

Federal Advisory Committee Act

Clean Air Act Advisory Committee: Meeting Summary

November 18, 2015

*Hyatt Regency Crystal City Hotel
2799 Jefferson Davis Highway
Arlington, VA 22202*

Introduction

Mr. Jim DeMocker called the meeting to order at approximately 8:30 am on November 18, 2015. Mr. DeMocker welcomed everyone and identified Jim Ketcham-Colwill as the interim designated federal official for the Clean Air Act Advisory Committee (CAAAC). Following committee member introductions, Mr. DeMocker introduced Ms. Janet McCabe, Acting Assistant Administrator for the Office of Air and Radiation, who provided an update on the EPA's air program.

All presentations and meeting materials are available online at: <http://www.epa.gov/caaac/caaac-full-committee-meeting-november-18-2015>.

Air Program Update and Discussion

Ms. McCabe thanked the committee for their attendance and service on the CAAAC, and noted that it is the week of the 25th anniversary of the 1990 Clean Air Act (CAA) Amendments. She listed some of the accomplishments of the CAA Amendments, including reductions in acid rain emissions, reductions in power plant emissions, addressing the hole in the ozone layer and the phase-out of ozone damaging chemicals, reductions in vehicle emissions, reductions in toxic pollution, and clearer skies in Class I national parks.

Ms. McCabe also noted that it is the 25th birthday of the CAAAC and emphasized the importance of having a diverse group of stakeholders to provide feedback to the EPA. She also thanked the Air Toxics Workgroup and the Mobile Sources Technical Review Subcommittee (MSTRS) Ports Workgroup for their efforts.

Ms. McCabe provided an overview of the EPA's progress on the initiatives of the President's Climate Action Plan. She noted that the EPA finalized the Clean Power Plan (CPP) in August 2015 and is working with states to implement the plan. She stated that the EPA is engaged in collaboration with states and that states are collaborating with each other to develop plans. Ms. McCabe remarked on the impending litigation against the CPP and stated that the EPA remains confident in its legality. She stated that the EPA has developed a proposed model rule and federal plan for states, and that the comment period for these plans is currently open. Ms. McCabe said that the EPA has received numerous questions on the role of biomass in state plans and will likely conduct a workshop in early 2016 on how to include biomass in state plans. She further stated that the EPA has been hosting calls to receive stakeholder input on the Clean

Energy Incentive Program (CEIP). She also noted that the EPA has established a non-regulatory docket to receive comments on the CEIP.

Ms. McCabe stated that methane is a focus of the Climate Action Plan and noted that the plan includes both regulatory and non-regulatory approaches. As part of the plan, the EPA has proposed Oil and Natural Gas Standards, and the comment period for this proposal ends on December 4, 2015. In addition, Ms. McCabe stated that the EPA will soon be finalizing the Natural Gas STAR Methane Challenge Program, which is a voluntary program to reduce methane emissions.

Concerning mobile sources, Ms. McCabe stated that a final rule for phase 2 of the fuel efficiency and greenhouse gas (GHG) standards for heavy-duty engines is expected in the spring of 2016. She stated that the EPA is also working on renewable fuel standards and expects the final standards to be published on November 30, 2015. Ms. McCabe noted that in June EPA proposed an endangerment finding for carbon dioxide (CO₂) emissions from aircraft and is working with FAA and others within the International Civil Aviation Organization process to develop international aircraft standards. .

Ms. McCabe stated the EPA Administrator led the U.S. delegation at the 27th Meeting of the Parties to the Montreal Protocol in Dubai in November. There, the Parties agreed on a 2016 roadmap to negotiate a phasedown of HFCs in an achievable timeframe. Ms. McCabe referenced the EPA's Significant New Alternatives Policy (SNAP), which promotes a transition toward the use of less harmful chemicals. In addition, Ms. McCabe stated that the EPA is working on a rule to strengthen refrigeration management practices.

In reference to the 2015 Ozone National Ambient Air Quality Standards (NAAQS), Ms. McCabe stated that the EPA issued an implementation memo to states that addressed a variety of issues and is working on the issue of background ozone. She noted that the EPA will be holding a workshop to discuss background ozone in 2016.

Ms. McCabe stated that the EPA recently proposed an update to the Cross-State Air Pollution Rule (CSAPR) to address interstate transport of air pollution under the 2008 Ozone NAAQS. Ms. McCabe noted the public hearing that the EPA will hold on the proposed CSAPR Update Rule on December 17, 2015, in Washington, DC.

Ms. McCabe stated that the EPA proposed revisions to the 2007 Exceptional Events Rule and stated that this rule is critical for the implementation of the particulate matter (PM) and ozone NAAQS. She noted that the Exceptional Events Proposal establishes when air quality data can be discounted due to exceptional events such as wildfires and dust storms. Ms. McCabe further stated that the EPA released a draft guidance document for exceptional wildfire events.¹

¹ Draft Guidance on the Preparation of Exceptional Events Demonstrations for Wildfire Events that May Influence Ozone Concentrations, US EPA. November 2015. Available at: <http://www.epa.gov/air-quality-analysis/proposed-exceptional-events-rule-revisions-and-draft-guidance-0>

Ms. McCabe stated that the US Supreme Court ruled that the EPA's Mercury Air Toxics standards should have considered cost, and that the EPA is currently responding to the Supreme Court's decision.

In reference to the EPA's budget, Ms. McCabe noted that on October 30, 2015, Congress passed a budget for funding the government through 2016. She noted the uncertainty in EPA's budget resulting from sequestration.

Questions and Discussion

Mr. Daniel Greenbaum stated that this week is also the anniversary of the 1991 National Research Council (NRC) report titled: "Rethinking the Ozone Problem in Urban and Regional Air Pollution." Mr. Greenbaum stated that the report concluded that nitrogen oxides (NO_x), in addition to volatile organic compounds (VOC), contributes to the ozone problem. He stated that there are new and continuing challenges to further reducing NO_x emissions and recommended that the EPA conduct an updated review of the science that shows that NO_x affects ozone, considering that science has evolved since the original determination. Ms. McCabe stated that the EPA will look into this issue.

Mr. Robert Morehouse stated that the EPA's Oil and Natural Gas New Source Performance Standards (NSPS) for methane may have unintended consequences with respect to its effect on applicability thresholds. Ms. McCabe noted that the EPA will be receiving comments on the Oil and Gas NSPS as part of the rulemaking process.

Concerning the CPP, Mr. Gary Jones asked if the EPA will coordinate with the Department of Energy (DOE) on outreach to small businesses to provide support for energy efficiency programs. Ms. McCabe responded that energy efficiency is a key compliance strategy of the CPP, even though it is not one of the building blocks included in the CPP text. She also stated that the EPA regularly coordinates with the DOE and has developed widely available tools and resources for small businesses.

Regarding EPA's Next Generation Compliance strategy, Mr. Robert Kaufmann stated that the EPA's Office of Enforcement and Compliance Assurance (OECA) has encouraged the use of advanced monitoring at facilities, but has no policy regarding how to use advanced monitoring data and whether those data are considered credible evidence that can be used in enforcement actions against facilities. Mr. Kaufmann stated that there are no federal reference methods to standardize the collection of citizen science data, and asked whether such data would be considered credible evidence. Mr. Kaufmann asked what the EPA is doing to address the issues of advanced monitoring and citizen science data. Ms. McCabe responded that the EPA is focused on researching advanced monitoring technologies and noted that the citizen science movement is growing. She stated that advanced monitoring tools can be useful and acknowledged the uncertainty on how such data may affect compliance. She stated that the EPA is incorporating advanced monitoring into rules where appropriate.

Mr. Andrew Hoekzema asked how the Volkswagen emissions scandal will affect the EPA's approach to engine testing. Ms. McCabe stated that Volkswagen employed an incredibly

sophisticated system to circumvent emissions tests. She stated that the EPA and the California Air Resources Board (CARB) have always employed a robust certification program, which the EPA will continue to improve. She stated that the EPA will become more unpredictable with the timing of inspections and will be testing engines on-cycle and off-cycle, with a focus on light-duty diesel engines.

Mr. Hoekzema stated that the EPA does not consistently review each NAAQS every five years as required by the CAA. He asked what the EPA's plans are for future NAAQS reviews, including what steps the EPA plans to take to ensure that deadlines are met. Ms. McCabe stated that the NAAQS review process is a large undertaking, and that the EPA has found it challenging to meet the 5 year requirement. She stated that the EPA has a schedule for each NAAQS and is aware of the deadline. She also noted that some NAAQS reviews are more complex than others. Mr. Howard Feldman commented that the NAAQS review cycle does not provide adequate time for a proper review and suggested that the review cycle should be extended.

Ms. Ann Weeks asked when EPA expects to publish revisions to the Regional Haze Rule. Ms. McCabe responded that the EPA does not have a date but has received the first round of State Implementation Plans (SIPs). She stated that the EPA has focused on federal parks and the 100th anniversary of the establishment of national parks is in 2016. She also stated that the EPA is considering changing submittal dates for SIPs.

Ms. Gillian Mittelstaedt asked whether the EPA's budget has been increasing or decreasing. Ms. McCabe responded that the budget has been static and that the president has proposed increases. Ms. Mittelstaedt stated that the EPA's budget is significantly lower than the budget of the Department of Health and Human Services (DHHS). She commented that significant health cost savings are gained from the implementation of air rules and that the budget should increase based on these savings. Ms. McCabe stated that regulatory impact assessments (RIAs) prove that air quality standards save money and improve health. She further stated that prevention should be as fundable as treatment, and the EPA will continue to raise these issues in budget discussions.

Ms. Nancy Kruger referenced the EPA's proposed CSAPR update and stated that there is still work to be done, including the need to get sources to operate their emission control devices. She also advocated for more NO_x controls, including federal measures to require controls for sources such as heavy duty trucks. Ms. McCabe responded that the EPA is not requiring any specific actions by regulated entities as part of the CSAPR update, and that the EPA is aware that there are emission controls that are not being used.

Ms. Joy Wiecks expressed concern over the limited budget of tribal environmental entities and their inability to travel for environmental meetings. She also stated that tribes are looking forward to working with the EPA on the CPP and CEIP.

Mr. Nicky Sheats stated that there is a lot of information to review concerning the CPP, Federal Plan and CEIP. He voiced concern that the environmental justice (EJ) community may not have the time or resources to provide input on the CEIP and the Federal Plan by the end of the Federal Plan comment period on January 21, 2016. Mr. Sheats also stated that there is not adequate

dialogue between the EPA and the EJ community on the proposed Federal Plan and that webinars alone are not sufficient. Ms. McCabe responded that the EPA would welcome further dialogue on how to better communicate with the EJ community and realizes the difficulty that the EJ community may have in providing formal comments by the end of the comment period.

Presentation: Air Toxics Workgroup Report Recommendations

Dr. Jalonne White-Newsome and Ms. Myra Reece presented the recommendations of the Air Toxics Workgroup to the CAAAC.²

The workgroup was charged by the EPA to address questions related to identifying effective ways to reduce air toxic emissions and exposure, paying particular attention to those communities most burdened. The workgroup also addressed how EPA and its partners can more effectively communicate and engage with community groups and other stakeholders concerning the risks from air toxics. In developing the recommendations report, the workgroup focused on four major themes: improving data, enhancing communications, increasing funding and empowering communities.

Specific workgroup recommendations were presented for the following topics: communications, mobile sources, community and urban air toxics, supplemental environmental projects (SEPs), funding, data gaps, best practices, recognition programs and next steps.³

The workgroup asked for endorsement of the report and its recommendations from the CAAAC for submittal to the EPA. The workgroup requested feedback from the EPA regarding Recommendation No. 24⁴, and requested a timeline with regards to the implementation of all recommendations from the EPA by the next CAAAC meeting.

Ms. Ann Weeks supported the workgroup's efforts to receive feedback from the EPA to ensure that their recommendations are being considered.

Questions and Discussion

In reference to the Air Toxics Workgroup's recommendation No. 2 – which states that the EPA should develop and share training tools on air toxics communications -- Mr. Greenbaum stated that the EPA has a public training website, and suggested that the website could be further developed.

² Regarding terminology -- EPA's charge convened an "Air Toxics Work Group," but workgroup members often referred to it as the "Urban Air Toxics Workgroup;" both names are on the report cover.

³ The full Air Toxics Workgroup presentation and recommendations report is available online at: <http://www.epa.gov/caaac/caaac-full-committee-meeting-november-18-2015>

⁴ Recommendation No. 24: EPA should – by or before April 2016 – create a standing independent committee that reports to the CAAAC consisting of members representing community groups, industry, and state/local/tribal governments. The standing committee would evaluate and review the progress made in implementing the workgroup's commendations and share information, at least annually, on the programs and processes related to urban air toxics.

Mr. Greenbaum asked if the workgroup had considered priorities for their recommendations. Ms. Reece responded that the workgroup initially considered priorities but encountered difficulty in placing one recommendation over another. She emphasized the importance of EPA accountability and feedback for addressing the recommendations and stated that the recommendations are achievable. She further noted that not all of the burden is on the EPA, and that the EPA will need the help of states and community partners.

Mr. Morehouse stated that data quality, including data used in risk assessments, is critical and affects all other recommendations.

Ms. Reece stated that one important topic of conversation within the workgroup was communication and emphasized the importance of conducting additional work to improve upon communication.

Ms. Pamela Faggert suggested that the EPA develop a timeline for addressing the Air Toxics Workgroup's recommendations. Ms. Faggert also asked how dissenting opinions would be addressed in the CAAAC approval process. Mr. DeMocker responded that the CAAAC will vote on whether to submit the report to the EPA, and that CAAAC member dissenting views could be noted in the submittal.

Ms. Lee Kindberg stated that there are many similarities between the Air Toxics Workgroup and the MSTRS Ports Workgroup, including the importance of communication and the importance of the Diesel Emissions Reduction Act (DERA) funding, including the call for full funding and re-authorization of DERA. Ms. Kindberg stated that diesel was the only pollutant specifically mentioned in the report and asked if diesel was responsible for the majority of risk. Ms. Reece responded that several Air Toxics Workgroup members were interested in diesel emission impacts, especially from the legacy fleet of diesel vehicles. Mr. Sheats stated that PM pollution and its associated cancer risk are a large concern in EJ communities, considering there is often extensive traffic in urban areas. Mr. Greenbaum stated that diesel emissions received additional attention because they are not calculated or assessed in the same way as other air toxics, and said there is a need for better diesel emissions assessments. Ms. Kindberg added that diesel emissions from older trucks and vessels are significantly different than emissions from newer trucks and vessels. She also asked whether the workgroup prioritized diesel emissions over other air toxics for projects involving state implementation plans (SIPs). Mr. Kaufmann stated that projects related to diesel emissions should not be prioritized over other air toxics.

Ms. Kindberg asked whether the Air Toxics Workgroup considered the effects on small businesses of Recommendation No. 5⁵, which recommends a requirement for low emission equipment in federally contracted projects. Ms. Reece stated that the workgroup did discuss this issue. Mr. Hoekzema stated that Recommendation No. 5 is overly specific and that such a blanket requirement could exclude woman owned businesses and minority owned businesses from competing. Mr. Hoekzema suggested that the recommendation should call for a more

⁵ Recommendation No. 5: The EPA Administrator should advocate for the issuance of an Executive Order to require clean diesel technology (or other lower emissions technology) engines be used in all federally funded infrastructure projects.

general requirement rather than a specific requirement to use only equipment that complies with Tier 4 vehicle emission standards.

Mr. Michael Buser asked whether the Air Toxics Workgroup considered working with land grant programs for projects related to communication with communities. Mr. Morehouse responded that the workgroup investigated example projects of effective communication but did not specifically look at land grant programs.

In reference to the Air Toxics Workgroup's recommendation #18 on air monitoring data⁶, Mr. Buser agreed that more data are needed; however, he expressed concern over the use of low quality data. Ms. Reece stated that the workgroup engaged in extensive discussion on personal monitoring technologies and data quality. She further stated that personal monitoring data collection and new monitoring technologies pose a significant challenge to states, and that a consistent message is needed from states on the use of personal monitoring data. Mr. Sheats stated that citizen monitoring will not be as large an issue as many believe and noted that many EJ monitoring groups are highly sophisticated and have advisors, such as universities. Mr. Sheats agreed that there is a need for quality data but warned that over-emphasis on the shortcomings of citizen monitoring could suppress the collection of useful citizen monitoring data. He expressed concern that the data gathered by citizen monitoring will not be used. Mr. Sheats also stated that regardless of the quality of data there will always be differences in opinion over the meaning of the monitoring data collected and that EJ groups may not agree with EPA data.

Ms. Mittelstaedt stated that at-risk communities are highly vulnerable to pollution and that the EPA should have a communication link with local agencies to take immediate action when they are aware of an emissions hot spot. She expressed concern that many schools are located near roadways and do not have adequate filtration/ventilation. Ms. Mittelstaedt stated that the EPA should encourage risk reduction in communities. She further stated that while PM carries hazardous air pollutants (HAPs) and volatile organic compounds (VOCs) that can pose a cancer risk, it can also cause more immediate health effects at target organs and more immediate health endpoints, such as respiratory effects.

Mr. Hoekzema asked if typographical errors need to be fixed before the CAAAC votes on approval of the Air Toxics Workgroup Recommendations Report. Mr. DeMocker responded that the report can be approved with a condition that errors will be fixed.

Mr. Greenbaum stated that there is value in engaging communities in air toxics monitoring activities and that community monitoring groups gain more credibility when working with universities.

In reference to the effort to eliminate the legacy diesel fleet, Mr. Greenbaum stated that replacing urban trucks and buses is especially challenging. He also noted that there is progress being made on new diesel technologies. Mr. Greenbaum asked if the Air Toxics Workgroup had considered

⁶ Recommendation No. 18: EPA should continue, support and collaborate with programs to gather indoor, outdoor and personal monitoring data. Among other uses, such data should be used to enhance ambient and human exposure modeling to better characterize both the individual and the synergistic risk of personal, indoor, and ambient exposure to air toxics and inform strategies to address air toxics that are most harmful.

roadside PM. Ms. Reece responded that the workgroup did not discuss roadside PM and asked how the EPA uses roadside PM monitoring data. Ms. McCabe responded that the data from roadside monitors is new, and the EPA is only beginning to analyze it.

In response to a question on the status of EPA's implementation of recommendations, Mr. DeMocker stated that the EPA will provide a chart showing its progress at subsequent meetings. Mr. Don Neal suggested that, in the future, the CAAAC should have the opportunity to review and provide feedback to workgroups before workgroup final reports are presented to the CAAAC for submittal to the EPA.

Regarding the Air Toxics Workgroup's Recommendation No. 3 that the EPA should request that the National Toxicology Program (NTP) evaluate the carcinogenicity of diesel exhaust, a committee member stated that the International Agency for Research on Cancer (IARC) has already made a decision on the toxicity of diesel emissions. Mr. Feldman responded that the recommendation calls for an updated evaluation of the toxicity of diesel by the EPA that would consider the IARC findings. Ms. Reece noted that a change in the toxicity value of diesel emissions may change the way that diesel emissions are modeled or reported in the National Air Toxics Assessment (NATA).

Mr. DeMocker presented a PowerPoint slide showing different ways that CAAAC members can vote to approve or oppose the Air Toxics Workgroup Recommendations Report. Ms. Kindberg suggested that the CAAAC could vote using method 1(b), which is a vote to approve the submission of the report with revisions that the workgroup chairs commit to implement. Ms. Kindberg stated that revisions should include the correction of non-material typographical errors and the addition to Recommendation No. 12, which recommends that the EPA should request that Congress continue and sustain funding for DERA programs, to include a statement that continuation of DERA funding should not come at the expense of other state/local funding. Some Committee members opposed Ms. Kindberg's suggestion, and one member suggested that the word "other" should be removed from the recommendation because DERA is not restricted to state/local programs. Mr. Sheats stated that in addition to typographical errors, the workgroup should address minor factual errors and issues with references, footnotes, etc.

In response to a CAAAC member question, Mr. DeMocker stated that the CAAAC meeting minutes would not be included in the Air Toxics Workgroup Recommendations Report but would be made available to the public.

Mr. Feldman suggested that the CAAAC should not finalize the document immediately but rather should submit comments to the Air Toxics Workgroup co-chairs, and the workgroup would address the comments and create a revised recommendations report. Mr. DeMocker put the "option 1(b) variant" to a vote and clarified that committee members would submit comments by a specific date, and the workgroup would revise the recommendations report. All committee members voted in favor of the option 1(b) variant. It was determined that CAAAC members would submit comments to the workgroup co-chairs by November 25, 2015.

Presentation: Implementing the 2015 Ozone NAAQS

Mr. Scott Mathias described the EPA's progress on implementation of the 2015 Ozone NAAQS. The Ozone NAAQS were promulgated on October 1, 2015, and will become effective on December 28, 2015. The Acting Assistant Administrator issued a memorandum addressing key implementation-related topics on October 1, 2015. A list of upcoming implementation-related rules, guidance and activities was presented, including: area designation guidance, information on rulemakings to date, a nationwide interstate transport contribution assessment, an update to transportation conformity guidance specific to areas that are in nonattainment for the 2015 NAAQS, a white paper and workshop on background ozone issues, and guidance related to Prevention of Significant Deterioration (PSD) permitting. A schedule was presented for implementation of the 2015 Ozone NAAQS, guidance and tools, and key dates related to the Ozone NAAQS implementation. The preliminary EPA decisions on area designations are due by June 2017.

The EPA is planning further discussions with stakeholders on assessing areas for high background ozone and plans to release a white paper and hold a workshop on the topic. The EPA is working on key rule revisions related to exceptional events, based on several years of implementation experience.

Many states still do not have approved transport SIPs for the 2008 Ozone NAAQS. With the Supreme Court ruling and subsequent Circuit Court rulings on CSAPR, the EPA plans to move forward with addressing interstate ozone transport using the CSAPR framework, updated for the 2008 NAAQS. The CSAPR framework will help the EPA and states make progress on transport issues for the 2015 Ozone NAAQS. The final Ozone NAAQS rule includes a grandfathering provision to avoid delay of certain PSD permit pending applications.

Other Perspectives - Views or ideas on ozone implementation

A Small Business Focus – Daniel Nickey, National Steering Committee for Small Business Assistance Programs and Iowa Waste Reduction Center, University of Northern Iowa

Mr. Nickey expressed support for the development of EPA and state programs to support small businesses with rule compliance.

An Industry Perspective – Robert Kaufmann, Koch Companies Public Sector

Mr. Kaufmann stated that the EPA needs to publish implementation guidance when the 2015 Ozone NAAQS are finalized or shortly thereafter to prevent permitting delays. He stated that the grandfather provisions in the Ozone NAAQS are not helpful for projects that are just now entering the permit stage. In reference to PSD offsets, Mr. Kaufmann encouraged the EPA to determine which states will require offsets and which will not, and encouraged the EPA to allow traditional offsets. He further encouraged the EPA to allow flexibility in the offsets program to include offsets from area and mobile sources for facilities in new ozone nonattainment areas. In reference to the final update to Guidelines on Air Quality Models (Appendix W to 40 CFR Part 51), Mr. Kaufmann expressed concern about how the model will work in the interim period. In

addition, Mr. Kaufmann encouraged the EPA to allow trading of emission reductions between pollutants, such as NO_x and VOCs.

An Environmental Perspective – Vickie Patton, Environmental Defense Fund

Ms. Patton stated that collaboration is critical in the implementation of health-based standards, and that there are areas where additional federal leadership is needed to develop cost-effective solutions, especially from existing sources in the oil and natural gas sector. She also stated that the EPA needs to review the reasonably available control technology (RACT) guidance and include RACT guidance for electric generating units (EGUs). Ms. Patton stated that the EPA must implement the vehicle emission standards in a way that will mitigate emissions of NO_x in addition to GHG, and expressed concern that GHG reductions would be achieved at the expense of NO_x emissions. In reference to the Exceptional Events Rule, Ms. Patton stated that the EPA must determine what events are truly natural and uncontrollable and expressed concern that emission standards could be weakened if the EPA is not careful in making its determination.

A Local Government Perspective – Andrew Hoekzema, Capitol Area Council of Governments, Austin, TX

Mr. Hoekzema stated that the Austin area has a unique perspective on the Ozone NAAQS because they have narrowly missed a non-attainment designation in the past and participated in all four of EPA's voluntary ozone planning programs. He stated that the EPA should not implement the standard in the same way that they have done traditionally. He stated that the EPA should instead exercise its full legal authority with respect to implementation of Clean Air Act (CAA) section 110. Mr. Hoekzema stated that nonattainment designations should only be made for areas that are significantly over the nonattainment threshold because the consequences of nonattainment are severe, including 23 years of attainment planning requirements and excessive costs. He stated that EPA typically considers ozone monitor data to have a variability of plus or minus seven percent, and this same variability should be applied to nonattainment designations. Mr. Hoekzema suggested that the EPA should not designate areas as nonattainment if they are within 4 parts per billion (ppb) of the standard, and instead designate such areas as "unclassifiable" based on monitoring uncertainty. He also suggested that the EPA should consider exercising its authority to implement the new NAAQS for nonattainment areas under subpart 1 of the CAA instead of subpart 2.

A State Perspective – Nancy Kruger, National Association of Clean Air Agencies (NACAA)

Ms. Kruger stated that the ongoing efforts to attain the 2008 Ozone NAAQS will help yield reductions to achieve the 2015 Ozone NAAQS. She stated that the implementation rules and guidance for the 2015 Ozone NAAQS need to be published as soon as possible after the standard's establishment. Ms. Kruger emphasized the importance that the EPA work closely with states and local agencies to develop such rules and guidance. She also emphasized the need for federal measures to address emission sources of national significance and more stringent NO_x emission standards for heavy-duty trucks. Ms. Kruger also stressed the need for additional

federal financial resources for states and localities, such as federal grants, to enable attainment as expeditiously as practicable. She stated that the EPA needs to remain committed to ameliorating the SIP backlog. Ms. Kruger stated the need for EPA to address issues of long-standing concern including, among others, exceptional events and transport. She said that states look forward to analyzing the proposed Exceptional Events Rule and, in reference to the EPA's proposed update to the CSAPR, stated that EPA should begin now and have a federal backstop ready in time for states to know their options for the 2015 ozone NAAQS Good Neighbor SIPs, which are due in 2018. She also said the EPA must increase efforts to address the transport of pollutants in western states.

Questions and Discussion

Mr. Feldman commented that the EPA must distinguish between peak background levels and average background levels as they work on the background ozone issue.

Mr. Daniel Johnson stated that everyone must do their share to reduce emissions as part of meeting the NAAQS, and that the EPA should incorporate that idea into guidance documents. In addition, he asked if the EPA has developed a schedule overlay of different NAAQS (e.g., PM, SO₂, etc.) to allow for multi-pollutant planning. Mr. Koerber responded that the EPA has looked at opportunities for multi-pollutant planning in relation to power plant rules and will make that information available.

Mr. Sheats stated that emissions offsets can be problematic for EJ communities because increases can occur at the location of the facility near an affected community while emissions are decreased elsewhere.

Mr. Johnson stated that the Exceptional Events Rule must ensure that states, through SIPs, are not required to control emission sources that are not controllable, and the EPA should only focus on controllable sources. In reference to background emissions from western states, Mr. Johnson said that vast resources are being spent to examine emission sources that are uncontrollable, and that there is a need to determine each state's contribution to emissions. He further stated that there should be a focus on actions that can be taken to address controllable emission sources and mitigate the impacts of those sources.

EPA's Preparation for the Implementation of the Clean Power Plan

Mr. Juan Santiago provided an overview of the EPA's progress on implementation activities for the CPP standards proposed under CAA section 111(d). The EPA has organized an internal workgroup that includes representatives from all 10 EPA regions and other EPA offices. Mr. Santiago noted that the EPA held a series of in-person and web-based training sessions, is working closely with the states, and has had a series of calls to get feedback from state agencies. In addition, Mr. Santiago stated that the EPA has developed a CPP toolbox webpage that has links to the training, past webinar presentations, rule text and guidance documents. The CPP toolbox will also include an electronic system for state plan submittal. He noted that the EPA has updated the software for this system and has just completed the second round of system beta

testing. The EPA will be making more changes to the system as a result of feedback from the beta testing, and a fully operational system is expected to be ready by July 2016.

Questions and Discussion

In response to a question about the transparency of the system, Mr. Santiago said that states will be able to collaborate with each other through the system, but was not sure at that time whether one state will be able to see another state's data or plan without the permission of that state.

Dr. White-Newsome asked about the outreach that the EPA had conducted for the CPP. Mr. Santiago stated that the EPA has conducted unprecedented outreach for this rule, especially with communities. He expressed interest in knowing more about Dr. White-Newsome's work with community groups regarding this rule to ensure that the EPA's efforts are complementary and not duplicative.

Mr. Morehouse asked if the public would be able to view the electronic submittals of the state plans. Mr. Santiago responded that the goal of the system is to be transparent, and the final plans would be available to the public, but draft plans would not be publicly available. He also noted that the public would be able to see the dashboard that shows where the plans are in the submittal and approval process.

Mr. Sheats stated that more dialogue with EJ communities is needed. He noted that this rule is very long, and the EJ communities are just now coming to grips with the content of the rule. He suggested that meeting in person with EJ community members would be a good idea, with at least one meeting per EPA region.

Mr. Hoekzema asked about federal and state agency interaction and how a Federal Implementation Plan (FIP) would work. Mr. Santiago stated that the EPA's goal is to have most states work on their own plans. He noted that a Federal plan was proposed, but the final plan could be different, so it is not entirely clear at this point how the EPA and states would interact in the development of a FIP.

Ms. Mittelstaedt commented that low-income people have sub-standard housing, and weatherization efforts typically seal houses up, which can exacerbate radon and other indoor air issues. She hopes the EPA will work with the U.S. Department of Housing and Urban Development (HUD) and other agencies to address this concern.

Ms. Reece commented that meaningful engagement with stakeholders is important and noted that South Carolina has established advisory groups for input and feedback. Mr. Santiago replied that the EPA agrees that stakeholder involvement in this process is important. He also noted that the EPA is trying to provide guidance while also allowing for flexibility in how states meet the stakeholder engagement requirements.

Clean Power Plan: CAAAC Member Input on the Clean Energy Incentive Program

Ms. Tina Ndoh and Ms. Cate Hight gave a presentation titled: *The Clean Power Plan: Energy Efficiency, Renewable Energy and the Clean Energy Incentive Program*. Ms. Ndoh stated that the CPP provides many opportunities for the use of energy efficiency (EE) and renewable energy (RE) measures. She noted that EE and RE are well-understood means of achieving less-polluting energy that is still reliable and affordable, and that the final CPP also includes a Clean Energy Incentive Program (CEIP) to provide additional incentives for early investments that generate wind and solar power or reduce end-use energy demand during 2020 and/or 2021. The CEIP is an optional, “matching fund” program that states may choose to use to incentivize wind or solar power generation in all communities and/or energy efficiency measures in low-income communities. For states that choose to participate in the CEIP, the EPA will match state-awarded early action credits for qualifying projects up to a limit equal to 300 million tons of CO₂. The EPA will be conducting stakeholder outreach calls in November and December of 2015 to gather feedback on the CEIP. She noted that stakeholders have been invited to submit written comments to a non-regulatory docket established for the CEIP until December 15. Stakeholders may also submit comments on the CEIP’s inclusion in the proposed Federal Plan and Model Rules through January 21, 2016.

Questions and Discussion

Mr. Kaufmann stated that focusing on low income housing for energy efficiency initiatives is likely not cost effective and may have unintended consequences, like increasing radon levels in homes due to tighter sealing. Ms. Ndoh replied that the EPA recognizes the risks of radon, but the agency also wants low-income populations to experience some benefits from the CPP.

Mr. Sheats stated that community groups would prefer that there was a requirement, not just an incentive, for low income community efficiency projects. He stated that a dialogue was needed between the EPA and community groups on the CEIP and noted that many community groups are just coming up-to-speed at this point on the CPP. He also stated that he was not aware of the December 15th deadline for comments on the CEIP, and that he thought there was only a January 21st deadline. He stated that it would be difficult for EJ communities to make either of these deadlines, and it was likely that the only comments the EPA will get from environmental groups will be from the largest, national groups. He also noted that many EJ communities differ with the large environmental groups on a number of topics.

Ms. Reece also commented that she was not aware of the December 15th deadline and was not prepared to submit comments by this date. She noted that other state air agencies may not be aware or ready to comment by this date either. She suggested that credits be given for projects starting prior to, not just beginning in, 2018 as this may cause some planned projects to be delayed in order to get the credits. Ms. Reece also asked what the feedback to the EPA had been so far regarding the definition of low income. Ms. Ndoh replied that some feedback the EPA has gotten is that the definition of low-income communities should be based on a geographical area and not only on individual households.

Ms. Joy Wiecks also noted that the December deadline would be hard for tribes to meet.

Mr. Adrian Shelley asked what would happen if implementation of the Federal Plan is started in a state, but the state subsequently wished to do its own plan to implement the CPP. Ms. Ndoh responded that the EPA is working on the Federal Plan rule now, and she was not sure of the details that would be included for issues like this.

Dr. Jalonne White-Newsome stated that for states that become subject to the Federal Plan, the CEIP should be optional. She also stated that she thought the EPA should work with HUD on weatherization plans for communities. She also noted concern that the use of allowances, off-sets and set-asides may have an impact on certain geographic areas.

Mr. Nicky Sheats stated that he was worried that renewable energy (RE) might crowd out energy efficiency (EE), and he also wished that the plan would extend beyond 2021. Ms. Hight responded that as part of the CEIP, RE and EE both have reserved portions. She also noted that plan extends beyond 2021, but there would not be an extra match for actions beyond 2021.

Tribal Indoor Air Update

Mr. Chris Griffin gave a presentation titled: *The Federal Tribal IAQ Healthy Homes Collaboration: Working to Improve the Indoor Environment of Tribal Communities*. Mr. Griffin explained that the Federal Tribal Collaboration falls within the EPA's Indoor Air Environments Division of the Office of Radiation and Indoor Air. The Indoor Air Environments Division works through collaborative partnerships with other federal agencies, states and local agencies, non-governmental organizations and tribes to provide science-based outreach, education, training and technical assistance. To help tribes improve their indoor air quality, the Collaboration seeks to disseminate best practices, educate, and help tribes build capacity to effectively apply for funding and technical assistance programs and to carry out effective interventions and solutions. Several agencies support tribal housing, such as HUD, the Bureau of Indian Affairs (BIA), the Department of Health and Human Services (HHS) and the Department of Agriculture (USDA). Moving forward, the Collaboration will continue to build upon federal agency partnerships, identify sources of funding for tribes, identify metrics and measures of success and continue to solicit feedback from tribes. Mr. Griffin ended the presentation by asking if the CAAAC had suggestions for improving the Collaboration's current approach to improve tribal indoor air quality and the metrics used to track success.

Questions and Discussion

Mr. Jason Walker mentioned that the HUD Indian Community Development Block Grant Program is very competitive, and he would like to get information on other grants or strategies that could be used to weatherize tribal HUD homes.

Ms. Gillian Mittelstaedt commented that she hoped indoor air quality would become part of the broader air quality conversation and that the EPA can continue to support these programs.

Ms. Kindberg asked whether the DOE would have a role in this area. Mr. Griffin responded that the DOE has a weatherization assistance program, but that EPA have not explored this program for tribes specifically. He indicated that the Collaboration would look into this.

Ms. Wiecks commented that she appreciated the work of the Collaboration. She noted that with climate change, tribes expect increased pollen and further issues with flooding and mold, so indoor air quality will become an even greater concern in the future.

Opportunity for Public Comments

One audience member, Mr. Karl Gawell from the Geothermal Energy Association spoke briefly to urge the EPA to include geothermal power in the CEIP, stating that the plan mandates should not be limited to wind and solar power. He also noted that the Salton Sea in California is one of the largest undeveloped geothermal resources in the country and is located in an area with one of the highest unemployment rates in the country. He urged the EPA to rethink the CEIP, which provides double credits for efficiency investments in low-income households but would not provide credit for expansion of geothermal energy projects that could benefit local employment and income. He submitted a statement for the CEIP docket.

MSTRS Ports Workgroup Update

Ms. Kindberg and Mr. Mike Geller reviewed the make-up of the ports workgroup members and the EPA's charge to the workgroup. The charge is to provide recommendations for how to measure air quality and GHGs at ports, and to provide recommendations for design elements of an EPA-led voluntary program to improve environmental performance as goods move through ports. Ms. Kindberg and Mr. Geller reported that key concepts that the workgroup has suggested for a port emissions reduction program are that the program be flexible, transparent, scalable, tiered, solution-oriented and effective in reducing air emissions. The workgroup is also working on building blocks for an "open-resource" initiative, rather than a membership-based program. The next steps for the workgroup are to work on addressing identified gaps in the recommendations and to present draft recommendations to the MSTRS in December 2015.

Questions and Discussion

One committee member noted that if a port has fewer than 100 employees, the small business assistance center could be a resource for helping the ports with a program like the one described.

Ms. Wiecks noted that where "Native Americans" are referenced in the report or recommendations, the word "Tribes" should be used instead.

Action Items and Possible Topics for Next Meeting

Mr. DeMocker asked for suggestions on topics for the next meeting.

Mr. Gary Jones suggested that a topic for the next meeting could be an update on how the EPA has addressed past recommendations that have come from the CAAAC, particularly the

recommendations for the Title V program. He also suggested that emission factors could be discussed, as better emission factors are needed for several industries.

Ms. Kindberg noted that the MSTRS spring meeting will have the final recommendations from the Ports Workgroup and suggested that time could be put on the next CAAAC agenda to discuss the Ports Workgroup report.

Mr. Kaufmann commented that he liked today's agenda and would like future agendas to also have stakeholder presentations. For the next meeting, he suggested a follow-up presentation on how the EPA had addressed the recommendations of the Air Toxics Workgroup. He also suggested updates on E-Enterprise, the National Emissions Inventory (NEI), the NATA and the EPA's cumulative impacts assessment. He also suggested a topic for the next meeting could be to discuss the GHG vs. NO_x tradeoff, which could involve presentations by mobile source stakeholders and EPA feedback on the issues raised in those presentations.

Mr. Morehouse also suggested presentations on how the EPA has addressed past reports from the CAAAC, E-Enterprise and NATA. He also noted that he liked the 5-minute presentations from stakeholders that were given during today's meeting.

Ms. Mittelstaedt suggested that further discussions about indoor environments be included in future meetings.

Mr. Hoekzema suggested that the EPA consider forming a short workgroup on implementation of the ozone standards before the EPA issues its proposal. He also suggested that air quality forecasting and exposure reduction would be good topics for the next meeting.

Ms. Wiecks requested that there be discussion of Appendix W changes and also noted that information about any modeling updates would be appreciated.

Mr. Hoekzema stated that it would be good for the members of this committee to understand the agreements made by other countries in the Paris Climate Agreement.

Mr. DeMocker thanked the CAAAC members and attendees for their participation and adjourned the meeting.

Attachment A

CAAAC Meeting Attendance List

Name	Affiliation	Attendance?
Committee Members		
Mark Bohan	Printing Industries of America	N
Michael Buser	Oklahoma State University	Y
John Busterud	Pacific Gas and Electric Company	Y
Susan Collet	Toyota Motor Engineering and Manufacturing North American Inc.	Y
Jim DeMocker	U.S. EPA	Y
Pamela Faggert	Dominion Resources Services Inc.	Y
Howard Feldman	American Petroleum Institute	Y
Margaret Gordon	West Oakland Environmental Indicators Project	N
Dan Greenbaum	Health Effects Initiative	Y
Vince Hellwig	Michigan Department of Environmental Quality	N
Robert Hilton	Alstom Power Inc.	N
Andrew Hoekzema	Capital Area Council of Governments	Y
Thomas Huynh	Philadelphia Air Management Services	N
Anthony Jacobs	International Brotherhood of Boilermakers	N
Dan Johnson	Western States Air Resources Council	Y
Gary Jones (filled-in for Mark Bohan)	Printing Industries of America	Y
Robert Kaufmann	Koch Industries	Y
Jim Ketcham-Colwill (Interim-Designated Federal Officer)	U.S. EPA	Y
Lee Kindberg	Maersk Line/Maersk Agency USA	Y
Cassady Kristensen	Rio Tinto Kennecott	N
Nancy Kruger	National Association of Clean Air Agencies	Y
Janet McCabe (Chair)	U.S. EPA	Y
Gillian Mittelstaedt	Washington State Asthma Initiative	Y
Robert Morehouse	Air Permitting Forum	Y
Brian Mormino	Cummins Inc.	N
Don Neal	Southern California Edison	Y

Daniel Nickey	University of Northern Iowa	Y
Peter Pagano	American Iron and Steel Institute	Y
Vickie Patton	Environmental Defense Fund	Y
Wanda Phipatanakul	Boston Children's Hospital	N
Myra Reece	South Carolina Department of Health and Environmental Control	Y
Shelley Schneider	Nebraska Department of Environmental Quality	Y
Nicky Sheats	John S. Watson Institute for Public Policy	Y
Adrian Shelley	Air Alliance Houston	Y
Julie Simpson	Nez Perce Tribe	N
Geraldine Smith	Public Service Enterprise Group Inc.	N
Patricia Strabbing	Chrysler Group, LLC	Y
John Walke	Natural Resources Defense Council	N
Jason Walker	Northwestern Band of the Shoshone Nation	Y
Ann Weeks	Clean Air Task Force	Y (via telephone)
Jalonne White-Newsome	WE ACT for Environmental Justice	Y
Joy Wiecks	Fond du Lac Band of Lake Superior Chippewa	Y
Attendees		
Barbara Bankoff	Eli Lilly	Y
Allison Dennis	U.S. EPA	Y
Chebryll Edwards	U.S. EPA	Y
Liz Etchells	U.S. EPA	Y
Chris Griffin	U.S. EPA	Y
Kark Gawell	Geothermal Energy Association	Y
Mike Geller	U.S. EPA	Y
Elizabeth Habull	EXE Publishing	Y
Chaela Hall	U.S. Navy	Y
Cate Hight	U.S. EPA	Y
Tanzina Islam	American Public Power Association	Y
Marva King	U.S. EPA	Y
John Kinsman	Edison Electric Institute	Y
Keith Mason	U.S. EPA	Y
Scott Mathias	U.S. EPA	Y
Wendy McQuilkin	U.S. EPA	Y
Tina Ndoh	U.S. EPA	Y
Carly Parana	U. S. Army	Y

John Paul	Citizen	Y
Sean Reilly	EXE Publishing	Y
Leslie Ritts	National Environmental Development Association's Clean Air Project	Y
David Rowson	U.S. EPA	Y
Tamara Saltman	U.S. EPA	Y
Juan Santiago	U.S. EPA	Y
John Shoaff	U.S. EPA	Y
Suzanne Teague	U.S. Army	Y
Steph Tsao	Argus Media	Y
Aaron Wajsgras	Boeing	Y
Kathryn Watson	Earth Charter Indiana	Y
Contractor Support		
Lesley Stobert	EC/R Inc.	Y
Alden West	EC/R Inc.	Y