandating that consideration of National Ambient Air Quality Standards (NAAQS) be based on health science alone and replace it with a requirement that the NAAQS be based on health science and costs; block the Cross-State Air Pollution Rule (CSAPR), instituting an eight-year delay in implementation; mandate that regulatory decisions must be based on monitoring rather than modeling; remove statutory deadlines for moving forward with certain rules; and redefine MACT standards.

With regard to appropriations, State and Tribal Assistance Grants (STAG) totaled \$226.6 million in FY 2010; there was a \$10-million increase in FY 2011. For FY 2012, the President requested \$305 million for STAG, representing an \$85-million increase. Final appropriations for

2012 are still uncertain, as the federal government is currently operating under a temporary Continuing Resolution (CR). If the current CR is continued for the remainder of FY 2012, there will be a 1.4-percent decrease in grants; if there is an omnibus spending bill there could be further decreases.

### **Meet with Janet McCabe (OAR) to Discuss Key Agency Initiatives**

Janet McCabe, Deputy Assistant Administrator of EPA's Office of Air and Radiation, briefed the Board and Committee Chairs on two recent agency initiatives, indicating that she wanted to reserve a majority of the time for open discussion.

EPA's report on the Regional Planning Organizations (RPOs) is out, and the agency intends to engage with NACAA after providing a brief period for review. EPA does not foresee additional funding for the RPOs.

Janet also provided an update regarding EPA's environmental justice (EJ) in permitting initiative (EPA-issued permits), which currently has two major pieces: 1) what EPA needs to do with regard to federal permits to ensure that disaffected communities are provided meaningful participation and 2) what can EPA do to incorporate EJ into its permits. The agency is currently focusing on the first piece, and is talking with states, the EJ community and businesses. EPA is not currently looking at regulatory requirements for participation, but would like state and local input moving forward.

Issues raised with Janet by the Board and Committee Chairs included EJ, RPO funding, the value of regional measures for reducing air pollution, how state and local air agencies and EPA can work best together cooperatively, allocations of allowances under CSAPR and EPA's reaching out to states to work through this issue, the status of the PM NAAQS, the status of CSAPR2, funds for transportation measures and emissions from ports.

### **Follow Up on Discussion with EPA**

The group discussed reactions to the conversation with Janet. The major sentiments that emerged were that EPA does not appear to understand the serious resource constraints states and local air agencies face; EPA has administrative abilities to address a number of the issues that are causing significant problems for states and localities; EPA is not consulting with NACAA members far enough in advance (or at all in advance) and/or to a sufficient extent on significant actions (e.g., CSAPR, CSAPR allocations and the SO<sub>2</sub> implementation guidance); and there is a need for EPA to collaborate with state and local air agencies to work through technical implementation of new rules such as CSAPR.

Board members agreed that it would be worthwhile to pursue a discussion with EPA Assistant Administration Gina McCarthy concerning these issues and how to resolve them.

### **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, 2011). Board Members and Committee Chairs were asked to sign the annual conflict of interest statements.

### **Future NACAA Meeting Locations**

Bill Becker indicated that the 2012 Winter Board and Committee Chairs Meeting would be held January 28-30, 2012 at the Charleston Place Hotel in Charleston, South Carolina. He also noted that NACAA was preparing to sign contracts for the following meetings: the 2012 Spring Membership Meeting, May 6-9, 2012, at the Westin Denver in Denver, CO; the 2012 Summer Board and Committee Chairs Meeting, July 28-30, 2012, at Grouse Mountain Lodge in Whitefish, MT; and the 2012 Fall Membership Meeting, September 30-October 3, 2012, at Skamania Lodge in Stevenson, WA.

### **Other Business**

The Board of Directors and Committee Chairs discussed concerns that some state environmental commissioners have been discussing amongst themselves regarding NACAA. Upon conclusion of the discussion, the Board of Directors approved the following motion – the State Agency Members by a vote of 7 to 0 with one abstention and the Local Agency Members by a vote of 7 to 0:

“Reach out to state environmental commissioners to communicate that NACAA:

- understands there are concerns among some state environmental commissioners,
- takes this seriously and would like to understand these concerns and have an opportunity to address them,
- would like to meet in person at the earliest practicable date to further discuss this and
- as always, seeks to serve all its members.”

(The adopted motion was subsequently sent by email to the Board of Directors, Committee Chairs and NACAA Air Directors.)

### **Adjourn**

The NACAA Board of Directors meeting was adjourned.

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BOARD OF DIRECTORS AND COMMITTEE CHAIRS MEETING**

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**AGENDA**

7:00 a.m. – 8:30 a.m.	Breakfast
8:30 a.m. – 8:45 a.m.	<u>Introductions and Review of Agenda</u>
8:45 a.m. – 9:00 a.m.	<u>Legislative Update</u>
9:00 a.m. – 10:30 a.m.	<u>Meet with Janet McCabe (OAR) to Discuss Key Agency Initiatives</u>
10:30 a.m. – 10:45 a.m.	Break
10:45 a.m. – 11:45 a.m.	<u>Follow Up on Discussion with EPA</u>
11:45 a.m. – 12:00 noon	<u>NACAA Finances</u>
12:00 noon – 12:10 p.m.	<u>Future NACAA Meeting Locations</u>
12:10 p.m. – 12:30 p.m.	<u>Other Business</u>
12:30 p.m.	Adjourn/Box Lunch

(9/26/2011)