

MINUTES

**NACAA BOARD OF DIRECTORS AND COMMITTEE CHAIRS'
WINTER MEETING
January 23-24, 2024**

**The Ballantyne
10000 Ballantyne Common Parkway
Charlotte, NC 28277
(704) 248-4000**

Tuesday, January 23, 2024

Welcome and Review of Agenda

The NACAA Board of Directors and Committee Chairs convened their 2024 Winter Board of Directors and Committee Chairs' meeting at 9:30 a.m. ET. NACAA Co-Presidents Kathy Taylor (WA) and Wayne Nastri (Los Angeles, CA) welcomed everyone. Other NACAA Board Members participating in the meeting included Tracy Babbidge (CT), Latrice Babin (Harris County, TX), Mark Buford (Mount Vernon, WA), Steve Hall (MO), Frank Kohlasch (MN), Angela Marconi (DE), Michael Ogletree (CO), Richard Stedman (Monterey, CA), Kendal Stegmann (OK), Michelle Walker-Owenby (TN), Francisco Vega (Reno, NV) and Erik White (Auburn, CA). Committee Co-Chairs present, who are not also Board Members, included Alberto Ayala (Sacramento, CA), Gail Good (WI), Christine Kirby (MA), Leslie Rhodes (Charlotte, NC) and Rollin Sachs (Olathe, KS). NACAA staff present included Mary Sullivan Douglas, Miles Keogh, Karen Mongoven and Stephanie Steigman. Chris LaLone (NY) and Nancy Kruger (NACAA) participated virtually. The meeting agenda is attached.

Executive Director's Report

NACAA Executive Director Miles Keogh provided an update on the state of the association, its recent programmatic activities and the overall policy landscape. He also provided a status report on NACAA's membership. Current policy priorities for NACAA agencies, he observed, include funding, workforce issues, the Climate Pollution Reduction Grants (CPRG) program and an expected onslaught of Clean Air Act (CAA) rules in the months leading up to the fall elections. Anything finalized by EPA after approximately June 21, 2024, will be subject to potential action by Congress under the Congressional Review Act. Miles reported that NACAA will continue its effort to roll out special programs and events on a bimonthly basis. NACAA Member Services Specialist Monique Faye is examining how various social media platforms might be used to help address members' workforce challenges. NACAA will continue its work in helping members navigate the CPRG and other Inflation Reduction Act programs. Miles noted that the CAA Section 111 Power Plant Rule is now expected to be finalized in May; the key question is how the rule will handle existing gas plants. He then reviewed the comments, letters and testimony submitted by the association since October 2023. He concluded by discussing additional rules that are expected to be proposed or finalized in the next six months and noted that he has communicated to the White House and EPA that NACAA has not been given enough advance notice before recent EPA rule announcements.

Funding Discussion

Michelle Walker Owenby (TN), Co-Chair of the NACAA Program Funding Committee, initiated a discussion about NACAA's strategy for increasing federal grants for state and local air quality agencies, specifically with respect to communicating funding needs to Congress. She noted that grants have not been increasing and suggested the group discuss whether NACAA has put forth the right message and used the best strategy to educate Congress about air agencies' activities and resource needs.

The members discussed ways in which NACAA's message could be best delivered to individual members of Congress. This could include being more strategic with member outreach and involving other groups that may be willing to reinforce NACAA's recommendations (e.g., other associations, governors, etc.).

Wayne Natri (Los Angeles, CA) offered to arrange for an expert to provide a briefing for the NACAA Board and Committee Chairs on strategies for educating Congress, to which the group was receptive. Based on what is learned from the briefing, NACAA leaders can explore ways to expand and tailor NACAA's strategy accordingly and discuss it with the Board and Chairs at a future meeting. In the meantime, it was agreed that NACAA will continue to put forth the association's adopted position for FY 2025 funding, tailoring how the message is delivered to account for the audience.

Advancing Early Collaboration with EPA

Miles Keogh opened the discussion about ways EPA can improve its early collaboration with NACAA on upcoming rules and other actions. He noted that NACAA has raised concerns about lack of advanced notice with EPA Assistant Administrator for the Office of Air and Radiation Joe Goffman. He reported that some early collaboration and outreach has been better than others.

The members shared stories about recent proposals and rules for which state and local agencies were not provided sufficient advance notice and several members noted that it appears the EPA Regional Offices are not always well-informed in advance either. The members brainstormed ideas, including for EPA to provide state and local co-regulators with longer advance notice (e.g., 24 to 48 hours or longer), ensure that there is direct communication with air directors, empower the Regional Offices and other EPA offices to provide information, provide sufficient detail so state and local agencies can respond to questions (including how an action will affect the individual state or local area) and indicate when embargoed information can be released. Additionally, EPA should rely more on state and local agencies for community engagement.

Miles stated that he would work with the NACAA Co-Presidents to develop a message to relay to EPA.

Preparing for the 2024 Election Cycle

Miles Keogh led a discussion about how the association might best position itself following the fall 2024 national elections. The two most likely potential election outcomes, Miles opined, are that 1) President Biden wins reelection, Republicans gain control of the Senate and Republicans maintain control of the House or 2) Republicans gain control the Presidency and Senate and maintain control of the House. The members discussed whether and how NACAA should communicate its views to the campaigns, and whether and when to start developing a letter or "transition paper" outlining the association's policy priorities. Several members expressed discomfort with the idea of reaching out to candidates before the election. There was broad agreement that NACAA should write a letter to the incoming administration regardless of the election's outcome. The members also briefly discussed the key messages that the association should advance and

whether any of those messages are primarily legislative in nature (i.e., appropriations-related). They agreed to discuss this matter in more detail at the summer 2024 Board-Chairs Meeting. In the meantime, Miles asked members to consider what their agencies' minimum requirements are with respect to funding and personnel.

Wednesday, January 24, 2024

Development of Agenda for NACAA's 2024 Spring Meeting, Discussion of Future Meetings

Miles Keogh announced future NACAA meeting dates and locations as follows:

- Spring 2024
The Notary Hotel, Philadelphia, PA
Board and Committee Chairs Meeting: Tuesday afternoon, May 14, 2024
Membership Meeting: Wednesday-Thursday, May 15-16, 2024
- Summer 2024
San Francisco Marriott Union Square, San Francisco, CA
Board and Committee Chairs Meeting: Tuesday-Wednesday, July 23-24, 2024
- Fall 2024
The Alexandrian Hotel, Alexandria, VA
Board and Committee Chairs Meeting: Monday, October 7, 2024
Membership Meeting: Tuesday-Wednesday, October 8-9, 2024

The group then discussed potential topics for the 2024 NACAA Spring Membership Meeting in Philadelphia using a list of ideas provided in advance and adding other suggested ideas to it. Miles will work with the officers to develop a draft agenda taking into consideration the input received.

Issue Focus: Exceptional Events

NACAA Criteria Pollutants Committee Co-Chairs Gail Good (WI) and Wayne Natri (Los Angeles, CA) led a discussion about recent and expected EPA policy developments concerning exceptional events. With a new PM NAAQS expected to be finalized soon this issue is increasingly important to NACAA members. Gail and Wayne noted that EPA had hosted an exceptional events webinar the previous week that was so well attended it went over capacity. EPA discussed two new draft exceptional events implementation tools: 1) a series of visualization tools to help agencies identify event-influenced PM_{2.5} data most likely to have regulatory significance and 2) a document that lays out a "tiered approach" to assist agencies in determining how much evidence is appropriate to support the "clear causal relationship" criterion for an exceptional event demonstration related to wildland fires and PM_{2.5}. The comment period is extremely short – it closes on February 2. Gail and Wayne opened the floor for discussion. Members were supportive of the Criteria Pollutants Committee taking the lead in requesting, on behalf of NACAA, a 30-day extension of the comment period on the draft exceptional events tools. Several members observed that anything that can be done to streamline the requirements for exceptional events demonstrations is welcome. Many members felt time pressure with the upcoming PM NAAQS rule and an August deadline on ozone.

Review of Policymaking and Committee Practices

Miles Keogh reviewed the association's current policy for drafting and submitting public comments and the history of its development. Prior to 2012, there was no written policy. A 2012

resolution adopted by the Board of Directors codified a core set of policy strictures. That resolution was expanded in March 2018 with the adoption by the Board of Directors of “Comment-Development Process Guidance.” Miles ran through the main elements of that guidance and asked the members to consider three questions: 1) whether they agree with NACAA’s Committee-driven approach to developing comments; 2) whether NACAA’s process for distributing draft comments to the members is working well; and 3) whether any changes should be made to the comment development and review process.

The members expressed satisfaction with respect to the first two issues. They agreed that NACAA should maintain the current requirement that comment letters include the phrase, “the views expressed in these comments do not represent the positions of every state and local air pollution control agency in the country.” A number of members expressed concern that NACAA’s seven-business-day review process impedes the association’s ability to develop comments, especially when there is a short (e.g., 30-day) deadline.

Miles suggested that the association reduce the mandatory membership review period for draft comments from seven business days to five business days. Following a discussion, parallel motions to amend NACAA’s Comment-Development Process Guidance of March 2018 to reflect that recommendation were made and seconded, and in separate votes, the State Agency Members and Local Agency Members of the NACAA Board of Directors unanimously approved the motions to reduce the membership review period for draft comments to five business days.

NACAA Finances and Business

NACAA Financial Reports

Miles Keogh explained the association’s financial reports and provided details about the association’s current finances. The reports included information about the NACAA treasury account (i.e., non-grant funds), the association’s overall cash position and an income statement and operating report as of November 30, 2023.

NACAA Investments

Miles Keogh provided information about the invested NACAA treasury funds, noting that they continue to be maintained within the parameters of the association’s adopted investment policy.

NACAA Annual Audit

Miles reported that NACAA had undergone its annual financial audit in November 2023 and had received the best results possible, which is that there had been no material findings. NACAA continues to be a low-risk auditee.

Approval of Minutes of 2023 Fall Board Meeting

The State Agency Members and the Local Agency Members of the NACAA Board, in separate votes, approved the minutes of the 2023 Fall Board of Directors and Committee Chairs’ Meeting. There was one abstention from the State Agency Members and two abstentions from the Local Agency Members.

New Business

There was no new business.

Adjourn

The meeting was adjourned at 12:45 a.m. ET.

AGENDA

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The Lodge
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(704) 248-4000

Tuesday, January 23, 2024

8:00 a.m. – 9:30 a.m. ET	Continental Breakfast	Carolina
9:30 a.m. – 9:45 a.m. ET	<u>Welcome and Review of Agenda</u>	Carolina
9:45 a.m. – 10:30 a.m. ET	<u>Executive Director's Report</u> <i>Miles Keogh, NACAA</i>	
10:30 a.m. – 11:00 a.m. ET	Break	
11:00 a.m. – 12:00 p.m. ET	<u>Funding Discussion</u> <i>Do we have the right appropriations message with the Administration and Congress?</i> <i>Do we have the right strategy?</i> <i>Are there long-term issues to account for?</i>	
12:00 p.m. – 1:30 p.m. ET	Boxed Lunch (provided)	
1:30 p.m. – 3:00 p.m. ET	<u>Advancing Early Collaboration with EPA</u> <i>Are there upcoming regulatory actions we want a seat at the table for?</i> <i>How should NACAA address the co-regulator/stakeholder problem?</i> <i>What can NACAA Members do?</i>	
3:00 p.m. – 3:30 p.m. ET	Break	
3:30 p.m. – 5:00 p.m. ET	<u>Preparing for the 2024 Election Cycle</u> <i>What messages should NACAA communicate to political stakeholders?</i> <i>What timing works?</i> <i>Are there additional audiences?</i> <i>What leadership turnover issues should we consider?</i>	

What transition strategy should NACAA have?

5:00 p.m. – 10:00 p.m. ET Networking Reception Ryal

Wednesday, January 24, 2024

8:00 a.m. – 9:30 a.m. ET Continental Breakfast Morrison

9:30 a.m. – 10:00 a.m. ET Development of Agenda for NACAA's 2024
Spring Meeting, Discussion of Future Meetings Morrison

10:00 a.m. – 10:30 a.m. ET Break (and check-out)

10:30 a.m. – 11:00 a.m. ET Issue Focus: Exceptional Events

11:00 a.m. – 12:00 p.m. ET Review of Policymaking and Committee Practices
Check-in about current policy development practices
Are the current provisions advantageous?
What issues are raised by remote meetings?

12:00 p.m. – 12:30 p.m. ET NACAA Finances and Business
1. NACAA Financial Reports
2. NACAA Investments
3. NACAA Annual Audit
4. Approval of Minutes

12:30 p.m. – 12:45 p.m. ET New Business and Wrap Up

12:45 a.m. ET Adjourn; Boxed Lunch (provided)

1/17/2023