

MINUTES

STAPPA AND ALAPCO 2004 FALL MEMBERSHIP MEETING

**October 24-27, 2004
The Coeur d'Alene Resort
Coeur d'Alene, Idaho**

I. Welcome and Introductions – Sunday, October 24, 2004

ALAPCO President Dennis McLerran (Seattle, WA) opened the meeting by inviting all of the attendees to introduce themselves. He then briefly reviewed the agenda and summarized some of the associations' major accomplishments of the previous six months. The meeting agenda and attendees list are attached.

STAPPA Vice President Nancy Seidman (MA) also welcomed the attendees on behalf of STAPPA President Jim Joy (SC), who could not be present. Nancy described language that the Senate Appropriations Committee had included in its report accompanying the FY 2005 appropriations legislation for EPA. The language pertained to funding for national associations and would be the subject of discussion during the Business Meeting on Tuesday. Nancy indicated that the language was vague and unclear and could be problematic for national associations in the future. She indicated that one option was to try to have the language removed from the report.

II. Executive Director's Report – Sunday, October 24, 2004

STAPPA/ALAPCO Executive Director Bill Becker updated the members on legislative action over the past six months highlighting STAPPA and ALAPCO's activities relative to several bills. With respect to the transportation bill, upon which Congress has not yet reached agreement, Bill noted the associations' efforts regarding conformity and the CMAQ program and directed members' attention to the associations' comparison of key provisions of the House and Senate bills (available on Air Web). With respect to energy legislation, which also remains in flux, Bill explained that the most active discussions had occurred in June during "Energy Week" in the House, during which a number of bills were introduced. STAPPA and ALAPCO weighed in to oppose two of these: the Refinery Revitalization Act and the Gasoline Price Reduction Act. With respect to appropriations, Bill reminded members that the House bill would cut funding for state and local air agencies by \$3.5 million, while the Senate bill would retain level funding. He also highlighted several provisions of the recently passed corporate tax package, including one that provides a tax break for small refineries (defined as those with fewer than 1,500 employees) that produce low-sulfur diesel fuel.

Bill then discussed the potential impacts of the upcoming Presidential election, noting that if President Bush wins reelection, there may be some changes in EPA leadership positions, but policies would likely continue on their current course. If Senator Kerry is elected, Bill explained that a transition team would be established to examine various issues and determine direction and a new team of political appointees would be named, all of whom would be subject to confirmation by the Senate.

Finally, Bill highlighted some of the associations' recent projects – including the NSR menu of options and the Clean Air & Climate Protection Software and the forthcoming PM_{2.5} menu of options, 2007 onroad diesel model rule and model PVC MACT rule – urging the members to take advantage of the results of these projects. He also complimented and commended the Secretariat staff – Cathy Diam, Stephanie Cooper, Mary Stewart Douglas, Amy Royden-Bloom, Mary Sullivan Douglas and Nancy Kruger.

III. Air Quality Profile of Idaho – Sunday, October 24, 2004

Martin Bauer, Administrator for the Air Quality Division of the Idaho Department of Environmental Quality, described the four major industry groups in Idaho. They are manufacturing, agriculture, tourism and mining. He noted that even within these industries there is a lot of diversification. In the manufacturing sector, high tech companies are one of the largest employers in the state, employing 40,000 people. In the field of agriculture, Idaho is the nation's largest producer of potatoes, but is also the second largest producer of sugar beets. Cattle and dairy goods are among Idaho's leading products. Idaho is also a major mining area, providing the widest array of minerals of any state. And finally, there is Idaho's newest business – tourism.

Martin then described three innovative projects that have been initiated by the state: a smoke management program for both prescribed burns and crop residue disposal; an anti-idling zone program at schools in the Boise area; and Idaho's air monitoring program. Martin explained that Idaho has partnered with Montana to form the Montana/Idaho Airshed Group. Through this collaborative effort, Idaho has developed educational outreach materials that discuss the need for and potential health and environmental implications of prescribed and residual crop burning. The Airshed Group also uses meteorological forecasting and portable monitors to measure the effect of fires as well as performing an annual evaluation of the program. Martin also described a new, anti-idling zone program that Idaho has developed for schools in the Boise area. The program includes a Toolkit complete with outreach materials, posters and Memoranda of Understanding signed by school administrators, bus drivers and parents pledging to minimize idling in and around school buildings. The Idaho Department of Environmental Quality supports this anti-idling program with technical support and grants to schools. The third innovative program being undertaken in Idaho is a cooperative effort to develop odor regulations through air monitoring. Martin noted, however, that Idaho has only recently begun this effort and that any proposed regulations are still several years away.

IV. Critical Issues – Sunday, October 24, 2004

Residual Risks from Air Toxics

Bob Colby (Chattanooga, TN), ALAPCO Co-Chair of the Air Toxics Committee, reviewed the history of the risk-based exemptions proposed in several MACT standards and ultimately included in two final rules (Plywood MACT and Boiler MACT). He reminded the members that the associations had commented and testified in opposition to the risk-based exemptions. Bob reported that several environmental groups had sued EPA over the rules and that STAPPA and ALAPCO had the opportunity to become involved in those suits as either intervenors or by filing *amicus* briefs. He noted that the members would have the opportunity to discuss and decide on any actions the associations may want to take during the Business Meeting on Tuesday.

Lloyd Eagan (WI), STAPPA Co-Chair of the Air Toxics Committee, provided a status report on several issues the Committee is following. These include state/local involvement in developing residual risk standards, EPA's development of a "Total Facility Low-Risk Demonstration" as part of the Residual Risk program, the development of area source MACTs and the identification of additional source categories that should be regulated by MACT.

Clean Air Act Advisory Committee (CAAAC) Title V Performance Task Force

Shelley Kaderly (NE) discussed the CAAAC Title V Performance Task Force. She began by naming the members of the Task Force and noting which of the three stakeholder categories – industry, environmental organization or state or local agency – each member was in. The Task Force has so far met twice, once in Washington, DC in May and once in Chicago, IL in September. The next meeting will be in San Francisco, CA on February 6 and 7, 2005. Environmental groups have had a dedicated phone-in session and state and local agencies may have one as well. Shelley emphasized that this was our opportunity, after fifteen years, to evaluate Title V and bring about beneficial changes in this program, noting that so far, only John Paul of Dayton, OH had testified on behalf of a permitting authority.

Several members commented after Shelley's presentation, noting that we need to make reforms or industry may push for major changes and that we need to go forward with good reforms but resist bad reforms. A question was asked concerning whether there would be a survey of permitting authorities, to which Shelley answered that it looked doubtful. Shelley noted that it would be good to organize a call for all members to try to mobilize participation in this Title V process and stated that she would work with the Secretariat and Bob Hodanbosi (OH), who is also on the Task Force, to put such a call together.

CARB Regulations to Control Greenhouse Gas (GHG) Emissions from Motor Vehicles

Catherine Witherspoon (CA) briefed members on California's recently adopted regulations to control GHG emissions from motor vehicles. She reviewed the rule's background, summarized its provisions, overviewed technological advancements, highlighted the expected impacts and described next steps, including the process for requesting a waiver of federal preemption from EPA. In addition, Catherine raised to the group's attention the study being currently being conducted by the National Academies of Science of state's authority to adopt mobile source standards. During the Q&A members discussed potential actions by the associations and/or individual states and localities, including opting in to California's GHG standards (other states would need to have rules in place by January 1, 2006 in order to begin the program when California does), intervening or filing an *amicus* brief on behalf of California in any litigation that is filed and taking other actions to reduce GHGs.

STAPPA/ALAPCO Public and International Web Sites

Bill Becker, STAPPA/ALAPCO Executive Director, reminded the memberships that the associations maintain three websites: Air Web, the members-only website, where information on committee activities, conference calls, meetings, news items and comment letters is regularly posted; Clean Air World, an international website that contains contact

information and news articles from air agencies around the world, as well as information on a variety of air pollution topics; and the STAPPA/ALAPCO public site, which offers information about the associations that the public can access (i.e., position papers and members directory). He indicated that Clean Air World and the STAPPA/ALAPCO public site were being redesigned in order to improve their maneuverability and aesthetics and also to update the contact information of foreign air agencies. He then showed the membership a mock-up page of the future sites' design and went over the main navigation features. Specifically, he demonstrated how to access information for a country, state or local agency, how to search for a specific air pollution topic, how to access STAPPA/ALAPCO's innovations and publications and how to navigate between the two sites. Some suggestions were made about tracking the number of visitors to the website and about giving international and regional environmental organizations such as the United Nations Environmental Program more prominence on the site, but overall the membership approved of the new design.

V. Burning Issues: Fires from A to Z – Monday, October 25, 2004

Don Arkell, Visibility Coordinator for WESTAR, gave a presentation on smoke and visibility issues in the West, focusing on the challenges in accounting for fire emissions and in developing regional haze control strategies. In particular, fire emission inventories differ depending on the type of fire: wildfire information is collected by federal land managers, whereas information about prescribed fires and agricultural burning is collected by state, local and tribal authorities. Therefore, the quality of the data can be quite varied. Mark Fitch, Arizona Department of Environmental Quality, next talked about Arizona's smoke management program and how Arizona has changed the rules of this program in order to be more consistent with EPA's regional haze rule. John Hornback, Executive Director of Metro4-SESARM, gave a presentation on the challenges faced in the Southeast in accounting and developing control strategies for fire emissions in preparing regional haze and PM_{2.5} SIPs. He reviewed how fires in the East differ from those in the West, including that many of them occur on private property whereas in the West the fires occur on public lands. Pete Lahm, Air Resource Specialist for the Fire and Aviation Staff of the U.S. Forest Service's Washington Office, spoke about fire and smoke management issues from a national perspective and Forest Service initiatives and programs related to fire and smoke management. Finally, Peter Tsirigotis, Director of the Emissions, Monitoring, and Analysis Division in EPA's Office of Air Quality Planning and Standards, briefed attendees on an EPA-led collaborative project, the goal of which is to develop consistent, fine particulate air monitoring guidance and protocols to be used by EPA, state/local agencies and federal land managers during wildfire emergency air monitoring episodes. Participating states include Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon and Washington. During the open discussion that followed, Dick Valentinetti (VT), informed attendees of a burgeoning fire-related problem in the Northeast: people using outside wood-burning devices to heat their homes.

VI. The Latest from the EPA Office of Air Quality Planning and Standards – Monday, October 25, 2004

Steve Page, Director of EPA's Office of Air Quality Planning and Standards (OAQPS), kicked off the panel. He noted that resources continue to be a challenge for EPA, and that EPA will prioritize what it does based on risk and on what it is legally obligated to do. Lydia Wegman, Director of the OAQPS Air Quality Strategies and Standards Division, provided an update on EPA's efforts on PM, ozone and regional haze.

With respect to implementation of the 8-hour ozone standard, she said EPA hoped to get phase 2 of the rule to OMB in November and to release the final phase 2 rule in January or February 2005. With respect to the phase 1 rule, EPA agreed to reconsider several issues raised in a petition filed by Earthjustice: EPA's determination that NSR requirements based on an area's 1-hour ozone classification are no longer required after the 1-hour ozone standard is revoked; that section 185 fees are no longer applicable after revocation; and the timing of what is an "applicable requirement" that will continue to apply after revocation. She also provided a brief report on Early Action Compacts. With respect to PM, she said that EPA expects to finalize PM_{2.5} designations by November 17, 2004, with an effective date of February 2005 and with SIPs due from states by February 2008. She provided a brief overview of the PM_{2.5} implementation rule, which she said will be based on section 172, subpart 1. She noted that several environmental groups wrote a letter to EPA saying the PM_{2.5} rule should be promulgated under subpart 4, but EPA's view is that subpart 4 applies to PM₁₀ and PM₁₀ and PM_{2.5} are different pollutants. She mentioned STAPPA/ALAPCO's forthcoming PM_{2.5} menu of options as a resource for states and localities in developing PM_{2.5} SIPs. She reviewed the timeline for regional haze, including that EPA is required to issue final guidelines for Best Available Retrofit Technology by April 15, 2005 and that regional haze SIPs will be due three years after PM_{2.5} designations are effective. Lydia next turned to the Clean Air Interstate Rule, which addresses interstate transport of ozone and PM_{2.5} and precursors. A final rule is expected by the end of the year, she said. Finally, Lydia described a new tool EPA will launch next year – the Air Strategy Assessment Program (ASAP). ASAP is a suite of three integrated tools that allows for a quick assessment of air quality and health impacts of pollution controls and for identification of cost-effective pollution controls; in addition, control strategies can be optimized based on multiple criteria. ASAP will be available summer 2005.

Peter Tsirigotis displayed a chart showing the different emissions and monitoring activities focused on by the Emissions, Monitoring and Analysis Division. He discussed the need to improve the emissions inventory process and products, pointing out the need to ultimately reduce the cycle of data gathering to one year from the present three. In addition to timeliness, he noted the need to improve the quality of data. He also discussed the need for revamping the emissions factors program, which will involve developing an electronic source test report submittal and review process as well as streamlining the EPA approval process.

With regard to monitoring, Peter noted that a new ambient monitoring committee has been formed to coordinate between EPA and state, local and tribal agencies. He noted that upcoming events include coordinating a pilot program for trace gas CO and SO₂ analyzers at 22 sites plus 3 CASTNET sites in 2005. He also said that EPA was rethinking its competitive approach to allocating air toxics monitoring grants to better focus efforts on addressing certain key air toxics issues. Finally, Peter noted the need to integrate data across different areas so that HAPs and criteria pollutants, for example, are treated in an integrated, multi-pollutant manner.

Scott Mathias, Office of Information Transfer and Program Integration, discussed training plans, noting that EPA will have satellite broadcasts on topics such as "Air Toxics Now," "Emission Inventory for PM_{2.5}," and "Inspection of Particulate Control Devices." He noted several ongoing benchmark studies being conducted under the auspices of EPA's Education and Outreach Group (EOG). One innovative project that EOG is working on involves development of an "enviro-flash" e-mail

system for use to alert the public when there's an unhealthy event in a particular city. Woodstoves are also an area of concern for the EOG office. Scott noted that there are 10,000,000 woodstoves in the U.S., most of them pre-NSPS. A voluntary initiative to reduce emissions from woodstoves, boilers and fireplaces is underway. The first phase is to replace old, pre-NSPS woodstoves with newer, EPA-certified woodstoves.

Michael Ling, Office of Information Transfer and Program Integration, spoke about various CAAAC and NSR issues. He noted that written comments are due March 31, 2005 on the ways in which Title V is and is not working effectively. He mentioned as well the pending expiration of the Title V deferral for MACT area source categories such as electroplaters, degreasers, secondary aluminum smelters, dry cleaners and sterilizers. EPA plans to permanently exempt these sources from permitting but has not yet done so. The NO_x increments litigation was also discussed by Michael, who said that there is a February 14, 2005 deadline for EPA to propose increments for NO_x in PSD areas. With respect to NSR rules, oral argument for the challenge to the December 2002 rules is set for January 25, 2005 and the Equipment Replacement rule is undergoing EPA reconsideration. Last, Michael enumerated various NSR-related activities that EPA is pursuing: NSR in the 8-Hour ozone rule (including revision of Appendix S); NSR in PM_{2.5} implementation rule; the Debottlenecking, Aggregation and PALs rule; and the WESTAR PSD Initiative. In response to a question, Michael said that there is no guidance on NSR equivalency, but that the preamble in the forthcoming Supplemental Analysis of the December 2002 rule would give direction on what EPA is looking for in the way of equivalency.

Sally Shaver (EPA) provided an overview of OAQPS' activities related to toxic air pollution. She indicated that the key issues include area sources, residual risk, mercury, community-based initiatives, a strategy for agriculture and the future of the air toxics program. During the discussion period, members raised issues related to global mercury initiatives, the schedule for the National Air Toxics Assessment, formaldehyde, area sources, residual risk and agriculture.

VII. NSR Update – Monday, October 25, 2004

John Paul (Dayton, OH), ALAPCO Co-Chair of the NSR Subcommittee, updated the membership on NSR from the perspective of a permitting authority. In addition to noting the legal challenges to both the December 2002 rule and the Equipment Replacement rule, John noted that GAO had published a report indicating that the vast majority of air permitting authorities felt that the different provisions for NSR reforms – Clean Unit exemption, Ten-Year Lookback for Baseline, Applicability, Pollution Prevention and PALs – contained in the December 2002 rule would result in increased emissions. John recommended the IG Report and key briefs for valuable insights into NSR and gave citations for them.

VIII. The Latest from the EPA Office of Transportation and Air Quality – Tuesday, October 26, 2004

Eric Skelton (Spokane, WA), ALAPCO Co-Chair of the Mobile Sources and Fuels Committee, and Nancy Seidman (MA), STAPPA Co-Chair, opened the session and welcomed the speakers from EPA's Office of Transportation and Air Quality (OTAQ).

Chet France, Director of the OTAQ Assessment and Standards Division, first conveyed OTAQ Director Margo Oge's regrets for not being able to attend the meeting. Then Chet updated members on a series of key programs, referring members to his slide presentation. With respect to implementation of the 2007 highway diesel rule, Chet explained that even though engine makers are moving even faster than EPA had anticipated, we can not take implementation for granted. He noted that trucking companies are seeking incentives to encourage the purchase of 2007 engines and that leaders in the fuel marketing industry have criticized the rule publicly. Other issues Chet discussed included heavy-duty onboard diagnostics (EPA is working with California on a memorandum of understanding and anticipates proposed and final rules in 2005 for implementation in 2010); NO_x reflash (the results of the program included in the heavy-duty diesel consent decrees have been "dismal"); onroad testing for heavy-duty diesels; the use of urea SCR for light-duty diesel vehicles; mobile source air toxics (EPA is currently developing a proposal and evaluating fuel and vehicle options for additional controls); locomotive and marine engines (the agency is working toward a proposal in mid-2005 and a final rule in mid-2006); small nonroad engines (EPA is currently engaged in an assessment of technology and safety for non-handheld engines and expects to propose a rule in early 2005 to address non-handheld and recreational marine engines); and vehicle labeling for fuel economy (the agency plans to issue a proposed rule in June 2005 and a final rule in early 2006 for implementation in 2007, with the goal being to provide consumers with more credible information about the fuel economy they can expect from a vehicle).

Suzanne Rudzinski, Director of the OTAQ Transportation and Regional Programs Division, highlighted key issues to be addressed in 2005. With respect to the designation of 8-hour ozone and PM_{2.5} areas, Suzanne noted that EPA had issued transportation conformity rule revisions in July 2004 (which have been challenged by several environmental groups) and still had to finalize hot spot analysis requirements for PM_{2.5} and PM₁₀ areas. Suzanne also explained I/M issues relative to 8-hour ozone areas and, further, apprised members that the agency had established a State and Local Resource Center to provide states and localities with easy-to-use information on transportation/air quality issues. Then Suzanne updated members on the growth of several voluntary programs that the agency has initiated: the SmartWay Transport Partnership, Best Workplaces for Commuters, the Vehicle Information Program/"Smog Score" and the Voluntary Diesel Retrofit Program/Clean School Bus USA.

IX. NAS Report on Air Quality Management in the United States: Findings, Recommendations and Next Steps – Tuesday, October 26, 2004

Janet McCabe (IN) summarized the report by the NAS that looked at air quality management in the U.S. The NAS found that air quality has improved dramatically in the U.S., but major challenges lie ahead and the report made five major interrelated recommendations to address these challenges. As a follow-up to the report, EPA set up the Air Quality Management Work Group (AQMWG) to assist the Clean Air Act Advisory Committee (CAAAC) in preparing recommendations and advice on potential improvements to the existing air quality management program. Janet is co-chair of the AQMWG with Greg Green, EPA. The AQMWG is divided into two subgroups, the Policy and Planning Subgroup and the Science and Technology Subgroup. Rob Sliwinski (NY) described the Policy and Planning Subgroup. The subgroup has four teams: short-term SIP process, regional/national strategies, innovative and multi-pollutant approaches and long-term AQM framework. Rob described some of the recommendations being

considered by the teams. Peter Tsigotis, Director of OAQPS' Emissions, Monitoring and Analysis Division, described the work of the Science and Technology Subgroup. The subgroup has developed ten high priority and 20 medium priority recommendations. He noted that the subgroup has not identified where the resources will come from in order to implement these recommendations. Finally, Janet McCabe, who also co-chairs the Short Term SIP Process team, provided more information on the recommendations advanced by this team. The team developed 14 recommendations designed to improve processing of SIPs in the short term, and divided these into two categories: those that had achieved substantial consensus (Bin 1) and those where additional discussion is needed (Bin 2). In addition, the team also assigned a priority to the recommendations and, where legal issues were identified, EPA's Office of General Counsel was or is being consulted. Janet said the goal is to get all draft recommendations to the CAAAC in November so that the members can review them prior the CAAAC meeting in mid-December, where the CAAAC will decide which recommendations to forward to EPA.

X. Federal Enforcement Update – Tuesday, October 26, 2004

Adam Kushner, EPA's Office of Enforcement and Compliance Assurance, gave a presentation on the priority activities of the Air Enforcement Division. He first reviewed the NSR enforcement cases (e.g., Illinois Power, Cinergy, TVA, Alabama Power, Savannah Electric, Duke Energy and Ohio Edison) describing briefly the procedural posture of each case. He noted in particular that utility settlements so far had resulted in significant reductions of SO₂ and NO_x. Turning to new filings and other enforcement actions against utilities, he said that EPA filed a case against Eastern Kentucky last year and that notices of violation had been filed against NIPSCO and WESTAR.

Refinery successes were noted by Adam, who said that 42 percent of domestic refinery capacity was now operating under consent agreements, with corresponding reductions of emissions, particularly SO₂. Twenty states have co-signed with EPA on these consent agreements. Adam said that he is hoping to get states to take responsibility for the final 20 percent of the refinery sector after EPA has handled the initial 80 percent. Adam then mentioned mobile source cases, including tampering and rebuilds. Turning to fuels, he said that on August 27, 2004, EPA had finalized guidance on when enforcement discretion can be given in fuel emergency situations. He stated that EPA will continue to focus its enforcement efforts on the national priority areas of toxics, NSR, refineries and flaring. Underscoring his commitment to NSR, Adam stated that a complete investigation of 75 percent of the nation's coal-fired power generating capacity will be finalized by 2007.

Other sectors noted by Adam as continuing to receive enforcement attention are cement plants, oxidation facilities, ethanol (a continuation of a previous initiative) and glass manufacturers. During the Q&A, Shelley Kaderly (NE) remarked that 90 ethanol plants in Nebraska are getting their performance tests in and all are failing – there continue to be a lot of problems in this sector. Peter Hess (San Francisco, CA) noted that the flare control rule had dramatically reduced flaring in the Bay Area, particularly because of real-time monitoring requirements of Title V at section 6011(d)(j). Adam was also asked about the status of the AFO/CAFO Agreement.

XI. Reforming Prevention of Significant Deterioration (PSD) – Tuesday, October 26, 2004

Colleen Cripps (NV) and Chris Shaver (National Park Service) gave presentations on the WESTAR effort to reform the PSD program. Colleen discussed problems with increment calculations and violations and noted in particular that minor source baselines vary widely across the country and, in some cases, may never have been set. She also said that modeling assumptions can vary greatly and that it is extremely difficult to get accurate emissions inventory data. She summarized the WESTAR recommendations, which include cumulative analysis and periodic review every five years in addition to requiring such analysis in a permit action when a source's projected emissions are above the significant impact levels. Another key recommendation is to use a "tiered analysis protocol" if there are exceedances modeled, rather than kicking off a 60-day time period for correcting exceedances or denying the permit. She noted that air quality related values issues continue to be discussed among WESTAR states.

Chris noted that air quality in 50 percent of our national parks is getting worse, with several major national parks currently nonattainment for ozone. Chris stated that the Act's requirement for periodic review of increment consumption has not been observed by most states. She favors better increment tracking, with clarification of the periodic review requirement, cumulative increment analyses and fixing existing increment violations. Chris also noted that more attention should be paid to the cumulative impact of degraded air quality on the environment. Ozone and nitrate problems are getting worse in the West, Chris said in the Q&A session, and EPA has never set ozone/nitrate increment limitations. The air in many national parks, such as Rocky Mountain (which gets pollution from Denver) and the Mojave Desert (which is close to Los Angeles), is being affected by nearby urban areas.

XII. STAPPA/ALAPCO Joint Business Meeting – Tuesday, October 26, 2004

ALAPCO President Dennis McLerran (Seattle, WA) and STAPPA Vice President Nancy Seidman (MA) called the associations' joint business meeting to order.

Approval of Minutes – STAPPA/ALAPCO Executive Director Bill Becker indicated that the minutes were posted on the associations' web site – Air Web – prior to the meeting. The memberships approved the minutes of the STAPPA/ALAPCO 2004 Spring Membership Meeting.

Treasurers' Reports – The Treasurers' Reports for STAPPA and ALAPCO were distributed to the members for review. Bill Becker explained the associations' revenue and expenses from April 1, 2004 to September 30, 2004. He reminded the memberships that the associations operate on federal and non-federal funds and described the types of expenses that each fund covers.

Election of STAPPA Officers – The STAPPA membership approved by unanimous vote the following 2004-2005 STAPPA slate of officers:

President:	Nancy Seidman (MA/Region 1)
Vice-President:	Eddie Terrill (OK/Region 6)
Treasurer:	Shelley Kaderly (NE/Region 7)
Continuing Director:	John Benedict (WV/Region 3)
Continuing Director:	Colleen Cripps (NV/Region 9)

Continuing Director: Bill O'Sullivan (NJ/Region 2)
New Director: Andy Ginsburg (OR/Region 10)
New Director: Vinson Hellwig (MI/Region 5)
New Director: Don Vidrine (MT/Region 8)
Immediate
Past President: Jim Joy (SC/Region 4)

Other Business – Lloyd Eagan (WI) and Bob Colby (Chattanooga, TN), Co-Chairs of the Air Toxics Committee, provided background on the associations' position regarding the residual risk provisions of the plywood and composite wood MACT. They then asked the memberships for comments regarding whether the associations should file an *amicus curiae* brief as part of the lawsuit filed by the environmental groups against EPA. It was noted that the final decision on this issue would be made by the Boards of Directors, with input from the memberships.

The ensuing discussion touched on many aspects of the situation. It was noted that filing an *amicus curiae* brief provides the associations with an opportunity to provide additional information to assist the court in making its decision; it is not analogous with suing EPA. Furthermore, STAPPA and ALAPCO positions on this issue are well known to the memberships through nine sets of comments provided to EPA on this issue. It was further noted that the residual risk provisions of the plywood and composite wood MACT are in direct contradiction to the Clean Air Act and Congress' intention on this subject. The deadline for filing the brief is November 29, 2004.

The discussion then turned to the language inserted into the Senate Appropriations Committee report regarding executive branch organizations (EBOs). Nancy Seidman provided the background on this issue. She noted that the Secretariat staff has been working with the other EBOs to get the language modified or removed from the report but this has not been successful. She added that the Committee report language is consistent with the associations' current practice of determining support for future funding, but that codifying that practice in report language accompanying an appropriations bill might restrict the associations' ability in the future to reach consensus and take action. Therefore, the associations would continue efforts to remove or modify the language.

In other business, John Paul (Dayton, OH) briefed the memberships on a new CAAAC Subcommittee that is looking at the risks associated with exposure to radon. He noted that Ursula Kramer (Tucson, AZ) also participates on the Subcommittee. John noted that EPA has been effective in getting out information on radon but that more needed to be done. John and Ursula recommended that the STAPPA/ALAPCO Public Education and Communications Committee become involved in this effort.

Finally, Shelley Kaderly (NE) briefed the memberships on the CAAAC Title V Task Force. Shelley encouraged other agencies to become more actively involved in this effort. She also encouraged agencies to sign up to give testimony at hearings to be held in San Francisco, CA early next year. Bill Becker recommended that the associations hold an air directors conference call to discuss the activities of the task force, to encourage state and local participation in the process and to encourage agencies to provide testimony at the hearing next year.

XIII. Technology Innovations – Wednesday, October 27, 2004

John Paul (Dayton, OH), ALAPCO Co-Chair of the Energy Committee, moderated the panel on technology innovations related to controlling emissions from electric utilities.

John Thompson (Clean Air Task Force) spoke about Integrated Coal Gasification Combined Cycle (IGCC) technology, which is an inherently cleaner process because coal is not combusted – rather, coal is chemically converted to synthetic gas for combustion – and pollutants can be removed with greater efficiency. He described the technology and discussed its performance with respect to various pollutants, its cost and the policy implications of its use.

Michael Durham (ADA ES) gave a presentation on the cost and performance of mercury controls for coal-fired boilers. He discussed sorbent injection for controlling mercury, the status of technology innovations, the costs of controls and the preferable regulatory structure given the costs and performance of the technology.

Sean Black (Alstom Power) described the capture of mercury from utilities using conventional air pollution control technologies, including flue gas desulfurization scrubbers and PM control devices. He also reviewed the status of technologies for oxidizing mercury, such as selective catalytic reduction and low-temperature oxidizing catalysts. Finally, he discussed the environmental benefits of a flexible regulation for electric utilities.

XIV. Innovative State and Local Initiatives – Wednesday, October 27, 2004

Susan Wierman (MARAMA) introduced the panel members.

Dennis McLerran (Seattle, WA) and Matt Haber (EPA Region 9) briefed the memberships on the West Coast Diesel Emissions Reduction Collaborative. Dennis began by discussing the West Coast Marine and Ports Working Group, a subgroup of the Collaborative. The initial Working Group participants included air agencies and ports along the West Coast, as well as EPA and Environment Canada. After the initial discussions, the maritime industry, fuel interests and environmental groups wanted to participate. The key issues being discussed by the Collaborative include the feasibility of a Sulfur Emission Control Area under the International Maritime Organization structure; the need for improved, consistent emissions inventories in certain airsheds; and consideration of fuel issues, including barriers to the introduction of low sulfur fuels in the area. Dennis concluded by noting that although this effort is concentrated on the West Coast, interest has been expressed by ports on the East and Gulf Coasts.

Matt Haber (EPA Region 9) then spoke about EPA's National Clean Diesel Initiative and EPA's sector-based, geographic and collaborative approaches, which include efforts such as the West Coast Diesel Emission Reduction Collaborative. Matt began by outlining EPA's voluntary emission reduction programs, which include a voluntary retrofit and replacement program, the Clean School Bus USA program, and the Smartway Transport program. He then described how EPA plans to achieve emission reductions using geographic, sector-based and collaborative approaches. Using the geographic approach, EPA has chosen specific locations to pull ahead with ultra low sulfur diesel and has worked to get vehicle retrofits into those areas. Using the sector approach, EPA has targeted vehicle classes, such as school buses under the Clean School Bus USA program and freight transport fleets through the Smartway Transport program. The collaborative approach merges these two approaches by maximizing the leveraging of resources in a region as part of the national program. Current regional collaborative approaches include

the West Coast Diesel Emission Reduction Collaborative, Boston Breaths (a voluntary program in the Northeast) and the Midwest Clean Diesel Corridors Initiative.

Chuck Layman (CenSARA) then spoke about the Blue Sky Highways Initiative, a program that brings successful urban-based initiatives into smaller communities. Blue Sky Highways is a nine-state collaborative effort focusing on emissions reductions from mobile sources. Activities include introduction of alternative fuels, including biodiesel, ethanol, and low sulfur diesel; programs that reduce idling; diesel retrofit programs; trip reduction measures; working with airport ground transportation; and expanding the availability and use of mass transit.

Tom Snyder (MD) discussed Maryland's innovative measures that have been included in its SIP. Tom explained that Maryland has developed a very flexible SIP that bundles together several land use projects and other innovations that generate air quality benefits and establishes conservative emission reduction targets for the short term and a larger and more aggressive target in the long term. The bundle of measures includes land use initiatives (including infill development in Baltimore City, transit-oriented development and mixed use development); transportation measures (including a commuter tax credit initiative, an alternatively fueled vehicle program and an incident management program); and episodic controls that are put into place during ozone action days. Challenges and opportunities that still need to be worked out include making the connection to transportation planning, developing better analysis and quantification tools and making adjustments for the 8-hour ozone standard.

The STAPPA/ALAPCO 2004 Fall Membership Meeting was adjourned at 12 noon.

AGENDA

**STAPPA AND ALAPCO
2004 FALL MEMBERSHIP MEETING
October 23-27, 2004
Coeur d'Alene Resort
Coeur d'Alene, ID**

Saturday, October 23, 2004

- 5:30 p.m. – 6:30 p.m. Registration
- 5:30 p.m. – 9:00 p.m. Welcome Reception
- 6:15 p.m. Meeting Preview

Sunday, October 24, 2004

- 6:30 a.m. – 8:30 a.m. Breakfast
- 7:30 a.m. – 8:30 a.m. Registration
- 8:30 a.m. – 9:00 a.m. **Welcome and Introductions**
Jim Joy (South Carolina), STAPPA President
Dennis McLerran (Seattle, WA), ALAPCO President
- 9:00 a.m. – 9:30 a.m. **Executive Director's Report**
Bill Becker (STAPPA/ALAPCO)
- 9:30 a.m. – 10:00 a.m. **Air Quality Profile of Idaho**
Martin Bauer (Idaho)
- 10:00 a.m. – 10:30 a.m. Break
- 10:30 a.m. – 12:30 p.m. **Critical Issues**
Moderators:
Jim Joy (South Carolina)
Dennis McLerran (Seattle, WA)
Issues:
- Residual Risks from Air Toxics
Bob Colby (Chattanooga, TN)
Lloyd Eagan (Wisconsin)
 - Clean Air Act Advisory Committee
Title V Performance Task Force
Shelley Kaderly (Nebraska)
- 10:30 a.m. – 12:30 p.m. **Critical Issues**
(continued)
- CARB Regulations to Control Greenhouse Gas Emissions from Motor Vehicles
Catherine Witherspoon (California)

- STAPPA/ALAPCO Public and International Web Sites
Bill Becker (STAPPA/ALAPCO)

12:30 p.m. Lunch

Monday, October 25, 2004

6:30 a.m. – 8:30 a.m. Breakfast

8:30 a.m. – 10:30 a.m. **Burning Issues: Fires from A to Z**

Moderator:

Colleen Cripps (Nevada)

Speakers:

- *Don Arkell (WESTAR)*
- *Mark Fitch (Arizona)*
- *John Hornback (Metro4-SESARM)*
- *Pete Lahm (USDA Forest Service)*
- *Peter Tsirigotis (EPA OAQPS)*

10:30 a.m. – 11:00 a.m. Break

11:00 a.m. – 12:30 p.m. **The Latest from the EPA Office of Air Quality Planning and Standards**

Moderator:

Steve Page (Director, EPA OAQPS)

Speakers:

- *Peter Tsirigotis (Director, Emissions, Monitoring and Analysis Division)*
- *Sally Shaver (Director, Emission Standards Division)*
- *Lydia Wegman (Director, Air Quality Strategies and Standards Division)*
- *Scott Mathias (Associate Director, Information Transfer and Program Integration Division)*
- *Michael Ling (Environmental Protection Specialist, Information Transfer and Program Integration Division)*

12:30 p.m. – 2:30 p.m.

Lunch

Speaker:

*Bharat Mathur, Acting Regional Administrator
EPA Region 5*

2:30 p.m. – 4:30 p.m.

The Latest from the Office of Air Quality Planning and Standards (continued)

4:30 p.m. – 4:45 p.m.

NSR Update

Speaker:

- *John Paul (Dayton, OH)*
- *Bill O'Sullivan (New Jersey)*

6:30 p.m.

STAPPA/ALAPCO Banquet

Tuesday, October 26, 2004

- 6:30 a.m. – 8:30 a.m. Breakfast
- 8:30 a.m. – 10:00 a.m. **The Latest from the EPA
Office of Transportation and Air Quality**
Moderators:
Eric Skelton (Spokane, WA)
Nancy Seidman (Massachusetts)
Speakers:
- *Chet France (Director, Assessment and Standards Division)*
 - *Merrilyn Zaw-Mon (Director, Certification and Compliance Division)*
 - *Suzanne Rudzinski (Director, Transportation and Regional Programs Division)*
- 10:00 a.m. – 10:30 a.m. Break
- 10:30 a.m. – 12:00 noon **NAS Report on Air Quality Management in the
United States: Findings, Recommendations
and Next Steps**
Moderator:
Brock Nicholson (North Carolina)
Lynne Liddington (Knoxville, TN)
Speakers:
- Clean Air Act Advisory Committee's Air Quality Management Workgroup: Goals and Process
Janet McCabe (Indiana)
Greg Green (EPA OAQPS)
 - Policy and Planning Subgroup
Lydia Wegman (EPA OAQPS)
David Shaw (New York)
 - Science and Technology Subgroup
Peter Tsirigotis (EPA OAQPS)
 - Recommendations for Improving SIPs in the Short Term
Janet McCabe (Indiana)
- 12:00 noon – 1:30 p.m. **Lunch**
Speaker:
Jay Ringenberg (Nebraska), Past President Association of State and Territorial Solid Waste Management Officials (ASTSWMO)
- 1:30 p.m. – 2:30 p.m. **Federal Enforcement Update**
Moderator:
Curt Marshall (Dayton, OH)
Speaker:
Adam Kushner (Director, OECA Air Enforcement)

Division)

2:30 p.m. – 3:00 p.m.

Break

3:00 p.m. – 4:30 p.m.

Reforming Prevention of Significant Deterioration

Moderator:

Dan Johnson (WESTAR)

Speakers:

- *Colleen Cripps (Nevada)*
- *Chris Shaver (National Park Service)*

4:30 p.m. – 5:30 p.m.

STAPPA/ALAPCO Joint Business Meeting

- Approval of Minutes (STAPPA and ALAPCO)
- Treasurers' Reports (STAPPA and ALAPCO)
- Election of Officers (STAPPA)
- Other Business

Wednesday, October 27, 2004

7:00 a.m. – 8:00 a.m.

**STAPPA and ALAPCO Boards of Directors
Breakfast Meeting**

6:30 a.m. – 8:30 a.m.

Breakfast

8:30 a.m. – 10:00 a.m.

Technology Innovations

Moderator:

John Paul (Dayton, OH)

Speakers:

- Integrated Gasification Combined Cycle
John Thompson (Clean Air Task Force)
- Cost and Performance of Mercury Control
for Coal-Fired Boilers
Michael Durham (ADA-ES, Inc.)
- Mercury Capture in Conventional APC Technologies
Sean Black (Alstom Power, Inc.)

10:00 a.m. – 10:30 a.m.

Break

10:30 a.m. – 12:00 noon

Innovative State and Local Initiatives

Moderator:

Susan Wierman (MARAMA)

Speakers:

- West Coast Diesel Emissions Reduction Collaborative
Dennis McLerran (Seattle, WA)
Matt Haber (EPA Region 9)
- CenSARA's Blue Sky Highway Initiative
Chuck Layman (CenSARA)
- Maryland's Innovative SIP Measures
Tom Snyder (Maryland)

12:00 noon

Adjourn

MINUTES

STAPPA AND ALAPCO BOARDS OF DIRECTORS MEETING

Wednesday, October 27, 2004

7:00 a.m. – 8:00 a.m.

The Coeur d'Alene Resort
Coeur d'Alene, Idaho

ALAPCO President Dennis McLerran (Seattle, WA) and STAPPA Vice President Nancy Seidman (MA) called to order the meeting of the STAPPA and ALAPCO Boards of Directors at 7:00 a.m. STAPPA Board members in attendance included Shelley Kaderly (NE), Eddie Terrill (OK), Bill O'Sullivan (NJ), Colleen Cripps (NV), Vince Hellwig (MI), Andy Ginsburg (OR) and Don Vidrine (MT). ALAPCO Board members in attendance included John Paul (Dayton, OH), Christine Robinson (Las Vegas, NV), Gary Young (Des Moines, IA), Ursula Kramer (Tucson, AZ), Cory Chadwick (Cincinnati, OH) and Brian Jennison (Lane County, OR). The meeting agenda is attached.

Introduction of New Board Members

Nancy Seidman welcomed Vince Hellwig (MI) and Don Vidrine (MT) to the STAPPA Board.

Reaction to Meeting and Action Items

The Boards discussed the STAPPA/ALAPCO 2004 Fall Membership Meeting and all agreed that the agenda was well structured and included very informative sessions. Board members especially liked the panels *Burning Issues: Fires from A to Z* and the *Federal Enforcement Update*. The Boards noted that it would be useful to investigate other presentation formats that would allow more open discussion with presenters. They felt this would be especially useful during longer panel discussions with representatives of EPA's Office of Air Planning and Standards and Office of Transportation and Air Quality.

The first action item the Boards discussed was whether the associations should file an *amicus curiae* brief on the residual risk provisions of the plywood and composite wood MACT as part of the lawsuit filed by the environmental groups against EPA. When asked about the process, Bill Becker explained that if the Boards decide to move forward with this action, the next step will be to choose a *pro bono* lawyer from several already identified by the Secretariat to draft a letter to the Court requesting permission to file an *amicus curiae* brief.

The Boards then discussed the merits of this action and agreed that based on the informal poll taken during the STAPPA and ALAPCO Joint Business Meeting the previous day, the Boards should vote on whether or not to file an *amicus curiae* brief on the residual risk provisions of the plywood and composite wood MACT as part of the lawsuit filed by the environmental groups against EPA. Separate votes were taken for each association. The STAPPA vote was seven in favor of filing an *amicus curiae* brief, one against and no

abstentions. The ALAPCO vote was unanimous with all seven Board Members present voting in favor of filing a brief.

The second action item discussed by the Boards outlined the next steps that should be taken to remove or modify the language regarding executive branch organizations (EBOs) in the Committee Report accompanying the Senate Appropriations Bill. The Boards asked that the Presidents send talking points to STAPPA members so that they could knowledgeably brief their Environmental Commissioners on this issue. In addition, the Boards supported STAPPA and ALAPCO sending letters to all the members of the House and Senate Appropriations Committees urging removal of the Committee Report language.

Date and Location of Future Meetings

Bill Becker (STAPPA/ALAPCO) informed the Boards that the 2004 Communicating Air Quality and Communities in Motion Meeting will be held December 1-3, 2004 in Albuquerque, New Mexico. The STAPPA/ALAPCO Winter Board Meeting will take place at the Belleview Biltmore Hotel in Clearwater, Florida on January 28-31, 2005. The 2005 Spring Membership Meeting will take place at the Madison Concourse Hotel in Madison, Wisconsin on May 21-25, 2005. Finally, Bill noted that the 2005 Fall Membership meeting will most likely be held in Washington, DC.

Bill then noted that EPA had expressed interest in meeting with the Boards at their Winter Board Meeting. EPA proposed to have a retreat with the STAPPA and ALAPCO Boards to improve relations between state and local agencies and EPA's headquarters and regional offices and to develop broader issues of mutual interest for pursuit in the future. The Boards agreed that this retreat would be useful and instructed Bill to work with EPA to set it up. (The STAPPA/ALAPCO/EPA retreat was subsequently cancelled.)

Review of Financial Information

Bill Becker reviewed the financial statements for STAPPA and ALAPCO. The statements included the STAPPA and ALAPCO Treasurers' Reports (which were distributed during the associations' Business Meeting), as well as reports tracking grant spending by the associations.

John Paul (Dayton, OH), on behalf of the STAPPA/ALAPCO Compensation Committee, then apprised the Boards of two proposals adopted by the Committee. First, the existing Compensation Committee will be changing its membership to provide for more stability in the Committee. The Committee is currently made up of the two presidents, the two vice presidents and the two immediate past presidents. The immediate past presidents will be removed from the Committee and the two Funding Committee chairs will be substituted, since Committee chair positions are usually held for a number of years. Second, the Compensation Committee will be hiring a consultant to evaluate the Secretariat's entire compensation package to ensure that it is competitive and that it allows the Secretariat to hire and retain top-level staff.

Adjourn

Dennis McLerran and Nancy Seidman adjourned the STAPPA and ALAPCO Boards of Directors' Meeting at 8:00 a.m.

STAPPA/ALAPCO Boards of Directors' Meeting

**Wednesday, October 27, 2004
7:00 a.m. – 8:00 a.m.**

**The Coeur d'Alene Resort
Casco Bay Meeting Room
Coeur d'Alene, ID**

AGENDA

1. Introduction of New Board Members
2. Reaction to Meeting and Action Items
3. Update on Future Meeting Locations
4. Review of Financial Information
5. Other Business
6. Adjourn