

## Clean Air Act Advisory Committee: Spring 2015 Meeting Minutes

---

April 22, 2015  
Crown Plaza Hotel  
1480 Crystal Drive  
Arlington, VA 22202

### Introduction

Mr. Jim DeMocker called the meeting to order at approximately 8:30 am on April 22, 2015. He welcomed everyone and identified Jim Ketcham-Colwill as the interim designated federal official for the committee. 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 ongoing work in the EPA air program.

### Air Program Update and Discussion

Ms. McCabe thanked the committee for their attendance and commented on the importance of the meeting to engage in productive discussions and receive input and recommendations from the committee, subcommittees and workgroups. Ms. McCabe instructed committee members to contact Mr. Ketcham-Colwill with any questions.

Ms. McCabe wished everyone a happy Earth Day and also thanked the Clean Air Act Awards presenters, judges and those who attended the ceremony. She emphasized the importance of recognizing the awardees and their efforts to achieve cleaner air. Ms. McCabe also thanked returning CAAAC members, acknowledged new members, and thanked the co-chairs of the Air Toxics Work Group for their participation. Ms. McCabe acknowledged the Mobile Sources Technical Review Subcommittee (MSTRS) and Ports Initiative Workgroup, and noted that ports are a key priority for the EPA. She stated that there are significant opportunities for emission reductions at ports and encouraged stakeholders to help the EPA in its efforts to reduce air pollution. Ms. McCabe stated that she is looking forward to the recommendations of the ports workgroup, which are expected in May 2016.

Climate Action Plan and Clean Power Plan: Ms. McCabe noted that the agency is working to implement President Obama's Climate Action Plan (CAP). She stated that the Clean Power Plan (CPP) and the Carbon Pollution Standards for New Power Plants are on track to be finalized by mid-summer; these regulations are being issued under Clean Air Act (CAA) sections 111(d) and 111(b). The agency also plans to issue a proposed federal plan that would go into effect in states

*Note: The CAAAC is a chartered federal advisory committee, operating under the Federal Advisory Committee Act (FACA; 5 U.S.C., App.2). The committee provides advice to the Administrator of the U.S. Environmental Protection Agency on issues related to implementing the Clean Air Act Amendments of 1990. Statements, findings and recommendations by members of the Committee, or by the Committee as a whole, do not represent views of the EPA.*

that do not submit a plan under CAA 111(d). Ms. McCabe noted that the agency received 4.3 million comments on the CPP, 30,000 of which are unique. She stated that the comments supplement the additional feedback received from public hearings and from two years of outreach efforts. Ms. McCabe listed key issues related to the CPP, including: The interim emission limit goals during the 2020-2029 time period, the structure and stringency of the best system of emission reduction (BSER), the timing of state plan submittal, and impacts on the reliability of the electric power system. Ms. McCabe stated that the Federal Energy Regulatory Commission (FERC) just finished four technical conferences on the proposed CPP, which included discussion on the impacts to the electric power system. Ms. McCabe noted that the EPA works with the FERC and Department of Energy (DOE) on power sector issues. She also stated that the EPA has begun to consider CPP implementation issues.

Ms. McCabe stated that the methane strategy of the Climate Action Plan includes regulations to cut methane and volatile organic compound (VOC) emissions from new sources and control techniques guidelines for existing sources in the oil and natural gas industry. [Note: The guidelines will focus on VOCs but will have the co-benefit of reducing methane emissions as well.] She stated that the regulations and control techniques guidelines will build on the white papers that were released in 2014. Ms. McCabe also noted additional CAP initiatives to take advantage of advancements in monitoring technology and to build on the natural gas STAR program.

Ms. McCabe stated that the EPA has published standards for greenhouse gas (GHG) emissions from both light-duty and heavy-duty vehicles and engines, and is working to extend the heavy-duty program beyond model year 2018. Ms. McCabe also noted that the EPA has worked closely with the Department of Transportation, industry and others on vehicle emission standards.

Ms. McCabe stated that the EPA will propose an endangerment finding for GHG emissions from aircraft. Concerning the renewable fuel standards program, Ms. McCabe noted that the EPA has entered into a consent decree to propose standards by June 1, 2015, and to publish a final rule by November 30, 2015.

Ms. McCabe commented that hydrofluorocarbons (HFCs) have a significantly high global warming potential and noted that the CAP called on the EPA to develop regulations for these sources. Part of EPA's action to curb HFC emissions includes the Significant New Alternatives Policy (SNAP) Program, and the EPA is also seeking an amendment to the Montreal Protocol to reduce HFCs.

Ms. McCabe referred to the upcoming United Nations Climate Change Conference which will be held in Paris, France and noted the U.S. commitment to reduce GHG emissions by 26 to 28 percent below 2005 levels by the year 2025. Ms. McCabe identified other countries that are making climate commitments, including China and Mexico, and noted that Mexico is the first emerging economy to make such commitments.

Air quality standards: Ms. McCabe stated that the EPA has proposed to revise the National Ambient Air Quality Standards (NAAQS) for ozone to between 65 and 70 parts per billion (ppb), and plans to decide the final standard by the October 1, 2015, deadline established by a court

order. She also noted that the EPA is working on implementation of the NAAQS for sulfur dioxide, including designating attainment and nonattainment areas for the standard.

Ms. McCabe stated that the EPA issued final nonattainment designations for fine particulate matter (PM<sub>2.5</sub>) in December 2014 and proposed revisions in the 2012 PM<sub>2.5</sub> NAAQS SIP requirements implementation rule to some of these designations in March 2015. The comment period for this proposal ends May 29, 2015.

MATS: The EPA has also published the Mercury Air Toxic Standards (MATS), and the first compliance date is on April 16, 2015. Ms. McCabe stated that the EPA is currently monitoring the implementation of the MATS, and noted that the MATS was challenged and upheld last year in the Court of Appeals for the D.C. Circuit; however, the Supreme Court has agreed to review of whether the EPA should have considered cost in determining whether it was “appropriate and necessary” to regulate mercury and other toxic emissions from power plants.

Interstate pollution transport: Concerning the interstate transport rule, Ms. McCabe stated that state agencies are in the process of working on state implementation plans (SIPs) to address cross-state transport of air pollution for the 2008 ozone standards. Ms. McCabe stated that the EPA is also considering how to improve the Regional Haze program. In addition, she stated that the EPA is currently developing guidance on how to address high ozone and PM concentrations that are created by wildfires and other natural events, and she expects that regulations will be proposed in 2015.

Question-and-answer session: Ms. Shelley Schneider asked whether the CAA section 111(b) and 111(d) regulations would be published at the same time, and Ms. McCabe confirmed that the regulations will be published at the same time, around mid-summer 2015.

Ms. Nancy Kruger stated her approval of EPA’s outreach efforts to states during development of the CPP, and also approved of the flexibility provided in the rule.

Mr. Peter Pagano asked whether the EPA anticipated the need for further regulation to meet the international climate targets set forth by the White House. Ms. McCabe directed Mr. Pagano to review the materials released by the White House.

Mr. Howard Feldman emphasized the value of voluntary programs, and stated that there may be reduced participation in voluntary programs because of the large number of regulatory programs that industry must comply with. Ms. McCabe responded that EPA staff working on regulatory and voluntary programs are trying to coordinate these efforts, and she emphasized the importance of receiving specific feedback from industry on how regulations can incentivize or dis-incentivize voluntary programs.

In response to a question on the EPA’s mid-term evaluations of the light-duty vehicle standards, Ms. McCabe noted that the standards extend through 2025. She said that the EPA is interested in evaluating the standards at the mid-point because technology could potentially advance at a faster or slower rate than expected. She stated that the mid-term evaluation will include a draft technical assessment report, which is expected to be published in June 2016, and will undergo

public review. As part of the mid-term evaluation, Ms. McCabe stated that the EPA will make a proposed finding or determination and then will issue a final rule.

Ms. Joy Wiecks noted that the EPA recently published regulations for cleaner burning wood stoves and stated that there is a large legacy fleet of older wood-stoves with higher emissions. Ms. Wiecks asked if there is funding available to help tribal communities obtain newer, cleaner-burning wood stoves. Ms. McCabe responded that the EPA has been investigating ways to help with replacement of wood stoves. Mr. Dan Johnson commented that state and local agencies will be discussing possible funding sources for stove change-out programs and agreed that tribal concerns should be included in these discussions.

Mr. Brian Mormino asked about the level of coordination that exists between the EPA and the California air agencies. Concerning the unique challenges and needs of California in meeting the ozone NAAQS and other GHG standards, Ms. McCabe stated that the EPA works very closely with the California Air Resources Board (CARB); however, she stated that both the EPA and CARB understand the value of having uniform requirements across the country.

Concerning regional haze programs, Ms. Julie Simpson commented that tribes are in need of funding, and noted the need to replace an aging fleet of monitors. Ms. McCabe emphasized the importance of tribal involvement with regional haze programs, and stated that the funding issue is challenging.

Mr. John Busterud commended the EPA on its engagement with stakeholders, especially on the CAA section 111(d) standard. Mr. Busterud asked how the EPA manages its time between stakeholder engagement activities and the rule development process. Ms. McCabe noted there has been a shift in the level of stakeholder engagement since the close of the comment period to focus more efforts on the rule development process; however, the EPA has continued to accept, and does not want to discourage, additional feedback.

Mr. Andrew Hoekzema encouraged the EPA to quickly release implementation guidance after publishing the ozone NAAQS, and asked when EPA expects to provide this guidance. Ms. McCabe stated that the EPA will release the implementation guidance in a timely manner and suggested that it may not be practical or necessary to release the implementation guidance at the same time as the standard.

Mr. Don Neal expressed support for the interim regulations (i.e., glide path) of the CPP. Mr. Neal emphasized the difficulty of integrating renewables into the electric system and noted the importance of finding ways to achieve GHG reductions in the CPP through energy efficiency programs and electrification of transportation systems and ports, considering that transportation accounts for a large portion of overall emissions, as compared with stationary sources. Mr. Neal also stated these energy efficiency improvements would help in meeting the ozone NAAQS and asked if the EPA would consider adopting market-based ozone standards. Ms. McCabe stated that the EPA realizes that states want as much flexibility as possible and has considered that states could adopt market-based plans similar to those in California; however, it could be challenging to create a rule that would consider the complexities of interstate dynamics.

## **Air Toxics Work Group Update**

Dr. Jalonne White-Newsome gave a presentation on the status of the Air Toxics (ATWG) Work Group. The workgroup has made considerable progress towards producing recommendations to the EPA. Dr. White-Newsome stated that the workgroup does not have the time and resources required to carry out the full scope of the EPA's charge, noted that the workgroup will highlight case studies of successful projects, and stated that EPA will need to complete the in-depth analysis. She stated that the workgroup will set up a subgroup to address part 1 of the charge, which will include the perspectives of various stakeholders (e.g., tribal, state, local) to assess the effectiveness of programs. Dr. White-Newsome stated that the subgroup will attempt to highlight two or three case studies. She then asked each subgroup member to provide a brief summary of their involvement with the subgroup.

Mr. Feldman stated that air toxics ambient air monitoring data should be included in the recommendations report, including data from an industry monitoring program that showed a decrease in benzene emissions near refineries, which Mr. Feldman presented at the Air Toxic Workgroup meeting on April 21.

Mr. Thomas Huynh stated that there is a need to address hotspots where modeling data does not capture the extent of the risk to which people are exposed and expressed concern that risk assessments might be overly focused on stationary sources without considering the additional impacts of mobile sources.

Mr. Jason Walker stated that a tribal air quality survey was conducted and noted that there was a very low response rate. Many tribes do not have air programs; therefore, they do not have data to submit.

Ms. Kathryn Watson stated that part 1 of the EPA's charge to evaluate programs may be beyond the scope of what the workgroup can accomplish. Ms. Watson stated that the workgroup will review reports for certain programs (e.g., DERA), and determine the criteria used to evaluate those programs. Dr. White-Newsome emphasized the need to determine lessons learned from programs and stated that the workgroup will identify and interview successful Community Action for a Renewed Environment (CARE) programs. She asked the group how this work could be integrated with the EPA's EJ 2020 Action Agenda.

Ms. Myra Reece asked Air Toxics Work Group members to identify themselves. She stated that the workgroup needs to engage in dialogue and fact finding before making recommendations. Ms. Reece noted the presence of a community representative, Ms. Margaret Gordon, at the workgroup meeting the previous day. Ms. Reece emphasized the importance that state and local officials communicate with and include the community in their planning processes. Dr. Lee Kindberg noted that the Ports Initiative Workgroup is also working to incorporate a community engagement piece into its recommendations, and suggested that the two workgroups should align their efforts to avoid duplication of effort or heading in different directions.

Mr. Robert Morehouse stated that the workgroup should define the stakeholders involved in air toxics programs, which includes industry, in addition to the community. Mr. Morehouse commented that communities are not only concerned about the effects from a single pollutant or project, but are concerned about the cumulative effects from multiple emission sources. He stated that communities are skeptical of risk assessments and how they are utilized. Mr. Morehouse explained that an individual's perception of risk is affected by the amount of control the individual has over the source of the risk.

Mr. Feldman referenced a USA Today report on air toxics levels at schools as a potential case study to determine lessons learned and the effectiveness of the communication that resulted from that report.

Ms. Reece stated that the Air Toxics Work Group will hold monthly conference calls and is planning to have an outline or framework for the recommendations report prepared for the May 2015 call.

In response to the workgroup's concerns about the timing and feasibility of completing the charge, Ms. McCabe stated that the workgroup can suggest changes to the schedule. She noted that the charge is significant and expressed appreciation that the workgroup has considered it in detail. Ms. McCabe further expressed appreciation that the workgroup is engaging in the intermediate steps of dialogue and fact-finding before making recommendations. Ms. McCabe noted her approval of the workgroup's idea to coordinate with the Ports Workgroup.

Ms. Gillian Mittelstaedt commented that many pollutants that can cause negative health effects are in the nanometer size range and can pass through the blood-brain barrier. Ms. Mittelstaedt questioned how risk from these pollutants can be characterized if they cannot be measured or captured, considering that monitors are not effective at detecting ultra-fine particles. Mr. Chet Wayland of EPA's Office of Air Quality Planning and Standards stated that measurement of air toxics is a challenge and noted the existence of advanced monitoring technologies capable of measuring fine particles.

In response to a question on whether a NAAQS-like ambient emission standard could be set for air toxics, such as benzene, Mr. Morehouse stated that the EPA is statutorily limited in creating standards for air toxics, which are done through CAA section 112. He also noted that ambient monitoring for air toxics is a challenge, but the monitoring capabilities may improve with new technologies. Committee members also responded that NAAQS monitoring programs are not designed to measure concentrated sources of exposure.

Ms. Susan Collet noted that the Coordinating Research Council (CRC) is holding the 2015 Mobile Source Air Toxics (MSAT) workshop, which will consider monitoring and modeling of air toxics and the needs of regulators. Ms. Collet referred the subcommittee to [www.CRCAO.org](http://www.CRCAO.org), which will have workshop technical materials and noted that EM Magazine and the Journal of Air and Waste will have a summary of the workshop.

## Advanced Monitoring

Mr. David Hindin and Mr. Wayland gave a presentation titled: *Preparing Our Environmental Enterprise for Advanced Monitoring*. Mr. Hindin presented a chart showing that, in contrast to previous monitoring technologies, new technologies are lower cost, smaller, easier to use, collect data in real-time, do not undergo government quality assurance (QA) procedures, are mobile, and are collected by communities and individuals. Further, in the future paradigm of environmental monitoring, data is collected for community awareness and personal health rather than standard setting, compliance, and research, and data is more abundant and accessible to the public.

The presenters discussed the working definition of advanced monitoring, and the relationship between advanced monitoring and the EPA's E-Enterprise initiative. Advanced monitoring will improve environmental protection and reduce pollution by providing individuals the ability to make personal risk decisions, allowing for targeted inspections and more effective enforcement, and increasing community awareness of environmental quality. The presenters identified the current uses of advanced monitoring data and noted that the data could be used in the future to substitute or supplement regulatory monitoring in EPA permits, rules, enforcement actions, and websites; however, many issues remain. The presenters reviewed numerous challenges for the EPA and states that may result from the democratization of monitoring, some of which include poor quality or misused monitors, pressure to update existing reference methods, and the need to expand data systems. It was noted that the AirBeam monitor, a type of air sensor technology, is an example of the types of advanced monitors that are available or under development.

The presentation included a discussion of EPA activities to better understand human exposure on and near roads, and pollutant behavior, interaction, and dispersion in the near-road environment. The EPA is installing a network of near-road monitors in three phases through January 2017. The presentation also included a discussion of selected near-road monitoring data. A monitoring study was conducted at the foot of the George Washington Bridge in New York where very high pollutant concentrations were detected, however, the data was found to be skewed by construction vehicles that were warming up in close vicinity to the monitor.

There was discussion among committee members about the AirBeam monitor and whether the monitor uploads real-time data.

In reference to the George Washington Bridge monitoring study, Mr. Feldman asked why measurements were taken on a bridge if the premise of the near-road study was intended to determine human exposure to pollutants. Mr. Wayland responded that the monitor was placed at the end of the bridge near residences.

Mr. Ross Templeton questioned what could be done to fact-check monitoring data as more monitoring is being conducted by non-government entities. Mr. Wayland stated that the quality of data can depend on the type of pollutants being measured. He noted that there are not as many air toxics monitors as PM monitors, and in general, cheaper toxics monitors are less effective. However, Mr. Wayland stated that in the future, there will likely be better air toxics monitors.

Ms. Schneider asked about the longevity of advanced monitors. Mr. Wayland responded that monitor life varies, and manufacturer claims of monitor life have not been verified because new monitors have not been tested over the span of multiple years.

Mr. Feldman suggested that monitoring data collected by individuals or communities may be used inappropriately and stated that individuals could be attempting to calculate emission factors or attributing emissions to a source.

Mr. Hoekzema commented on the importance of determining the intended application of the monitor, such as whether the data will be used for personal exposure studies or for model inputs. He suggested that the EPA maintain a database that identifies the quality of different monitors and how they compare to federal regulatory methods. Mr. Hindin stated that some of the advanced monitors are nearly as accurate as reference methods based on initial quality checks. Mr. Wayland stated that the EPA has conducted monitor evaluation studies but currently only provides online information related to individual monitor evaluations. Mr. Wayland agreed that information about the recommended use of different monitors would be helpful.

Ms. Wiecks asked whether the EPA was promoting certain monitors and if the EPA has provided funding for the development of monitors. Mr. Hindin responded that the EPA held a monitoring contest and the top finishers received prize money; however, Mr. Wayland cautioned that there is a difference between endorsing certain monitors and supporting the development of these types of devices. He further stated that the EPA is not currently in a position to endorse particular monitors.

In response to questions from committee members, Mr. Wayland stated that the EPA is holding a conference in June of 2015 that will include a webinar in the morning and a face-to-face advanced monitoring learning session for community members in the afternoon. Mr. Wayland commented that advanced monitors are already in use, and there is a need for education to reduce errors and inaccurate reporting of emissions data. Ms. Wiecks stated that the webinar would occur very early in the morning on the west coast, and Mr. Wayland stated that the EPA will consider moving the webinar to the afternoon.

Mr. Dan Greenbaum commented on the power of monitoring by individuals in Beijing, as well as the monitors on the U.S. Embassy, to prove that air quality is a significant problem there. In addition, Mr. Greenbaum commented on the potential usefulness of these types of monitors in epidemiological studies as well in near-road studies. Ms. Pamela Faggert commented on the use of personal monitors to meet Occupational Safety and Health Administration (OSHA) standards.

Ms. Faggert expressed concern over the credibility and consistency of data that is collected by individuals and communities and stated that there is a need to establish the credibility of such data. She asked if the EPA is considering issuing guidelines on how entities should conduct monitoring to avoid misuse of data and ensure data quality. Ms. Faggert commented that erroneous data could cause the EPA to expend resources in areas where no real issues exist. Mr. Wayland commented that the June 2015 workshops will discuss some of the issues mentioned by Ms. Faggert, and there is additional information available online through the EPA's Citizen Science program. Ms. Faggert also commented that the EPA should consider grading monitors in



terms of quality or developing a program to label monitors that meet a standard of quality. She also noted that such a program may need to be implemented sooner than EPA expects. Ms. Wiecks also asked whether the EPA was considering certification of monitors. Mr. Wayland stated that the EPA is considering monitor certification programs.

Ms. Schneider stated that there is a potential for conflict in cases where the EPA determines that data collected by an individual or community does not conform to its standards for quality and does not use the data. Mr. Hindin commented that complaints about facilities will continue to be documented in different ways, including the use of personal monitoring data to document a complaint about facility emissions. Ms. Schneider emphasized the importance of educating the public on the purpose and use of monitoring data. Mr. Wayland agreed and noted that the EPA is considering ways to communicate with and educate the public.

Ms. Reece emphasized the importance of communication and community engagement. She stated that individual or community monitoring can be helpful because ambient monitoring does not provide information on the quality of air within a specific community.

Ms. Mittelstaedt commented that the new monitoring technologies will create hundreds of thousands of new constituents who are interested in health and air quality. She stated that the EPA should provide online materials that educate the public on monitoring technologies so that people understand the limitations of the tools but also to help increase participation.

### **Draft Environmental Justice 2020 Framework**

Mr. Charles Lee gave a presentation titled: *Draft EJ 2020 Framework, Community and Stakeholder Engagement*. Mr. Lee stated that the EPA is seeking input on the Draft EJ 2020 Action Agenda (EJ 2020), which focuses on expanding the EPA's impact on overburdened communities and building collaboration with federal agencies, states, tribes, and other co-regulators. In addition, the EPA is working to deepen EJ practice in its programs, including incorporating EJ concerns into rulemaking, guidance, and permitting. Mr. Lee stated that compliance and enforcement can be enhanced with the use of community monitors and the EPA wants to ensure that there is a strong science component to EJ 2020. Mr. Lee referenced a report issued by the EPA titled *EJ Best Practices for Local Government*. He stated that it is important to demonstrate progress at the community level and is seeking input on critical national program areas and indicators of progress. He reviewed priorities for 2015 and directed the committee to the EPA website for more information: <http://www.epa.gov/environmentaljustice/ej2020/>.

A committee member expressed concern that the underlying data used in the EPA's EJSCREEN tool, the NATA, is outdated and may not represent actual risk. He noted that the EPA provides caveats on how the NATA should or should not be used. Without similar caveats in EJSCREEN, communities may not understand the EJSCREEN or NATA results. Mr. Lee stated that the EPA will be issuing an interim EJSCREEN tool in June 2015 and a final public tool in the spring of 2016. Mr. Lee stated that the interim version of the tool will include updated PM and ozone data, but not the NATA data. The final tool will include the soon-to-be-released 2011 NATA datasets,

updated American Community Survey (ACS) data, as well as other changes and updates based on the feedback EPA received during the stakeholder engagement period.

In addition, the EPA intends to update EJSCREEN annually. Mr. Lee stated that there will be an intensive stakeholder engagement process after the interim tool is released. He added that the EPA is organizing a communications team that includes states, local agencies, and media to work on communication issues, with the fundamental message that EJSCREEN is a pre-decisional screening tool that should be used to identify areas for further analysis.

Dr. White-Newsome agreed with the EPA's plans to integrate EJ into permitting and enforcement. She recommended that the EPA consider creating a permanent subgroup to provide guidance on issues related to EJ, including how EJ can be incorporated into the CPP. Mr. DeMocker stated that the EPA would consider creating such a subgroup and commented that it would be difficult to create the group in time to affect the CPP regulation, as the comment period has ended, but the subgroup could be considered on a long term basis during the CPP implementation phase.

Ms. Simpson asked which federal agencies the EPA planned to collaborate with on the EJ 2020 Framework. Mr. Lee responded that the EPA is a part of the Federal Interagency Working Group on Environmental Justice, which includes 17 federal agencies and White House offices. He stated that the EPA is working with these agencies to develop an action agenda, and there will be a cabinet level meeting at the end of May 2015, which the EPA administrator will chair. In addition, Mr. Lee stated that the EPA is working to leverage resources from and promote local efforts, such as the ReGenesis project.

Ms. Patricia Strabbing asked what the EPA's plan is in rolling out the interim EJSCREEN tool and requested that EPA disclose its communications plan. Mr. Lee responded that the EPA will provide information on its communication plan when it releases the interim EJSCREEN tool. Ms. Kruger noted that the EPA has worked with the National Association for Clean Air Agencies (NACAA) on its concerns with EJSCREEN, and NACAA was pleased with that process. She hopes NACAA will also be able to collaborate with the EPA on the communications plan.

### **Community Involvement Training Conference and Status of the NATA**

Mr. Mike Koerber stated that the EPA will be holding the Community Involvement Training Conference, which will take place on August 4 through 6, 2015 in Atlanta, Georgia. Additional information is available at: <http://www.epa.gov/ciconference/>.

Mr. Koerber stated that plans call for a new version of the NATA to be released in September or October of 2015, and noted that the NATA, like EJSCREEN, is intended to be used as a screening tool. He noted that this updated version of NATA will be based on 2011 data, will have more detailed information for ports and for oil and gas operations, and the GIS component will also be updated. There will be several webinars for the NATA, which will be announced on the NATA website. Mr. Koerber stated that the release of the NATA could be a good topic for the agenda for the next CAAAC meeting.

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

Mr. Juan Santiago and Ms. Julie Rosenberg provided an overview of EPA's progress preparing for implementation of the CPP Standards proposed under CAA section 111(d). The EPA has organized an internal workgroup that includes all 10 EPA regions in addition to other EPA offices, and is working to identify the needs of states and stakeholders. Mr. Santiago noted that the EPA held a series of webinars after the 111(d) proposal. In addition, Mr. Santiago stated that the EPA is working on three initiatives related to the CPP, including training, assisting states in developing plans, and electronic submittal and review of state plans.

Ms. Rosenberg stated that the EPA has created a comprehensive training program that will be a resource for EPA staff and stakeholders, including webinars, formal training and Q&A sessions, an air program training website, and a CPP toolbox. Specific training materials for the CPP will be available when the rule is finalized. Ms. Rosenberg asked the committee to advise the EPA on other training resources that should be included.

Mr. Santiago stated that the CPP toolbox already includes significant resources.

In addition to the CPP Toolbox, Mr. Santiago also discussed the work that the EPA is doing to develop an electronic system for state plan submittal, review, approval, and collaboration among EPA staff. Mr. Santiago stated that the EPA will begin beta testing of the software within a few weeks, which will include testing by states and EPA staff. Mr. Santiago listed the following features of the electronic system:

- a storage system for plan submissions
- links to related guidance documents and additional tools
- a dashboard for tracking the status of plan review
- a public portal to allow access to plans and the status of plan review and submittal;
- submission of draft versions of state plans
- check boxes to identify single or multi-state plans; and rate-based or mass-based plans
- the ability to upload and attach files
- a completeness feature that will notify states if a plan is not ready to submit
- a preview of the comprehensive plan document
- the ability to identify confidential business information (CBI)

Concerning the state plan development and review process, Mr. Santiago stated that the EPA is working with states to ensure that plans will be reviewed and approved in a timely and consistent manner. Mr. Santiago noted that states will work with EPA regional offices as the primary point of contact, and regions will coordinate with EPA headquarters, similar to the process for state implementation plans (SIPs) under section 110 of the Clean Air Act.

Ms. Kruger asked if state plan reviews for the CPP would be conducted by the same personnel who conduct SIP reviews. Mr. Santiago replied that some of the same people who review SIPs will review state plans for the CPP.

Ms. Faggert asked how much access the public would have within the public forum of the toolbox. Mr. Santiago replied that the public will not have complete access but will be able to view the state plans and review progress. Mr. Santiago further stated that the EPA has not decided on whether the public would be allowed to view the entire state plan and is currently deliberating that question.

Mr. Busterud asked how the EPA will accommodate multi-state plans. Mr. Santiago replied that the EPA is reviewing comments on the proposal concerning multi-state plans and will address those comments in the final CPP rule. In response to a question on whether there is a mechanism to handle multi-state plans electronically, Mr. Santiago stated that the toolbox will include a function to identify multi-state plans and select other states included in the plan.

Ms. Schneider asked if the public portal will have a feature to allow for public comment. Mr. Santiago responded that the EPA is not currently developing such a feature, but the EPA will consider mechanisms for public comment in the toolbox.

A committee member commented that litigation over the CPP is a virtual certainty, and asked if the EPA had an alternate plan if the courts rule against the EPA. Mr. Santiago responded that the EPA is designing the final CPP to be upheld in court.

Mr. Johnson commented that transparency within the electronic system is important and recommended that the EPA include a mechanism to allow a state to look at another state's plan to determine if there are dependencies between the plans. Mr. Santiago responded that the system will allow for collaboration between states.

## **Vehicle GHG Emission Standards**

Mr. Ben Hengst gave a presentation titled: *Phase 2 Heavy-Duty Vehicle GHG Standards and Light-Duty Vehicle GHG Trends/Compliance*. Mr. Hengst stated that the EPA and the National Highway Transportation and Safety Administration (NHTSA) will propose a rule to establish a Phase 2 GHG and fuel efficiency program for heavy-duty vehicles for model years beyond 2018, as called for in President Obama's 2013 CAP. Heavy-duty vehicles are responsible for 20 percent of GHG emissions from transportation sources. Mr. Hengst reviewed implementation highlights of Phase 1 of the heavy-duty vehicle emission standards. Objectives of the Phase 2 heavy-duty program include: looking at off-the-shelf technology, potential inclusion of trailers, addition of new technologies, refined test procedures, solutions for small businesses, and updated technology, economic and environmental assessments. Mr. Hengst reviewed research conducted by the EPA and NHTSA, including technology evaluations, test procedure development, and validation studies. Mr. Hengst stated that Phase 2 of the heavy-duty vehicle emission standards are expected to be published in the spring of 2015.

Mr. Hengst presented an update on the light-duty vehicle GHG program, including highlights from the manufacturer performance report for model year 2013 and light-duty vehicle fuel economy trends. Mr. Hengst presented charts showing that manufactures are using multiple technology pathways to comply with the vehicle emission standards and that consumers have

more choices as the number of models for each vehicle type (e.g., cars, SUVs) has increased between model years 2009 and 2014. Mr. Hengst stated that the EPA will be conducting a mid-term evaluation on the light-duty vehicle standards that will include a technical assessment report and recommendations for the program, including on the stringency of the standards.

Mr. Hoekzema stated that EPA did not incorporate the CARB standards for low NO<sub>x</sub> idling of trucks in the heavy-duty vehicle emission standards and asked whether they could be incorporated. Mr. Hengst responded that the EPA will investigate the CARB standards for low NO<sub>x</sub> idling as part of Phase 2.

Ms. Ann Weeks commended the EPA on its work in promulgating technology-forcing standards. Mr. Hengst responded that the EPA has observed significant technology innovation, and it appears that the program is forcing that innovation.

Ms. Simpson asked what the EPA is doing to reduce emissions from oil, gas and coal transportation. Mr. Hengst responded that regulations under CAA Title II (Emission Standards for Moving Sources) are based on the engine of the vehicle that is moving the cargo and on fuels.

The committee discussed the phase-out of the legacy fleet of locomotives, and Mr. Mormino stated that the Diesel Emissions Reduction Act (DERA) National Funding Assistance Program works towards retiring older fleets. Mr. Mormino commented that the new technologies resulting from the vehicle GHG emission standards have resulted in near zero emissions of NO<sub>x</sub> and PM, and there is significant collaboration that has occurred in the development and implementation of these standards that should be adopted and applied to other sectors.

Regarding a question on whether there is a fuels component to the Phase 2 program, committee members stated that the program is focused on alternative fuels, including natural gas, and emphasized the relationship between engine technologies and alternative fuels.

## **NAAQS Implementation and Permitting Updates**

Ms. Anna Marie Wood gave a presentation titled: *NAAQS and Other CAA Implementation Updates*. Ms. Wood provided an overview of the 2008 Ozone NAAQS. The final ozone state implementation requirements rule was published on March 6, 2015, and became effective on April 6, 2015. The ozone implementation rule established due dates for attainment plans and clarified attainment dates for nonattainment areas, revoked the 1997 ozone NAAQS and established anti-backsliding requirements, and provided guidance on planning requirements for nonattainment areas. Ms. Wood provided information on the 2015 Ozone NAAQS, which was proposed on November 25, 2014 and proposes consideration of ozone limits between 65 and 70 ppb (current level is 75 ppb). The final Ozone NAAQS will be signed by October 1, 2015.

Ms. Wood presented an update of the 2012 PM<sub>2.5</sub> NAAQS and stated that the effective date for designation was April 15, 2015. On March 10, 2015, EPA proposed a rule for SIP requirements that apply to PM<sub>2.5</sub> nonattainment areas, and the comment period for that proposal closes on May 29, 2015.

Ms. Wood presented an update of the 2010 SO<sub>2</sub> NAAQS implementation. The EPA issued guidance for the 1-hr SO<sub>2</sub> NAAQS nonattainment SIPs and is working with states to develop SIPs. In April, 2014, the EPA proposed data requirements for characterization of SO<sub>2</sub> levels for the purposes of implementing the SO<sub>2</sub> NAAQS; a final rule is anticipated in the summer of 2015. Ms. Wood presented a timeline of future SO<sub>2</sub> NAAQS designations as ordered by a March 2, 2015, consent decree. In addition, Ms. Wood reviewed information related to the startup, shutdown, and malfunction (SSM) SIP call resulting from a settlement agreement with the Sierra Club. Pursuant to the settlement agreement, a final rule will be signed on May 22, 2015, and states will have until 18 months after the final action to make corrected SIP submissions.

Ms. Wood reviewed the June 23, 2014, Supreme Court Decision in *Utility Air Regulatory Group (UARG) v EPA* including an update on EPA's interpretations and actions following the decision. Ms. Wood presented an update on biogenic CO<sub>2</sub> emissions permitting, and stated that the EPA is considering revisions to the Prevention of Significant Deterioration (PSD) rules to exempt waste-derived and sustainable non-waste feedstocks from the GHG Best Available Control Technology (BACT) analyses. Ms. Wood presented an update of EPA actions on Title V, including a rulemaking to increase transparency and efficiency of the petition submittal and review process and website updates. Ms. Wood stated that the EPA anticipates proposing a rule for PM<sub>2.5</sub> significant impact levels (SILs) in the fall of 2015 and will be making revisions to the guideline on Air Quality Models published in Appendix W to 40 CFR part 51, for which a rule will be proposed.. The EPA is also working on a rulemaking to clarify the permitting definition of a source in oil and gas extraction operations and expects a proposed rule to be signed in the summer of 2015. Lastly, Ms. Wood reviewed EPA's transition to electronic notices for Title V and New Source Review (NSR).

Mr. Morehouse asked when the EPA planned to revisit the thresholds for GHG emissions that define when PSD permits are required and whether the EPA will define a *de minimis* emission rate. Ms. Wood responded that the agency will propose a significant emission rate in an upcoming rulemaking, and there is currently no timeline for the proposal. Ms. Wood referred Mr. Morehouse to the semi-annual regulatory agenda. Mr. Santiago stated that the EPA is currently working to establish the significant emission rate, of which the *de minimis* threshold is a part. Mr. Morehouse asked about the EPA's work on streamlining GHG permits, and Ms. Woods responded that no work is being done to streamline GHG permitting process but that the process will become more streamlined as a result of some of the changes being made.

Mr. Johnson commented on the difficulty in responding to EPA's Ozone NAAQS proposal considering the complexity of the proposal resulting from multiple compliance pathways and options. Mr. Johnson referenced the EPA's secondary standard for ozone between 65 and 70 ppb, which is equivalent to the seasonal W126 index of 13 to 17 ppm-hours. Mr. Johnson stated that it would be helpful if the range of options within the Ozone NAAQS were narrowed so that commenters can focus on the most important topics.

In response to a question from the committee, Ms. Wood stated that there is currently no timeline for the final framework for assessing biogenic CO<sub>2</sub> emissions.

A committee member commented that the EPA did not discuss a significant emission rate for PM<sub>2.5</sub> precursors, and Ms. Wood responded that the EPA will address significant emission rates for all PM<sub>2.5</sub> precursors in the upcoming rulemaking.

Mr. Hoekzema asked if the EPA anticipates issuing designation guidance for the Ozone NAAQS. Ms. Wood responded that the EPA will attempt to issue such guidance within four months of the publication date of the final rule. Mr. Hoekzema commented that there will be a much larger universe that will be in nonattainment under the new standard and encouraged the EPA to allow flexibility in compliance options, especially in areas that are affected by upwind emission sources outside of the nonattainment area. Ms. Woods responded that EPA actions are limited by the statutes, but the EPA will continue to look for flexibility in compliance options.

Ms. Wiecks asked about the timing of the GHG permitting rule. Ms. Woods stated that the EPA will be publishing a direct final rule to rescind permits for Step 2 sources in the near future, and the EPA will also publish the significant emission rate thresholds for GHGs. Mr. Santiago also clarified that the EPA released the second draft of the biogenic CO<sub>2</sub> framework, which will be reviewed by the Science Advisory Board (SAB) in a separate process.

### **Action Items and Possible Topics for Next Meeting**

Mr. DeMocker noted that the MSTRS meeting will be held on May 5th in Alexandria, Virginia. Mr. DeMocker asked for suggestions on topics for the next meeting or new initiatives for workgroups. Mr. DeMocker directed all questions to the designated federal official, Mr. Ketcham-Colwill.

Mr. Greenbaum recommended that the committee distribute the CAAAC members contact list to the members and consider adding brief biographies for each member. Mr. Greenbaum also suggested that the committee consider the CPP and the Ozone NAAQS as topics for the next meeting. Mr. Johnson agreed with those topics and stated that if the ozone NAAQS is changed, there will be a significant amount of work for western states, including on transportation-related issues.

Ms. Schneider noted that she enjoyed the more interactive discussion that took place today at this meeting and at the Air Toxics Work Group meeting yesterday, and encouraged this more interactive format for future meetings.

Mr. Gary Jones suggested a topic for the next meeting could be the National Emissions Inventory (NEI). Mr. Morehouse suggested that the committee discuss the NATA update at the next meeting.

Mr. Hoekzema suggested that the next committee meeting should include discussions of the Ozone NAAQS and recommended that the committee establish a workgroup to discuss ozone implementation issues. Mr. Hoekzema stated that the workgroup could discuss the most appropriate way to implement a lower ozone standard, which would also be relevant to any future ozone standards (i.e., beyond 2015). Mr. Hoekzema asked what the procedure is for

establishing a workgroup and requested that the committee discuss the creation of such a workgroup. Mr. Feldman commented that it may be best to only have workgroups established in areas where the EPA is soliciting advice. Mr. Greenbaum advised that the committee should wait until the Ozone NAAQS is published, and the stringency of the standard is known, before having a discussion on whether to create an ozone implementation workgroup. Another committee member commented that, unless the EPA maintains the current level of the ozone NAAQS, offset policy would be a good topic for discussion at the next meeting.

Ms. Wiecks suggested that the committee discuss the PM<sub>2.5</sub> Significant Impact Levels (SILs) rule in the next meeting. Mr. Greenbaum suggested that the committee discuss EPA's actions to mitigate the impacts of regulations on small businesses. Mr. Feldman suggested that the workgroup discuss how the EPA addresses regulatory impact/benefit analyses in regulations. Ms. Mittelstaedt suggested that the next meeting should include an update on the wood stoves rule and commented that there are hundreds of thousands of uncertified wood stoves.

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



## Attachment A

### CAAAC Meeting Attendance List

Name	Affiliation	Attendance?
<b>Committee Members and Alternates</b>		
John Busterud	Pacific Gas and Electric Company	Y
Mark Bohan	Printing Industries of America	N
Michael Buser	Oklahoma State University	N
Susan Collet	Toyota Motor Engineering and Manufacturing North American Inc.	Y
Pamela Faggert	Dominion Resources Services Inc.	Y
Howard Feldman	American Petroleum Institute	Y
Margaret Gordon	West Oakland Environmental Indicators Project	Y
Dan Greenbaum	Health Effects Initiative	Y
Bill Harnett	U.S. EPA	Y
Vince Hellwig	Michigan Department of Environmental Quality	N
Robert Hilton	Alstom Power Inc.	Y
Andrew Hoekzema	Capital Area Council of Governments	Y
Thomas Huynh	Philadelphia Air Management Services	Y
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
Dr. Lee Kindberg	Maersk Line/Maersk Agency USA	Y
Cassady Kristensen	Rio Tinto Kennecott	Y
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.	Y
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 (Co-Chair, Air Toxics Work Group)	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	N
Adrian Shelley	Air Alliance Houston	Y
Julie Simpson	Nez Perce Tribe	Y
Geraldine Smith	Public Service Enterprise Group Inc.	Y
Patricia Strabbing	Chrysler Group, LLC	Y
Ross Templeton (sub for Anthony Jacobs)	Iron Workers International	Y
Phillip Wakelyn (sub for Michael Buser)	Wakelyn Associates	Y
John Walke	Natural Resources Defense Council	N
Jason Walker	Northwestern Band of the Shoshone Nation	Y
Ann Weeks	Clean Air Task Force	Y
Dr. Jalonnie White-Newsome (Co-Chair, Air Toxics Work Group)	WE ACT for Environmental Justice	Y
Joy Wiecks	Fond du Lac Band of Lake Superior Chippewa	Y
<b>Attendees and EPA staff</b>		
Jim DeMocker, presiding EPA official	U.S. EPA	Y
Jim Ketcham-Colwill, Interim Designated Federal Officer, CAAAC	U.S. EPA	Y
Patrick Ambrogio	Bloomberg BNA	Y
Julie Becker	Alliance of Auto Mfrs.	Y
Gabriel Bohnee	Nez Perce Tribe	Y
Chebryll Edwards	U.S. EPA	Y
Liz Etchells	U.S. EPA	Y
Ben Hengst	U.S. EPA	Y
David Hindin	U.S. EPA	Y
Merlyn Hough	Lane Regional Air Protection Agency	Y
Tim Hunt	American Forest & Paper American Wood Council	Y
Catrice Jefferson	U.S. EPA	Y

Michael Kennedy	National Mining Association	Y
John Kinsman	Edison Electric Institute	Y
Mike Koerber	U.S. EPA	Y
Charles Lee	U.S. EPA	Y
John Millett	U.S. EPA	Y
Stuart Parker	IWP NEWS	Y
Amanda Peterka	Environment & Energy Publishing	Y
Kelly Poole	Environmental Council of the States	Y
Leslie Ritts	National Environmental Development Association's Clean Air Project	Y
Julie Rosenberg	U.S. EPA	Y
Alan Rush	U.S. EPA	Y
Juan Santiago	U.S. EPA	Y
Carolyn Slaughter	American Public Power Association	Y
Geraldine Smith	Public Service Enterprise Group	Y
Jamie Song	Manufactures of Emission Controls Assoc.	Y
Tauna Szymanski	Hunton & Williams LLP	Y
Steph Tsao	Argus Media	Y
Kerene Tayloe	WE ACT for Environmental Justice	Y
Rhonda Thompson	South Carolina Department of Health and Environmental Control	Y
Tom Tyler	Environmental Council of the States	Y
Kathryn Watson	Earth Charter Indiana	Y
Chet Wayland	U.S. EPA	Y
Anna Marie Wood	U.S. EPA	Y
Tempestt Woodard	U.S. EPA	Y
George Wyeth	U.S. EPA	Y
Robert Wyman	Latham & Watkins	Y