

Federal Advisory Committee Act

Clean Air Act Advisory Committee

Meeting Summary

December 12, 2017
The Madison Hotel
Washington, D.C.

Welcome

Mr. Jim DeMocker called the meeting to order at approximately 8:30am on December 12, 2017. Mr. DeMocker welcomed everyone to the meeting and asked the committee members and members of the public to introduce themselves. The list of meeting attendees is provided in Appendix A of this document. Mr. DeMocker introduced Tamara Saltman, who is the Clean Air Act Advisory Committee (CAAAC) Designated Federal Officer (DFO). Mr. DeMocker indicated that the CAAAC has entered a new cycle and that there are several new committee members. After opening the meeting, Mr. DeMocker noted a few changes to the order of presentations on the agenda to accommodate the schedule of some presenters. The original agenda created for this meeting is provided in Appendix B of this document.

Presentation: Clean Air Act Air Toxics Regulations

Mr. Bill Harnett with the EPA's Office of Air Quality Planning and Standards (OAQPS) provided a summary of the Clean Air Act (CAA) air toxics regulations, an update on the status of the risk and technology review (RTR) rules, and a summary of additional activities the OAQPS is undertaking. Mr. Harnett gave an overview of CAA sections 112(d) and 112(f), which are the sections containing requirements for the RTR of the Maximum Achievable Control Technology (MACT) standards. He also provided an overview of section 112(k) of the CAA, which contains requirements for the reduction of toxic air pollutants in urban areas and addresses emitters of smaller quantities of toxic air pollutants. Mr. Harnett indicated that these CAA sections provide the backbone for the air toxics program, however, he noted that historically, the regulations have not always been developed by the schedule included in the CAA. This has led to several citizen suits, in which the Agency has either agreed to a rule development schedule that is enforced through the court system, or is given a rule development schedule by the courts when agreement cannot be reached. Mr. Harnett expressed that every rule and source category is different and that significant emission reductions have been achieved through the technology-based rules required by the CAA. He noted that much of the risk to human health and the environment is reduced through these technology-based rules before residual risk is evaluated. Mr. Harnett highlighted the status of the RTR rules, indicating that it has become increasingly difficult to keep up with the CAA-required schedule for these rules. However, the EPA expects to meet the agreed-upon and court-mandated deadlines as they currently stand. Mr. Harnett briefly listed the source categories with scheduled deadlines for RTR final rule publication.

Mr. DeMocker indicated that Mr. Harnett's presentation was originally intended to be paired

with the presentation on Smart Sectors by Ms. Daisy Letendre, but that presentation will occur later in the meeting due to the agenda reshuffling.

Discussion

Mr. Bob Morehouse noted that the science advisory board (SAB) has expressed concern about the conservative assumptions used in the RTR evaluations and asked when the SAB's final report would be released. Mr. Harnett replied that he was not sure when their plan will be final and noted that the SAB is independent from the EPA.

Mr. Mitchell Hescocox asked how the current budget and staffing is affecting the development of the RTR regulations. In response, Mr. Harnett noted that the Agency is still waiting on the budget for this year and will have a better idea by January 1, 2018; however, court-ordered activities will take precedence over the other activities at the Agency.

Mr. Daniel Greenbaum asked to what extent there is competition within the Agency for resources, noting that reform of the Toxic Substances Control Act (TSCA) seems to be getting a lot of attention, and perhaps priority, within the EPA. He also noted that it appeared that the integrated risk information system (IRIS) may be gutted, and he asked how much the air toxics regulations work relies on IRIS. Mr. Harnett responded that IRIS is relied upon in the RTR risk assessments, however he noted that IRIS was created with the expectation that there would not be a vested interest in how the values are used. He also noted that the values in IRIS are developed based on the universe of studies about each chemical and the quality of each study is considered. He added that the IRIS values for each chemical are not based on just one study or the latest study. Mr. Harnett noted that the development of the IRIS values does not have as many public involvement opportunities, which can frustrate people. Additionally, Mr. Harnett noted that there has been a lot of work done studying the effects of the air pollutants regulated through the National Ambient Air Quality Standards (NAAQS) program compared to the air toxics program. He stated that it is difficult to study and keep up with the number of compounds and chemicals that are identified and dealt with through the air toxics program.

Mr. Tim Hunt noted appreciation for the workload the EPA is under, pointing out that good information is required for the Agency to make good rules. He also noted that he appreciates the Agency's attempt to reduce the burden of the rules to the regulated community. Mr. Hunt asked if there is an update on the work conducted under section 112(c)(6) of the CAA, which has been under litigation. Mr. Harnett said that there is no update, but the Agency thinks it has met its obligations under this part of the CAA. Mr. Harnett said that not everyone agrees, however, and it may be necessary to go back to court in order to resolve the outstanding issues.

Mr. Andrew Hoekzema asked why the Agency does not engage the courts earlier in the rulemaking process if it knows there will be litigation on certain rules. Mr. Hoekzema stated that it is frustrating for stakeholders not to have finality when rules are promulgated, and extensive litigation is burdensome. Mr. Harnett stated that he understands this frustration, however, he said that this is how the rulemaking process is set out, and the EPA has to follow this process. He also registered support for this system, which provides the opportunity for correction and revision, where warranted, through the court system.

Dr. Steven Marcus stated that he is not terribly impressed with the health-based standards so far from the Agency. He asked how the EPA works with other agencies and programs to address health effects and also asked how effects on unborn babies are addressed. Dr. Marcus additionally said that there are interagency disputes regarding air toxics, e.g., regarding lead, and particularly airborne lead. Mr. Harnett responded that when health studies are done, researchers will include fetuses in the study to see if toxins are present and attempt to determine where the toxins are coming from. The EPA must wait for that information to come forward before it can be considered in its risk assessments, and he noted that the assessments do include effects for sensitive individuals. He noted that for a particular health effect or endpoint, typically multiple studies are needed to understand the mechanisms of action, assess pervasiveness and determine how to target the critical areas. These studies can be done between agencies.

Ms. Gillian Mittelstaedt asked how the EPA keeps up with the body of literature and science, especially regarding the additive effects of different chemicals, while moving in tandem with the regulatory process. Mr. Harnett replied that it takes many players and there are many tasks involved in both research and the regulatory process, but the question invariably becomes about funding and who will fund a particular piece of work. For this reason, Mr. Harnett explained that the EPA typically focuses on what is known to be the most toxic. He expressed that this is progressive work that will get done over time, and the EPA is doing the best it can with the data available.

Presentation: Policy Update: Regulatory Reform and Executive Orders

Ms. Brittany Bolen with the EPA's Office of Policy thanked everyone for their attendance and began her presentation on regulatory reform and the new Executive Orders (EOs). Ms. Bolen indicated that regulatory review is not a new concept and is a regular part of the Agency's process. She stated that several documents have been issued in the past year related to regulatory reform, and she provided a brief overview of each.

First, she noted that a Presidential Memorandum issued in January 2017 directs agencies to expedite review and approval for construction and expansion of manufacturing facilities and to reduce regulatory burdens for domestic manufacturing was developed in coordination with the Department of Commerce. Under EO 13771 – Reducing Regulation and Controlling Regulatory Costs, Ms. Bolen indicated that the Office of Management and Budget (OMB) has issued guidance. Ms. Bolen stated that EO 13777 - Enforcing the Regulatory Reform Agenda calls on agencies to develop a task force to identify areas for regulatory revisions and/or repeal. Different criteria are spelled out in the EO, but the most important feature is the task force, which will carry out and oversee the regulatory revisions or repeals. Ms. Bolen explained that EO 13783 - Promoting Energy Independence and Economic Growth, is intended to reduce the burden on domestic resources and specifically calls on the EPA to review the Clean Power Plan (CPP) and rules related to oil and gas development. Ms. Bolen expressed that through the work to implement the Executive Orders, transparency has been emphasized, and she noted that the EPA has a new regulatory reform webpage (<https://www.epa.gov/laws-regulations/regulatory-reform>) that will be updated periodically. In addition, the EPA has encouraged public participation, and Ms. Bolen referred to several public meetings that were held this year and a 30-day public

comment period that was held to solicit comments on regulatory reform. Ms. Bolen indicated that the comments and scope of comments were massive and addressed many different rules that will inform the Task Force on next steps. The EPA is also working with other agencies where there is overlap in rules or topics addressed.

Ms. Bolen next discussed the progress that has been made under the EOs. She indicated that the EPA finalized two de-regulatory actions for 2017 under EOs 13771 and 13777. The Fall 2017 unified agenda, soon to be released, will detail what the EPA will address in fiscal year 2018. Ms. Bolen noted that permit streamlining is a priority, and that under EO 13783, several rules, including the CPP, New Source Review (NSR), and oil and gas rules will be undergoing review. Ms. Bolen indicated that she is proud of the progress made so far, but that more work must be done. Overall, in terms of reform and public comments, NSR was addressed most often, and Ms. Bolen noted that development of a sensible, efficient regulation is the goal.

Discussion

Mr. Brian Mormino asked if all regulatory actions are addressed in the semi-annual unified agenda or whether it only includes final rules. He also asked how the regulatory budget is addressed (i.e., not producing a new rule unless two are repealed). Ms. Bolen answered that the Agency has tried to put more emphasis on the regulatory agenda and that it is an important document. She noted that it is issued twice a year and includes an abstract of the regulatory actions scheduled for the year. She also noted that EO 13771 requires a specific regulatory action to be in the previous unified regulatory agenda before it can be finalized. Ms. Bolen stated that the intent of the regulatory budget is to show the costs of the regulations, and she noted that OMB is responsible for the regulatory budget.

Short Remarks: Clean Air Act Advisory Committee (CAAAC) Regulatory Reform

Robert Hodanbosi, Ohio EPA

Mr. Robert Hodanbosi provided prepared remarks designed to comment on what his organization is doing related to EPA's work on regulatory reform and implementation of executive orders. Mr. Hodanbosi briefly highlighted the main goal of regulatory reform being to improve and eliminate, if necessary, outdated regulatory requirements. Items identified by the Ohio EPA for examination include the following five items: 1) startup, shutdown, and malfunction (SSM) provisions, 2) the effectiveness of vehicle inspection and maintenance (I/M) programs, 3) the 1% threshold of the transport State Implementation Plan (SIP), 4) the "Once in – Always In" policy, and 5) implementation of Title V task force recommendations. Regarding SSM, Mr. Hodanbosi stated that the EPA has not proposed rules and is reluctant to move forward on this issue. For I/M programs, he stated that it would be helpful to determine the environmental effectiveness of these programs. The question on the transport SIP issue is whether the 1 percent threshold should still be in place. The "Once in – Always in" policy keeps sources in the Title V program even if they reduce emissions, and for this reason Mr. Hodanbosi said that the policy may not be needed. Regarding the Title V Task Force recommendations, he said there may be some changes recommended by the task force that are beneficial but have not been implemented.

Mr. Hodanbosi also mentioned other areas for investigation. For instance, the “Potential to Emit” policy is currently 27 pages long, which could be simplified while maintaining the original intent. Mr. Hodanbosi said that for new sources, photochemical grid modeling is too burdensome and complex, and cannot get done practically. As having a requirement to complete this modeling effectively makes it impossible to open a new facility, this topic is worthy of further consideration. In the acid rain program and nitrogen oxides (NOx) SIP call including non-electric generating units (EGUs), Mr. Hodabosi indicated that non-EGUs were dropped off the trading program and cannot trade with EGUs. He stated that this was a situation that could be investigated to determine whether it would be more effective in reducing air pollution to allow trading between the two types of facilities. On the topic of the reasonable further progress requirement, Mr. Hodabosi indicated that it is unclear how an additional 15 percent reduction can be attained in some non-attainment areas. Therefore, this is another area that could be reviewed further.

Bob Morehouse, Air Permitting Forum

Mr. Bob Morehouse indicated that his group is involved in reform initiatives now and also has been in the past. One issue of concern is the NSR process, which he says is too onerous overall. One of the issues with the current permitting requirements is in determining whether there is a significant emissions increase. Mr. Morehouse stated that where projects are independently justified, they should not be aggregated for the purposes of determining emissions increases. In determining if a facility needs a permit, Mr. Morehouse believes that the EPA should allow emissions decreases to be used in the first step, and emissions from prior actions should not be included in the current project. According to Mr. Morehouse, there are also issues once it has been determined that a permit is needed. Some of these issues include overly conservative modeling assumptions, such as receptors not being representative of actual exposure locations and emissions being calculated using the equipment’s maximum capacity. Further, the requirement to analyze technologies that would never be used wastes companies’ and reviewers’ resources. Mr. Morehouse also stated that there are issues with the “Once in – Always in” policy, which, according to Mr. Morehouse, discourages emissions reductions.

Adrian Shelley, Public Citizen

Mr. Adrian Shelley expressed that his group is generally opposed to reducing regulatory requirements and regulatory reform. Mr. Shelley stated that there is no discussion in the EOs regarding protecting public health, and every reform is couched in terms of burden to industry or manufacturing. In Mr. Shelley’s opinion, Executive Order 13783, which is supposed to promote domestic energy, is basically promoting fossil fuel. Mr. Shelley also noted that several million people spoke in favor of the CPP. In Mr. Shelley’s opinion, coal is not being used due to the market and economy, and nothing will save coal jobs. However, he stated that there are many jobs in clean energy. Three coal plants closed last year in Texas, Mr. Shelley said, as a function of natural gas prices, with 600 jobs lost due to the plant closures. He stated that none of the regulatory reform actions will save coal, and the future is not in fossil fuel. Public Citizen has filed several law suits and believes the Executive Orders are arbitrary and unconstitutional. According to Mr. Shelley, permit streamlining has not worked in Texas, and the Texas Department of Environmental Quality is completely overwhelmed with permitting requests. Mr. Shelley mentioned a recent West Texas explosion and noted that there are several facilities operating under-the-radar for which permits would have never been approved. Regarding the Chemical Safety Rule, Mr. Shelley

indicated that risk management plan rules are desperately needed, citing recent plant explosions. Mr. Shelley stated that the idea of regulatory reform sounds good, but the agenda appears to be about easing the burden on industry at the expense of public health and safety. In closing, Mr. Shelley stated that Public Citizen will do everything it can to oppose regulatory reform.

Discussion

Mr. Greenbaum asked if there had been any discussion with respect to regulatory reform to test whether it is working, e.g., after 1 year, what would be accomplished. Ms. Bolen said that the scope has been limited to complying with the Executive Orders' charge, responding that such discussion had not taken place, but that it would be valuable.

In terms of regulatory reform, Mr. Dan Nickey asked if there has been any consideration of the effect on small businesses. Ms. Bolen responded that the EPA's Office of Small and Disadvantaged Business Utilization and the Office of Policy can be consulted, and the impacts to small businesses are considered in policy and regulatory development.

Ms. Mittelstaedt asked how health factors are weighed in the semi-annual unified agenda. Ms. Bolen replied that the EPA's primary goal is to protect public health, safety, and the environment, and that the semi-annual unified agenda only provides a brief snapshot of regulatory actions. In-depth effects would be addressed in the individual regulations, Ms. Bolen added.

Ms. Myra Reece expressed appreciation of the EPA's transparency and effort to involve the public, including the benefits of this committee. According to Ms. Reece, this committee has the opportunity to have a role in regulatory reform, and the more the Committee can work together with the EPA, the better. Ms. Reece asked if the Environmental Justice office has moved to the Office of Policy yet. Ms. Bolen indicated that she looked forward to working together and that reform should lead to improvements. Ms. Bolen indicated that the Environmental Justice office may be moved from the enforcement side of the Agency to the policy side to help build EJ considerations into rules during the planning phase. Ms. Bolen indicated that the Administrator is also frustrated with some of the language around regulatory reform. Ms. Bolen thanked everyone for their time and left the meeting due to other obligations she had for the day.

Mr. Hescoc asked how the Office and Policy and the EPA are going to assess each comment about regulatory reform and how is each comment weighed. Mr. Hescoc also asked for an explanation as to why the social cost of carbon is now valued at \$1-6. Mr. DeMocker indicated that he was not sure of the answers to these questions.

Mr. David Foerter emphasized that with respect to improvements, he would hope that the Agency keeps moving ahead on transport issues. According to Mr. Foerter there is work ongoing to investigate catalysts to make sure they are not faulty, and an I/M program is needed to ensure that. With regards to cooperative federalism, Mr. Foerter stated that his organization sees this as an opportunity for the EPA to take on a role where the states cannot, and they hope this is not seen as an opportunity to allow backsliding on environmental protections.

Presentation: OTAQ Update for CAAAC

Mr. Karl Simon with the Office of Transportation and Air Quality (OTAQ) gave an update to the Committee on OTAQ work in the following key areas: current regulations, Volkswagen (VW) CAA Civil Settlement Update, and the Ports Initiative. On regulations, Mr. Simon said that the EPA is currently reviewing public comments on the light-duty greenhouse gas (GHG) program mid-term evaluation, and they will be making a determination on whether to maintain the current standards for model years 2022-2025 soon. On the heavy-duty GHG program, the public comment period on the repeal of the glider emissions requirements will close in January of 2018. On the heavy-duty NOx petition, the Agency has been asked to work with the State of California to look at the NOx standards that are 17 years old. Mr. Simon indicated that they are hearing from stakeholders that revisions of the standards are needed as implementation strategy to meet the ozone NAAQS, but that no final determination has been made yet. Under the Renewable Fuel Standard (RFS) program, the EPA is expecting litigation, Mr. Simon said. On the VW settlement, according to Mr. Simon there are nine areas where the money can be spent, and states will determine how the money will be spent; the EPA has no say. Mr. Simon indicated that over 30 million people live near United States ports, and pollution exposure in these areas can be quite high, as a lot of emissions are generated by ports activities and some ports are additionally in non-attainment areas. Added to this, trade is expected to quadruple by 2050, and ports infrastructure needs to be updated. The Ports Initiative's goal is to improve air quality near ports, and a ports workgroup had been established to provide recommendations to EPA on how to help reduce port emissions. This group has provided its final report to the EPA. The EPA is also continuing its work with ports, and will be releasing a pilot study and other technical documents that ports can refer to on how to reduce emissions.

Short Remarks: What are your organization's plans for VW settlement funds?

Nancy Kruger, National Association of Clean Air Agencies (NACAA)

Ms. Nancy Kruger said that the settlement provides \$2.9 billion to the states, which is an unprecedented benefit. Ms. Kruger indicated that NACAA is doing what it can to ensure implementation of the VW settlement initiative is as successful as possible. Ms. Kruger indicated that NACAA has two key components to facilitate implementation. The first key component is a joint website between NACAA and the National Association of State Energy Officials (NASEO) that houses a clearinghouse of tools and data at www.vwclearinghouse.org. The second key component is a VW working group, which provides a forum for questions and answers where the industry and stakeholders can engage and coordinate with peers and experts.

Kris Ray, Confederated Tribes of the Colville Reservation

Mr. Kris Ray indicated that his organization's purpose is to help Tribes understand air policies and to provide education, training and technical assistance. For the VW settlement, a work group has been developed under the National Tribal Air Association (NTAA), there is a Technical Assistance Provider, and there is also a Tribal Advisory Committee. Through these groups, advice, recommendations and training and support are given and shared between the Tribes. According to Mr. Ray, Tribes face five main challenges in handling the VW settlement and other air issues, which include capacity and capability limits, timing of information availability, understanding complex processes, organizing individual tribal efforts, and managing approved projects.

Discussion

Mr. Mormino indicated that his organization supports the heavy-duty phase 2 GHG rules as originally finalized, adding that Cummins will continue to work with the EPA. With respect to NO_x emissions, Mr. Mormino indicated that Cummins has significantly reduced emissions and is willing to do more, asking why low NO_x is not on the EPA's agenda. Mr. Mormino asked Mr. Simon what the timeline and process is for the phase 2 rules. Mr. Simon noted that addressing the petition for reconsideration on the Phase 2 GHG rules will be a multi-year process.

Mr. Dan Nickey asked Ms. Kruger if her group has any project ideas for states to use for the VW settlement funds. Ms. Kruger said that it depends on the state and what the state has done so far, and that potential project information will be posted online when available.

Mr. Hoekzema suggested there is opportunity with the VW settlement to fulfill certain CAA requirements, and it could also be beneficial for states to include the emissions reductions achieved through the VW settlement in their transport SIPs. He also noted that the State of Texas received \$209 million from the settlement and has its own program that could be used as a resource for others to use, since they have experience. Mr. Simon stated that he appreciated this input.

Ms. Adrienne Hollis asked about the next steps for the ports pilot program, noting that she understood one port (New Orleans) had pulled out of the project. Mr. Simon responded that the project has been labor intensive, and that as a pilot project, they may have gone overboard with engagement (e.g., meeting times). However, the EPA has gotten good feedback about the process. The Port of New Orleans did pull out half-way through the pilot program process due to resource issues, but the EPA plans to continue to follow-up with the communities involved there. Going forward, Mr. Simon said that a report will be published, but the work will also be used as a template for other ports.

Ms. Strabbing said that in terms of regulatory reform, there is duplicative testing and recordkeeping of mobile sources. Ms. Strabbing asked where and when an update on regulatory reform can be expected, if the Mobile Sources Technical Review Subcommittee (MSTRS) would address this, and when the next MSTRS meeting would be held. Mr. Simon said that he was not sure about the status of the comment review or progress on regulatory reform at this time. Regarding MSTRS, there is not another meeting scheduled yet, but likely it will be held in the spring of 2018.

Mr. Hodanbosi commented that the State of Ohio is planning to spend its VW money across all 10 eligible project areas, and he indicated that one area will be port on-shore power.

Presentation: Smart Sectors and Select Related Activities

Ms. Daisy Letendre with the EPA's Office of Policy presented next on the topic of Smart Sectors and related activities. Smart Sectors is partnership program designed to develop better approaches to improve protection of the environment and public health, and was relaunched under Administrator Pruitt. Ms. Letendre provided an overview of the goals of the Smart Sectors program, which include achieving the core missions of the Agency, such as improving air quality

through cooperative federalism and through the rule and process of law. In terms of specific goals, Ms. Letendre summarized several strategic measures, such as reducing the number of non-attainment areas, eliminating unnecessary or duplicative reporting burdens and accelerating permitting-related decisions. Ms. Letendre highlighted the substantial burden associated with information collection request (ICR) activities as an area with room for improvement.

Discussion

Ms. Hollis commented that in the transformation strategy presented by Ms. Letendre, there was no mention of public health or environmental protection or of holding to the EPA's mission. As the EPA reduces the regulatory burden to industry, Ms. Hollis emphasized that it is critical that there not be an increase in the burden to communities. She added that it is important that communities are included and also considered partners in this process. Ms. Letendre acknowledged and agreed with Ms. Hollis' point, and indicated that the Office of Policy works closely with and collaborates with other offices to ensure communities are considered appropriately in all policies.

Mr. Gary Jones spoke from the perspective of the printing industry and small businesses. Mr. Jones referred to PrintSTEP, the Printers' Simplified Total Environmental Partnership, part of the EPA's Common Sense Initiative. The goal of the partnership is to assist the printing industry achieve more efficient environmental protection. Mr. Jones encouraged the EPA to consider PrintSTEP as a model for other initiatives and asked how the Office of Policy works with small businesses. Ms. Letendre indicated that she would look into PrintSTEP and that the EPA is working with trade organizations, which represent both large and small businesses. She also noted that the EPA is interested in how its programs affect small business. Mr. Jones commented that on permit streamlining, permit-by-rule has worked well for small businesses, and there are a lot of good permit-by-rule models that could be followed. He indicated that the Michigan Department of Environmental Quality has a good program that could serve as a model for the EPA.

Mr. Greenbaum asked how these actions and programs like the Smart Sectors program will provide for better environmental protection. Ms. Letendre said that as the EPA meets with sector partners, the first question is, "How can we improve environmental outcomes?"

Ms. Natalene Cummings commented that the permit streamlining process seems to shorten the public comment period, and she asked that this not be the only way in which the process is streamlined. She noted that it is difficult for Tribes and others with limited resources to respond meaningfully in a short time period.

Mr. Tomas Carbonell asked why there is no mention of climate change in the current strategic plan. Ms. Letendre stated that the Smart Sectors program does not have a say in the strategic plan.

Ms. Strabbing asked how regulatory reform and the Smart Sectors program are tied together and what efforts are being made to ensure these policies and programs do not overlap with each other. Ms. Letendre said that both programs are run through the Office of Policy and that the goal is to filter comments to the regulatory reform task force. Having staff working on Smart Sectors be in close proximity to staff working on regulatory reform is helpful, Ms. Letendre added. Ms. Letendre additionally stated that the Executive Orders have a lot of overlap and that the desire

within the EPA is to leverage the work.

Mr. Michael Silverstein spoke from the states' perspective on regulatory reform, expressing that data is the primary tool for enforcement and public oversight, and states generally do not want to have the available data be reduced. Ms. Letendre responded that the EPA recognizes the need for data, but data needs to be collected in the most efficient and effective way possible.

Presentation: Air Program Update and Discussion

Assistant Administrator Bill Wehrum joined the meeting, expressing that it was nice to see many familiar faces. Mr. Wehrum stated that it is an honor and privilege to serve in this position again, and hopefully some good progress will be made. Mr. Wehrum mentioned that he prefers to engage in dialog and that the point of this meeting is to receive good ideas and advice from CAAAC members. Mr. Wehrum said that he would begin with the biggest issues and urged the committee members to interrupt and ask questions at any time.

Mr. Wehrum introduced himself and provided a summary of his professional background, indicating that reconnecting with the Agency and the Office of Air and Radiation is a priority. The EPA has a broad responsibility, and while emissions are down, the economy continues to grow. If it is done correctly, pollution prevention can yield a more productive society, Mr. Wehrum asserted.

In terms of the CPP, the legal viability of the proposal to rescind the rule is in question. Mr. Wehrum noted that regulating a whole sector through the CPP required a different legal strategy, however, there may have been other, better ways this could have been done. The EPA is working to put out an Advanced Notice of Proposed Rulemaking (ANPRM) to get feedback on possible rule replacement options. The notice is currently at OMB and has been there for a while, but the EPA is pushing to get it published, Mr. Wehrum said.

In terms of the GHG standards, the EPA is currently in the midterm evaluation (MTE) phase. Mr. Wehrum explained that there was concern about implementing emission standards that were laid out for a period so far in the future, and this is why there is a MTE for the rule. Mr. Wehrum indicated that a final decision as to whether those standards are appropriate will be made by April 2018. This decision could lead to a rule revision if the 2022-2025 standards are found to be unreasonable.

Regarding the oil and gas New Source Performance Standards (NSPS), Mr. Wehrum indicated that methane was added as a regulated pollutant, in addition to other GHG gases, and is the pollutant emitted in the largest quantity. The EPA received petitions to reconsider the decision to consider methane a pollutant. According to Mr. Wehrum, the EPA is working to gather data and respond to the petitions for reconsideration.

On the Mercury and Air Toxics (MATS) rule, a few years ago, a U.S. Supreme Court ruling on the final rule sent the rule back to the EPA for further consideration, based on its finding that the Agency's decision about whether regulation is appropriate and necessary should include cost. The EPA then added consideration of cost and concluded that inclusion of cost did not alter the

Agency's determination that it is appropriate to regulate HAP emissions from EGUs. There is now litigation on this determination. While significant investments have already been made by industry to comply with the rule, Mr. Wehrum stated that it is important that rules are implemented appropriately.

Discussion

Mr. Ted Steichen asked if there could be dialogue about what issues people are interested in and what the biggest issues are related to permitting. In response, Mr. Wehrum said that NSR reform is a top priority and that he thought the best approach would be to deal with specific issues one-by-one, rather than trying to make broad program changes. He also stated that it is an important objective for the program to focus on projects with actual significant, rather than hypothesized, emissions increases.

Mr. Frank Prager asserted that the CPP is a big issue and that the decision to issue an ANPRM indicates a pretty broad horizon of approaches is possible. Mr. Prager asked what approaches the EPA is considering and how it views state initiatives. He stated that electric utilities would like to see a replacement rule. Mr. Wehrum responded that the future issuance of an ANPRM does not indicate that progress will be slow, and he expressed interest in moving it along quickly. The issue of substance, regarding the CPP, are the relative roles of the states and the federal government. He stated that CAA section 111(d) requires the EPA to develop guidelines for states, but these guidelines have taken the form of mandates to the states. In the ANPRM, the EPA will ask questions about using a building block rule style and also how state programs should be treated.

Ms. Hollis referred to instances where no opportunity for public comment was provided for in EPA actions and asked Mr. Wehrum to comment on that. Mr. Wehrum replied that the regulatory process has notice and comment requirements, and there are very few cases (e.g., good cause) where no public input is taken.

Ms. Hollis asked about the status of the ozone NAAQS designation process and also whether there would be additional CPP public hearings. Mr. Wehrum said that the majority of areas in the United States have been designated, and the EPA has been working to complete the designation process. Regarding the CPP public hearings, one hearing was held, and they are planning to hold an additional three hearings in different areas of the country.

Mr. Hescoc commented that he has heard more today about the costs than the benefits of rules. Mr. Wehrum replied that the EPA wants to implement the laws as written, and the EPA's job is to protect human health and the environment. Mr. Wehrum added that cost is justified through benefit, and the EPA is required to conduct a cost and benefit analysis for its rules and will select the smartest and most efficient way to reduce emissions.

Mr. Nickey asked about whether the EPA has considered the best ways to attain compliance, such as whether compliance assistance or enforcement is better. Mr. Wehrum said that it is his view that if there are enforcement actions, something in the process has broken. While there are bad actors that should be enforced against, the EPA should also help those that are trying honestly to comply, so compliance assistance is also important.

Mr. Hoekzema stated that the public perception regarding the EPA's agenda this year is that the main objective is to roll back every rule from the Obama administration, which is leading state and local agencies to try to compensate for this perception. In Mr. Hoekzema's opinion, it is important for the EPA now to communicate how the Agency will enhance protections of human health and the environment. The CAAAC is great and diverse group, and Mr. Hoekzema implored the EPA to make extensive use of this group. Mr. Wehrum appreciated these comments and stated that with respect to the top-line issues, the intent is not to roll back regulations but to get them right. He added that these are all open issues with pending litigation, and he noted that the Agency is committed to the rule of law. Mr. Wehrum also remarked that there is a lot of activity at the EPA that is not related to these specific top-line issues, and these many activities underpin the Agency's regulatory programs.

Ms. Strabbing echoed earlier comments and urged the EPA to use this committee, which consists of a lot of seasoned professionals, adding that it would be beneficial to meet more often to fully take advantage of this excellent tool available to the Agency. The suggestion was acknowledged by Mr. Wehrum, who added that vetting important issues through this group would be helpful.

Ms. Kruger indicated that her organization has created a list of principles for permit streamlining that she would share with the EPA. Mr. Wehrum thanked Ms. Kruger for her suggestion. He also introduced his team to the CAAAC.

Ms. Mary Uhl brought up the topic of regional haze, which the western states are very interested in. Mr. Wehrum explained that the Agency is looking back at the program, and he expressed that the way it was implemented was misguided, specifically in terms of best available retrofit technology or BART. Mr. Wehrum expressed that looking ahead to the next planning period, regional goals should be set for the program, rather than focusing on specific sources of emissions.

Mr. Carbonell voiced concern over the CPP, in that there seems to be no meaningful replacement rule available for consideration, and he asked what weight emission reductions should have. Mr. Wehrum replied that it is an emissions control program, and the question is how to achieve reductions in the best way. He noted that the CPP used a system-wide approach, which was a different approach than what has been used in the past, and is the reason the agency is requesting comments about it through the ANPRM and other forums. He said that with an NSPS type of approach, the effectiveness of controls is considered.

Mr. Foerter asked what Mr. Wehrum's view is on the Cross-State Air Pollution Rule (CSAPR) update, noting that this rule is estimated to reduce summertime NO_x emissions from power plants in 22 states in the eastern United States. Mr. Wehrum indicated that he needs to learn more about the CSAPR update, but, with respect to interstate transport, he expressed that he would have liked for states to address these emissions themselves rather than having the EPA do these types of rules. Mr. Wehrum asked what the EPA can do to incentivize states to do this.

CAAAC Member Discussion: Brief History and Brainstorming about Future Workgroup Activities

Mr. DeMocker continued the meeting with a presentation on the history of CAAAC workgroups. The presentation began with a summary of history and the purpose of CAAAC and what the committee does. He also presented a list of recent recommendations and reports completed by the CAAAC through its work groups. In the interest of time, Mr. DeMocker said that his slides can be used for reference.

Ms. Reece continued the presentation, indicating that she is now in her third 2-year term and thanked new CAAAC members for joining. She stated that everyone has a vested interest in air quality, and it is beneficial to listen to different perspectives represented by the diverse members of the committee. The committee is a great tool and resource for the new administrator, and Ms. Reece expressed her wish that the committee work together, perhaps through a work group, to provide meaningful information to the EPA that it can use in the development of its programs and policies.

Discussion

Mr. Steichen asked how the committee would get the EPA to send a charge to form a workgroup. Mr. Steichen further asked if the committee ever has any specific charges it was tasked with. Ms. Reece indicated that in the past, the committee did have specific and narrow charges assigned to it. Mr. DeMocker added that the Assistant Administrator would decide on whether a workgroup was needed to address a specific issue and deliver the charge to the committee.

Ms. Mittelstaedt noted that the Ports Work Group report and effort was excellent, and she proposed that a future work group topic could be ultrafine particles (UFPs). She stated that these particles are associated with higher risks for health effects, and the group could investigate whether the monitoring network for these particles is sufficient and whether the Agency is using the best and most recent data.

Mr. Hoekzema urged the committee to keep time set aside in the agenda for side conversations during CAAAC meetings. He also stated that the committee members want to provide meaningful input, and he encouraged the EPA to come up with at least one charge to address or ask for input about for each meeting. He observed that committee members could volunteer to take on a charge or task in between meetings, but more prompting is needed by the EPA. Mr. DeMocker responded that it may take some time for the new Assistant Administrator to develop a work group charge, and he also noted that it would be most effective to have the types of suggested conversations during the times of the CAAAC meetings when the Assistant Administrator is in attendance.

Mr. Greenbaum said that he did not think six months in between meetings was enough time to work on a specific charge or task. As far as cooperative federalism is concerned, Mr. Greenbaum wondered if a possible topic for a work group could be to assess the state of these partnerships, noting that this topic seemed to be increasingly important and has been discussed a lot today. In terms of UFPs, Mr. Greenbaum noted that there was a summary of findings done on health effects a few years ago, but that a discussion about UFPs might be more suitable to have with SAB. Mr.

DeMocker indicated that each regulatory action in the regulatory agenda goes to SAB for scientific review.

Mr. Hodanbosi suggested that a possible work group topic could be air quality monitoring with personal monitors. He said that the EPA needs to determine if and how data from these monitors can be used.

Dr. Marcus suggested several topics that could be included in a work group charge, such as the overlap in air and water regulations, policies and programs; training for doctors in environmental health issues; and how to address emissions from near-port areas. He also asked that for future CAAAC meetings, agendas and meeting materials be given to the committee more than 24 hours in advance.

Ms. Hollis suggested topics for a work group, which included: 1) how to ensure community involvement in actions involving collaborative federalism, and 2) how to use citizen science.

Mr. Ray indicated that the apparent declining trend in pollution excludes exceptional events, and emissions of PM_{2.5} emissions might actually be going up due to wildfires and other events like house fires, which can include more than just PM emissions. Mr. Ray encouraged the EPA to conduct more health messaging on this and other topics. He also suggested that a good topic for a work group could be how to address smoke and wildfires.

Ms. Strabbing thought that meeting twice a year is insufficient for the committee, suggesting that the CAAAC meet more often, such as three or four times per year. She noted that call-in meetings and were possible also. Ms. Strabbing recommended that narrower topics be identified for meetings, and suggested these topics for the next meetings could be issues with NSR or issues with air toxics.

Mr. Michael Rochford commented that if negative health effects were used as a starting point for determining what to address, ozone and its precursors are topics that could be discussed. He suggested that there is an opportunity to examine the ozone modeling to determine if areas will be in attainment or non-attainment in the next five to 10 years.

Mr. DeMocker asked if any members of the public had any input or comments. There were no public comments.

Mr. Steven Flint suggested that it might be useful to establish a permitting sub-committee to work on permit streamlining and NSR. He suggested that another area, which may be more appropriate for the MSTRS, is I/M program effectiveness. Mr. Flint acknowledged that meetings are not cheap and asked if there is a budget to allow for more committee involvement. Mr. DeMocker indicated that there are budget challenges, and travel costs are significant.

Mr. Foerter noted that the CAAAC could easily have teleconferences between in-person meetings. He also commented that he does not want the CAAAC to appear to be approving of reports or work that is only presented to them. He also stated that the EPA needs to define its role in reducing pollutants.

Ms. Lynne Liddington expressed that her group has voiced many concerns to the EPA about the exceptional events policy. However, she said that the EPA did not seem interested in input from air quality professionals and seemed to only be concerned with the input from the agricultural community. Given this, she indicated that she was not sure if the EPA would be interested in a work group to address smoke, wildfire, or exceptional events.

Mr. Hoekzema suggested that committee members come up with specific work group topic ideas and send them to the EPA in the language of a work group charge. He added that it seemed interstate transport might be a good topic, based on the presentations and discussions heard today.

Ms. Mittelstaedt noted on health messaging that there is a big gap in public understanding of air quality-related health issues and that of the experts in the field. She suggested a work group topic could be to address the disconnect between the science and public knowledge.

Mr. Michael Buser said that public outreach itself could be a work group topic. He stated that there should be an effort to take what the EPA has already developed and get it out to the community.

Mr. Greenbaum added that the committee should structure longer conversations about specific topics, and the committee should be giving advice to the EPA. For future meetings, Mr. Greenbaum suggested that NSR, NAAQS, smart sectors, and regulatory reform are the topics the CAAAC should be engaged in as the Agency moves forward. Mr. DeMocker suggested that to organize this structurally, we could have the Assistant Administrator come in to hear the committee's suggestions.

Similar to other comments and recommendations, Mr. Foerter suggested diving deeper into the different topics suggested.

Mr. Hoekzema suggested that the committee look at the semi-annual regulatory agenda and any items near proposal, and if the EPA has a list of questions to ask the committee, the committee could act as a sounding board for the agency. Mr. DeMocker expressed that it could be a grey area from a legal perspective in terms of committee input being viewed as formal comments. Mr. Hoekzema clarified that he meant this would be done at the pre-proposal stage.

Mr. Foerter commented that it would be good for the CAAAC to hear more about how the Agency plans to address the CSAPR update since Mr. Wehrum did not have information about it today.

Miscellaneous Business and Close

Mr. DeMocker thanked Ms. Tamara Saltman for her service as interim DFO as the EPA continues to look for a permanent DFO. For future CAAAC meetings, the general expectation is that the CAAAC will meet twice a year, and the timing will depend on the budget and charges/topics. He also noted that he was not sure when the next Clean Air Excellence Awards would be, as the committee may want to revisit the award categories and the criteria used to select the winners. Mr. DeMocker adjourned the meeting.

Appendix A CAAAC Meeting Attendance List

First Name	Last Name	Affiliation
Brittany	Bolen	US EPA
Roxanne	Brown	United Steelworkers
Michael	Buser	Oklahoma State University
Tomás	Carbonell	Environmental Defense Fund
Natalene	Cummings	Forest County Potawatomi Community, Natural Resources Department
Jim	DeMocker	US EPA, Director, Office of Air Policy and Program Support
Steven	Flint	NY Department of Environmental Conservation
David	Foerter	Ozone Transport Commission
Sarah	Froman	US EPA
Daniel	Greenbaum	Health Effects Institute
Bill	Harnett	US EPA, Office of Air Quality Planning and Standards
Sara	Hayes	American Council for an Energy-Efficient Economy
Mitchell	Hescox	Evangelical Environmental Network
Robert	Hodanbosi	Ohio EPA
Andrew	Hoekzema	Capital Area Council of Governments
Adrienne	Hollis	We Act for Environmental Justice
Tim	Hunt	American Forest and Paper Association & American Wood Council
Gary	Jones	Printing Industries of America
Jennifer	Kreusch	Eli Lilly and Company
Nancy	Kruger	National Association of Clean Air Agencies
Melanie	Lawson	Choctaw Nation of Oklahoma
Daisy	Letendre	US EPA
Lynne	Liddington	Knox County Health Department
Steven	Marcus	Rutgers University
Frances	Marshall	
Wendy	McQuilkin	US EPA
John	Millet	US EPA
Gillian	Mittelstaedt	Tribal Healthy Homes Network
Robert	Morehouse	Air Permitting Forum
Brian	Mormino	Cummins, Inc.
Dan	Nickey	Iowa Waste Reduction Center
Peter	Pagano	Environment and Energy, Boeing
Tanya	Parise	SC&A Inc.
Mary	Peveto	Neighbors for Clean Air
Frank	Prager	Xcel Energy Inc.
Kris	Ray	Confederated Tribes of the Colville Reservation
Myra	Reece	SC Department of Health and Environmental Control
Michael	Rochford	Caterpillar, Inc.
Tamara	Saltman	US EPA, Office of Air Policy and Program Support
Kimberly	Scarborough	Public Service Electric & Gas

Appendix A CAAAC Meeting Attendance List

First Name	Last Name	Affiliation
Nena	Shaw	US EPA
Adrian	Shelley	Air Alliance Houston
John	Shoaff	US EPA
Michael	Silverstein	Colorado Department of Public Health and Environment
Karl	Simon	US EPA
Ted	Steichen	American Petroleum Institute
Katherine	Stevens	US EPA
Lesley	Stobert	SC&A Inc.
Patricia	Strabbing	Chrysler Group, LLC
Mary	Uhl	Western States Air Resources Council
Bill	Wehrum	US EPA
Robert	Wyman	National Climate Coalition
<i>Attendees from the Public</i>		
Sean	Reilly	E+E News
Rob	Kaufmann	Koch Industries
Leslie	Ritts	NEDA/CAP
Bradford	Frisby	National Lime Association
Stuart	Parker	IWP News
Barbara	Bankoff	Eli Lilly

Appendix B Meeting Agenda

EPA Clean Air Act Advisory Committee Meeting Tuesday, December 12, 2017 – 8:00 am to 4:30 pm

The Madison Washington DC, a Hilton Hotel | 1177 15th St NW, Washington, DC

- 8:00- 8:30 Registration
- 8:30-8:40 **Welcome**
Jim DeMocker, Director, Office of Air Policy and Program Support, EPA
- 8:40-9:10 **CAAAC Member Introductions**
- 9:10 – 10:10 **Policy Update: Regulatory Reform and Executive Orders**
Brittany Bolen, Deputy Associate Administrator, Office of Policy, EPA
- Short remarks by designated CAAAC members on the topic of “What is your organization doing related to EPA’s work on regulatory reform and implementation of executive orders?”
- Robert Hodanbosi, Chief, Division of Air Pollution Control, Ohio Environmental Protection Agency
 - Robert Morehouse, Director, Air Permitting Forum
 - Adrian Shelley, Director, Texas Office, Public Citizen
- General Q&A, CAAAC Members
- 10:10 – 10:30 Break
- 10:30-11:30 **Program Update: Ports, VW Settlement, and other Transportation-Related Activities**
Karl Simon, TCD Division Director, Office of Transportation and Air Quality, EPA
- Short remarks by designated CAAAC members on the topic of “What are your organization’s plans for VW Settlement funds?”
- Nancy Kruger, Deputy Director, National Association of Clean Air Agencies
 - Kris Ray, Air Quality Program Manager, Confederated Tribes of the Colville Reservation
- General Q&A, CAAAC Members
- 11:30– 12:20 **Program Update: Smart Sectors and Select Related Activities**
Daisy Letendre, Office of Policy, EPA
Bill Harnett, Office of Air Quality Planning and Standards, EPA
- General Q&A, CAAAC Members
- 12:20 – 1:20 **Lunch**
- 1:20-2:20 **Air Program Update and Discussion**
William L. Wehrum, Assistant Administrator, Office of Air and Radiation, EPA

Appendix B

Meeting Agenda

- 2:20 – 2:40 *Break*
- 2:40-3:25 **CAAAC Member Discussion: Brief History and Brainstorming about Future Workgroup Activities**
Jim DeMocker, Director, Office of Air Policy and Program Support, EPA
Myra Reece, South Carolina Department of Health and Environmental Control
- 3:25-3:45 **Miscellaneous Business**
Jim DeMocker, Director, Office of Air Policy and Program Support, EPA
- 3:45-4:30 **Opportunity for Public Comments**
- 4:30 **Adjourn**