

**NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES
2007 FALL MEMBERSHIP MEETING**

October 29-31, 2007

**Paradise Point Hotel
San Diego, California**

The National Association of Clean Air Agencies (NACAA) held its 2007 Fall Membership Meeting from October 29 to October 31, 2007 at the Paradise Point Hotel in San Diego, California. The meeting agenda and attendees list are attached. All 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 30, 2007 and the NACAA Board of Directors meeting, held Sunday, October 28, 2007.

**MINUTES
NACAA BUSINESS MEETING
Tuesday, October 30, 2007**

Ursula Kramer (Tucson, AZ) and Shelley Kaderly (NE), Co-Presidents of NACAA, called the Business Meeting to order.

Approval of Minutes

The 2007 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. He brought to the attention of new attendees that the association is funded through federal and non-federal funds and described the types of activities that each covers.

NACAA Board Elections

NACAA Co-President Shelley Kaderly began by introducing the state agency group of nominees for the NACAA Board of Directors. All nominees would serve a one-year term. 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 24 “yes” votes, no “no” votes and no abstentions. NACAA Co-President Ursula Kramer introduced the local agency group of nominees, who also 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 22 yes votes, no “no” votes and no abstentions.

Other Business

Bill Becker informed the membership that he and Art Williams (NACAA Co-Chair of the Global Warming Committee) would attend the United Nations Climate Change Conference in Bali, Indonesia, December 3-14, 2007 as credentialed participants, with travel expenses paid for by NACAA. He committed to keeping the membership informed by providing regular updates on the negotiations while there.

FINAL AGENDA

NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES (NACAA) FALL MEMBERSHIP MEETING October 28-31, 2007

Paradise Point Hotel
San Diego, California

Sunday, October 28, 2007

- 8:00 a.m. – 12:00 noon **NACAA Board of Directors and Committee
Chairs Meeting**
- 6:00 p.m. – 7:00 p.m. Registration
- 6:30 p.m. **Meeting Preview**

Monday, October 29, 2007

- 7:30 a.m. – 8:30 a.m. Breakfast
- 8:00 a.m. – 8:30 a.m. Registration
- 8:30 a.m. – 9:00 a.m. **Welcome and Introductions by NACAA
Co-Presidents**
Shelley Kaderly (Nebraska)
Ursula Kramer (Tucson, AZ)
- 9:00 a.m. – 9:30 a.m. **Executive Director's Report**
Bill Becker (NACAA)
- 9:30 a.m. – 10:00 a.m. **Air Quality Profile of California**
Ron Roberts (San Diego County Supervisor)
- 10:00 a.m. – 10:30 a.m. Break
- 10:30 a.m. – 11:30 a.m. **EPA's Greenhouse Gas Rule for Vehicles and Fuels**
Moderator:
Nancy Seidman (Massachusetts)
Speaker:
• *Paul Argyropoulos (EPA OTAQ)*
- 11:30 a.m. – 12:30 p.m. **The Latest Health Effects Studies: Cardiovascular
Effects of Air Pollution and Climate Change and Health**
Moderator:
Lynne Liddington (Knoxville, TN)
Speaker:
• *Deborah Drechsler (California)*

Monday, October 29, 2007 (continued)

- 12:30 p.m. – 2:00 p.m. Lunch
Speaker:
 - *Bob Meyers*
Principal Deputy Assistant Administrator
EPA Office of Air and Radiation
- 2:00 p.m. – 3:00 p.m. **Ethanol: A Closer Look**
Moderator:
Eddie Terrill (Oklahoma)
Speakers:
 - *Bob Fletcher (California)*
 - *Ron Sahu (Consultant to the Alliance for a Safe Alternative Fuels Environment)*
- 3:00 p.m. – 3:30 p.m. Break
- 3:30 p.m. – 4:30 p.m. **Agricultural Air Quality Hot Topics: CAFOs and Open Burning**
Moderator:
Doug Quetin (Monterey, CA)
Speakers:
 - *Samir Sheikh (San Joaquin Valley, CA)*
 - *Bill Schrock (EPA OAQPS)*
- 6:15 p.m. **NACAA Banquet**

Tuesday, October 30, 2007

- 7:30 a.m. – 8:30 a.m. Breakfast
- 8:30 a.m. – 10:30 a.m. **NAAQS and Regional Haze**
Moderator:
Brock Nicholson (North Carolina)
Speaker:
 - *Bill Harnett (EPA OAQPS)*
- 10:30 a.m. – 11:00 a.m. Break
- 11:00 a.m. – 12:00 noon **Federal Enforcement Update**
Moderator:
Eddie Terrill (Oklahoma)
Speaker:
 - *Adam Kushner (EPA OECA)*
- 12:00 noon – 1:30 p.m. Lunch

Tuesday, October 30, 2007 (continued)

- 1:30 p.m. – 3:30 p.m. **State and Local Leadership on Global Warming**
Moderator:
Art Williams (Louisville, KY)
Speakers:
- *David Thornton (Minnesota)*
 - *Edie Chang (California)*
 - *Dave Shaw (New York)*
 - *Dennis McLerran (Seattle, WA)*
- 3:30 p.m. – 4:00 p.m. Break
- 4:00 p.m. – 5:00 p.m. **NACAA Joint Business Meeting**
- Approval of Minutes
 - NACAA Co-Treasurers' Report
 - NACAA Board Elections
 - Other Business

Wednesday, October 31, 2007

- 7:15 a.m. – 8:15 a.m. **NACAA Board of Directors Meeting (Tentative)**
- 7:30 a.m. – 8:30 a.m. Breakfast
- 8:30 a.m. – 9:30 a.m. **Progressive Initiatives to Reduce Port Emissions**
Moderator:
Dennis McLerran (Seattle, WA)
Speakers:
- *David Freeman (President, Los Angeles Board of Harbor Commissioners)*
 - *Bob Fletcher (California)*
- 9:30 a.m. – 10:00 a.m. Break (and check out)
- 10:00 a.m. – 11:00 a.m. **Improving and Streamlining the Permit Process**
Moderator:
Ursula Kramer (Tucson, AZ)
Speakers:
- *Bill Harnett (EPA OAQPS)*
 - *Amy Mann (Delaware)*
 - *Mohsen Nazemi (Los Angeles, CA)*
- 11:00 a.m. Adjourn

(10/16/07)

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MINUTES

NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES BOARD OF DIRECTORS 2007 FALL MEETING

October 29-31, 2007

Paradise Point Hotel
San Diego, California

The NACAA Board of Directors convened its meeting at 8:00 a.m. NACAA Board members present included Arturo Blanco (Houston, TX), Colleen Cripps (NV), Bob Elliott (Vancouver, WA), Joyce Epps (PA), Larry Greene (Sacramento, CA), Vince Hellwig (MI), Jim Hodina (Cedar Rapids, IA), Shelley Kaderly (NE), Ursula Kramer (Tucson, AZ), Lynne Liddington (Knoxville, TN), Keith Overcash (NC), John Paul (Dayton, OH), David Shaw (NY), Eddie Terrill (OK) and Paul Tourangeau (CO) (for Don Vidrine [MT]). NACAA Committee Chairs present included Bruce Andersen (Kansas City, KS), Cory Chadwick (Cincinnati, OH), Stu Clark (WA), Dennis McLerran (Seattle, WA), Brock Nicholson (NC), Bill O'Sullivan (NJ), Doug Quetin (Monterey, CA), Nancy Seidman (MA), David Thornton (MN), Dick Valentinetti (VT) and Art Williams (Louisville, KY). NACAA staff present included Bill Becker, Nancy Kruger, Mary Sullivan Douglas, Mary Stewart Douglas, Stephanie Cooper and Monique Faye. The meeting agenda is attached.

Discussion of Timely Policy Issues with Bob Meyers, Principal Deputy Assistant Administrator, EPA Office of Air and Radiation

Funding of State and Local Air Programs – Bruce Andersen (Kansas City, KS), Co-Chair of the NACAA Program Funding Committee, stated that Sections 105 and 103 grants are very important to state and local air agencies and that they have been decreasing in purchasing power over recent years. At the same time, state and local agencies have experienced an increase in workload. He reported that NACAA is requesting \$270.3 million in state and local air grants for FY 2009. Bruce asked how NACAA could participate in the budget process to obtain additional grants in FY 2009.

Bob reported that EPA is developing the budget for FY 2009, but that he is precluded from talking about the process outside of the agency. However, he noted that EPA is aware of NACAA's concerns and that the association has been effective in expressing the need for additional resources. Bruce indicated that it would be helpful if EPA could retain funding for the PM monitoring program under the authority of Section 103 in FY 2009.

In response to a question about how the FY 2008 budget will be handled, Bob reported that any changes to the budget will need to be coordinated within EPA. There has been pressure to put additional funds in the underground storage tank program in recent years. However, there is support for the air program within EPA.

Bill Becker questioned why, even though the risks from air pollution are so high, the air budget has been cut disproportionately to other media programs. Bob indicated

that he did not know the answer and would take the question to his office and examine the numbers. He had not gotten the sense that the air program had been singled out.

With respect to the budget process and how the air office advocates for state and local air grants, Bob noted that the office reviews the proposed budget and emphasizes the needs within the agency. They win and lose battles and he did not perceive that the air office was worse off than other media programs.

Arturo Blanco articulated the importance of a good training program and expressed some funding challenges the program faces. Bob agreed about the importance of training and said he would look into it.

Ozone NAAQS – Lynne Liddington (Nashville, TN), Co-Chair of the NACAA Criteria Pollutants Committee, asked Bob Meyers why the proposed revisions to the National Ambient Air Quality Standards (NAAQS) for ozone differed so much from the recommendation of the Clean Air Science Advisory Committee (CASAC). Bob responded that the EPA Administrator has the ultimate discretion to decide on NAAQS revisions, although CASAC has a role to play. Bob stated that there is epidemiological evidence that a defensible level of ozone is 0.070 $\mu\text{g}/\text{m}^3$ to 0.080 $\mu\text{g}/\text{m}^3$.

Discussion ensued on the public hearings that were held on the Ozone NAAQS revisions, with Lynne noting that most of the testimony recommended a level of 0.070 μm^3 . She also noted that any NAAQS change has a huge impact on state and local agencies, particularly relating to the State Implementation Plan (SIP) and monitoring changes that will be necessary. Specifically, Lynne said that more ozone monitoring will be required, some monitoring equipment will need to be replaced, and guidance will be needed on implementation of the new ozone NAAQS. Bob said that the agency will be finalizing the Ozone NAAQS rulemaking in mid-March of 2008.

A question was posed by Art Williams (Louisville, KY), Co-Chair of the NACAA Global Warming Committee. Art referred to a recently published article in the Air and Waste Management Association's magazine authored by John Bachmann, formerly of EPA/OAQPS, which projected that the next phase of air pollution control will be integrated air quality control of hazardous air pollutants, NAAQS, and greenhouse gases. Art asked for Bob's reaction. Bob said that there may be opportunities for co-planning, noting in particular that ozone and PM have "gotten closer in terms of planning" but noted that "it will be an open question for some time whether GHG will be integrated into the NAAQS."

Locomotive and Marine Engine Rule – Dennis McLerran (Seattle, WA), Co-Chair of the NACAA Mobile Sources and Fuels Committee, noted that the association was pleased that EPA had proposed the locomotive and marine diesel rule, reminding Bob Meyers of a 2006 NACAA study on the premature deaths caused by exposure to emissions from these engines.

Dennis briefly summarized the key themes of NACAA's recommendations to EPA on the regulation of locomotive and marine engines: 1) that it's technologically feasible to accelerate the implementation dates for locomotives, 2) that the association supports stringent remanufacturing standards for locomotives on an accelerated schedule, 3) that the association supports standards for new, rebuilt and remanufactured marine engines and that coverage of the Tier 4 standards be expanded to include all

new C1 and C2 engines and accelerated implementation and 4) that the association urges action on C3 marine engines, either through the International Maritime Organization (IMO) or otherwise.

Dennis then asked Bob when EPA would finalize the locomotive/marine rule and whether any of NACAA's recommendations would be included. Bob responded that EPA was "on schedule" for the end of the year, which is what the agency had committed to. He also indicated that this rule was a priority of the Administration. On the substance of the rule, Bob declined to share details because internal deliberations were still ongoing, but said the agency would "have a good rule in the end."

With respect to the IMO, Bob said the U.S. delegation is trying to work quickly and be proactive, and that action by the IMO would be preferable to U.S. regulations. Bob declined to speculate on what the EPA would do in the absence of a successful IMO outcome.

California Waiver Request and EPA GHG Vehicle and Fuel Rule – Nancy Seidman (MA), Co-Chair of the NACAA Mobile Sources and Fuels Committee, highlighted for Bob NACAA's deep interest in California's request for a waiver of federal preemption to enforce the state's vehicle greenhouse gas emission standards, reminding him of the association's participation in EPA's public hearings and the submittal of comprehensive written comments. Nancy reiterated NACAA's strong belief that California has met the statutory criteria for a waiver and that EPA doesn't have discretion to deny the request. She then asked Bob about the timing of the waiver decision and what the decision would be. In addition, Nancy raised the issue of EPA's development of a greenhouse gas rule, reiterating the association's views that 1) the endangerment finding must take into consideration and be based on both health and welfare, 2) the metric used is very important and surrogates for greenhouse gases should not be used and 3) when regulating greenhouse gases, beware of increases in NO_x and VOCs.

Regarding the California waiver, Bob said the Administrator would make a decision by the end of the year and that the agency needs to take into account the Supreme Court's decision on EPA's ability to regulate greenhouse gases, because it is directly relevant to the California waiver decision.

Dennis also reminded Bob that NACAA members are opposed to preemption and urged that as EPA adopts a greenhouse gas rule it ensure against any preemption of states' rights.

Bob noted that all previous waivers granted by EPA to California involved the NAAQS and that the waiver now in question involved a different pollutant. He also said that he could not prejudge where the Administrator will come out on this decision. Bob further stated that the proposed greenhouse gas rule would be out by the end of the year and the final rule would be out by fall 2008.

Flexible Permitting Rule – Ursula Kramer (Tucson, AZ), Co-President of the association, and Co-Chair of the NACAA Permitting Committee, raised NACAA's concerns about the proposed Flexible Permitting Rule. Ursula stated that, by its nature, the rule makes flexible permitting less flexible because it codifies definitions that have been open-ended. Moreover, Ursula said, NACAA is opposed to provisions proposing mandatory Green Groups, or emissions units ducted to a common pollution control device, and

permitted for a 10- to 15-year time period. Bob Meyers stated that the proposed rule builds off of work that has been underway for years. Bill O'Sullivan (New Jersey), Co-Chair of the NACAA New Source Review (NSR) Committee, stated that the Green Group proposal cuts back on NSR requirements. Bill also said that Alternative Replicable Methodologies get around the permit process by allowing increases in emissions to occur through operational changes; and that the proposal, if promulgated, would burden, rather than help states and localities.

Bill Harnett (EPA/OAQPS) stated that a meeting would be held in Research Triangle Park, NC, on November 15 for the purpose of trying to work through the issues raised by the Flexible Permitting proposal. Jim Hodina (Linn County, IA) said that the association believes that the Green Group proposal is essentially the same as the vacated Clean Unit proposal that the D.C. Circuit struck down in its review of the so-called 2002 NSR Reform rules.

John Paul (Dayton, Ohio), Co-Chair of the NACAA NSR Committee, said that the length of the permit time is a key element, and that 18 months (the current time allowed by the regulations for sources to start an approved construction project) is far different than the 10 years proposed for the Green Group. John said that the association believed that increment and offsets should not be tied up, or reserved, beyond 18 months.

NSR EGU Hourly Test – John Paul noted that the proposed Electric Generating Unit (EGU) Hourly Rule, if finalized, would result in EGUs making modifications that trigger no control requirements. John stated that 70 percent of coal-fired utilities are 35 years or older, and that these old units should be shut down or subject to life-extension projects. Furthermore, John said, an “actual-to-projected-actual” test would normally be applied to modifications, resulting in rebuilding and installation of pollution controls. John stated, however, that application of the EGU hourly test will result in no modification, no NSR requirement, no Best Available Control Technology, and no air quality analysis. NACAA is particularly concerned about violations of increments under the Prevention of Significant Deterioration program resulting from promulgation of the EGU Hourly Rule, John added.

Bill Harnett said that EPA feels that its proposal will result in utilities increasing their efficiencies, and that other programs, such as CAIR, compensate for utility NSR. John Paul stated that “birthday provisions” for utilities should be imposed by EPA.

Section 112(j) – Vince Hellwig (MI), Co-Chair of the NACAA Air Toxics Committee, raised several issues related to the application of the Hammer Provision (Section 112(j) of the Clean Air Act) to the Boiler and Process Heater source category. The Boiler MACT had been vacated in June 2007, which means there is no standard currently in place. Vince requested that EPA issue guidance that states that Section 112(j) applies in the case of the vacated Boiler MACT, that it is industry's responsibility to obtain permits with requirements equivalent to MACT, that the timetable dictating when sources must submit applications should begin when EPA issues guidance, and that the requirements of the vacated rule should not be used as case-by-case MACT. Vince noted that NACAA is in the process of developing a model boiler rule for state and local agencies that wish to use it.

Bob stated that EPA must develop a new MACT standard. The issues related to the Boiler MACT are complicated and sources may decide whether they are vulnerable to challenges. He offered that EPA staff will provide technical comments on the NACAA model rule, even though it is not a joint effort.

NACAA Business

Funding for Regional Planning Organizations – David Thornton (MN), Co-Chair of the NACAA Emissions and Modeling Committee, explained that EPA has been reducing funding for Regional Planning Organizations (RPOs). The RPOs would like NACAA to request that, if FY 2008 appropriations for state and local air grants are restored to FY 2006 levels, funding for the RPOs also be restored to FY 2006 levels. The RPOs provided a draft letter for NACAA to send to Congress to request such a provision. Many of the members noted the importance of the work of the RPOs and stated that they perform an essential service to their regions. A few expressed concern that additional funds for the RPOs could come at the expense of other state and local grant-funded efforts. Additionally, local agencies are not all involved in the RPOs and may not be reaping the benefits. The members discussed the fact that Congress is very far along in the appropriations process and that NACAA requesting something additional at this point could be awkward. They talked about whether the goal could be met by requesting that EPA set aside the funds, as NACAA does for other activities for which off-the-top set-asides are requested.

The members also discussed some of the benefits and possible complications if RPOs begin to take on issues beyond haze. If they move beyond haze, there will be many additional groups that become interested in their activities.

Bill suggested that some of the RPOs may wish to contact their Congressional representatives to express the need for a restoration of funding. If that does not work, then NACAA could discuss the allocation with EPA.

The members agreed that the issue could not be resolved at this time. The RPOs need to discuss the issues further and decide how to proceed. They will contact NACAA after they have discussed it among themselves. If prompt action on NACAA's part is needed prior to the board's January meeting, the board could hold a conference call.

Discussion of Proposal for Addition of NACAA Performance Excellence Committee – In the interest of time, the members decided to table the discussion of the formation of a NACAA Performance Excellence Committee until the January board meeting and to proceed with discussion of the remaining agenda items.

Update on NACAA Finances – Bill reviewed grant information for the NACAA headquarters and association activities. He reported that NACAA had completed a two-year grant and has some remaining funds that the association is asking EPA to carry over. The funds would be used to pay the contractor on the boiler MACT model rule project and to fund a contractor to partially cover Senior Staff Associate Amy Royden-Bloom's issues while she is on maternity leave. The Board voted to approve Bill's recommendations by a vote of 7-0-0 by the local members and 9-0-0 by the state members.

Discussion of Future Meeting Locations and Meeting Registration Fees – Stephanie Cooper (NACAA) reviewed the dates and locations of upcoming NACAA meetings, including the Winter Board Meeting on January 26-28, 2008 in Washington, DC, the Greenhouse Gas Meeting on February 12-13, 2008 in Crystal City, Virginia and the 2008 Spring Membership Meeting on May 4-7, 2008 in Tampa, Florida.

The members then discussed the costs of the meetings in general. Bill Becker explained that the staff works hard to contain meeting costs and reviewed what the meeting registration fees cover (e.g., food, audio-visual services), noting that the registration fee does not charge for staff time and overhead. Board members agreed that the association should continue to be mindful of costs when planning meetings.

Adjourn

The NACAA Board of Directors meeting was adjourned.

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

**Sunday, October 28, 2007
8:00 a.m. – 12:00 noon**

**Paradise Point Hotel
San Diego, California**

AGENDA

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|-------------------------|---|
| 7:00 a.m. – 8:00 a.m. | Registration and Breakfast |
| 8:00 a.m. – 8:10 a.m. | <u>Introductions and Review of Agenda</u> |
| 8:10 a.m. – 8:20 a.m. | <u>NACAA Business</u> <ul style="list-style-type: none">• Update on NACAA Special Projects<ul style="list-style-type: none">○ Global Warming Conference○ Boiler MACT Model Rule |
| 8:20 a.m. – 9:15 a.m. | <u>Discussion of Timely Policy Issues to Be Raised During Meeting with Bob Meyers, Principal Deputy Assistant Administrator</u> <ul style="list-style-type: none">• Funding of State and Local Air Programs• Ozone NAAQS• Locomotive and Marine Engine Rule• California Waiver Request• GHG Vehicle and Fuel Rule• Flexible Permitting Rule• NSR• 112(j) |
| 9:15 a.m. – 9:30 a.m. | Break |
| 9:30 a.m. – 11:00 a.m. | <u>Meeting with Bob Meyers</u> |
| 11:00 a.m. – 12:00 noon | <u>NACAA Business</u> (continued) <ul style="list-style-type: none">• Funding for Regional Planning Organizations• Update on NACAA Finances• Update on NACAA Headquarters Operations• Discussion of Future Meeting Locations and Meeting Registration Fees• Discussion of Proposal for Addition of NACAA Performance Excellence Committee |
| 12:00 noon | Adjourn/Box Lunch |