

NARC: The EPA held a national stakeholders conference call, which was an opportunity for what was coming up and what the announcement would involve. MPOs and RPCs should be at the forefront in the discussions. They have not formally submitted comments into the record yet. They plan to post something on the website regarding comments thus far from the American Lung Association and other organizations. The accelerated time line is a bit confusing, and there is no confirmation at this time.

The next steps involve pulling together some comments. It doesn't seem our members are at odds with what the ultimate standards should be. Our members are more concerned with what the timeline implementation timeline should be. Another suggestion poses itself in terms of regions coming into compliance with other policies with which they are involved. What sort of ideas do you have?

Gena McCullough: Bi-State Regional Planning Commission just had a transportation policy committee meeting and our elected officials are concerned about lowering the standards at this time, when the economic conditions in this country remain unsettled. You mentioned that there doesn't seem to be an issue with the range. Could you clarify that?

NARC (Shannon): When the standard is set as per the Clean Air Act, you can't include economic consideration into what that ultimate number will be. NARC's initial letter was put together outside the normal comment period to express our concerns, which are centered around the lowering of the standard as it relates to our abilities to pay for the measures that will need to be in place. Our big focus in the next letter is how we can lessen the cost to our communities in order to make that happen. Many comments expressed weren't necessarily, "We think this number is wrong for health reasons," but instead comments, such as, "We think the numbers are wrong because the measures will be difficult to achieve it."

The lowering of the standard to a range from 60 to 70 is not necessary because we made strides to lower emissions. Since we can't take into account economic considerations, our argument is somewhat nullified.

NARC: If we tell the EPA that we don't need to do this because we have made strides, that agency then tells us it shouldn't be a problem.

Rebecca Yarbrough – South Carolina: Your earlier comment about difficulties in commenting on what the standards should be because that is not our role. Our state is having difficulty commenting on the range. Which scientific evidence ought to be weighed more heavily? The real concern is whether or not it is even possible to meet these standards. Is the EPA allowed to take feasibility in consideration? I suspect not.

NARC (Shannon): The comments I have seen has not touched the issue of feasibility. We did raise the issue of the levels of background ozones. There were a few articles in papers throughout the country, if it is a more stringent standard that said, I am living proof, my children are standing here and we are all healthy. If there are some promoting some lowering of these standards, people who are experiencing and communities that might fall within the range, the EPA is saying this is a health issue. When we try to raise the background ozone issue, I felt a little dismissed.

NARC (Naomi): We are also looking at policy relevant background.

Caller: Making our point is very important, since we need to submit as many comments as possible. Even if the EPA ignores the issue, we still need to submit those comments that concern us most.

Caller: The Clean Air Act is written in legislation. The EPA is very sensitive to any of these things. Internally, they do respond to these concerns.

Rebecca: I would absolutely second those comments as well as the earlier ones I think they are important points that show, with modeling there, virtually every metro region in this country would not be able to obtain those levels.

Bill Gill: We are in the same boat. We don't have the resources to review the over 1700 studies. We are in the unfortunate position of needing to go along with what EPA thinks. We are concerned the EPA already started a parallel process to revisit the standard again by 2013. I believe it is a five-year time frame. There has been a discussion that the format of the standard may be revisited to where long-term impacts are considered. It seemed short sighted to set a very low eight-hour standard under the current format with attainment due by 2013 or 2014. This is especially true since there is going to be another complete review process that may come with a standard in a new format, which could result in different control strategies to meet that standard. We should ask the EPA, if they are going to set the standard between 60 and 70, to set it at 70 pbb. Then, the EPA can review it with this parallel process to see if it should be a different eight-hour standard or something other than that. Yet, to go a very low standard now and then come up with a different format later will take quite a bit of resources and may lead us down a path that will force us to do it all again.

Gena McCullough: When we talked with our local officials, we tried to communicate that there should be a tiered approach. There should be national regulations overall to help us all. With the economic development perspective, having one area that is not-attainment will put them in a disadvantage in many ways from other areas that aren't. In order to level the playing fields, we need a national effort in emission controls. As regional councils, we can promote those efforts that will help us all. At the state level and certainly at the local level, many of us have been doing a variety of things, and we can continue that trend.

NARC (Shannon) Is it the incentive of those programs, the structure, or both?

Gena McCullough: It was in 2007 that we saw required emission controls for equipment, such as lawn mowers. All of those clearly manufactured items have emission controls and can pollute less. Many us have been working on exchange backs or rebate kinds of programs. Those are other options or incentives as part of the control measures that they put out there.

Caller: Are there requirements for a secondary standard and transportation conformity? They have indicated there may be a separate transportation conformity analysis. What, if anything, is happening in that area?

NARC (Shannon): My lead point of contact at DOT regarding conformity programs said they were definitely going in that direction. Her biggest question was the formulation of the secondary standard, how that plays into transportation conformity, and what the relationship is between the two. There is that discussion between the EPA and DOT. The ultimate answer remains to be seen.

Caller: I don't think it is something about which we should wait to see what they are going to do. I think NARC should help us dig deeper. We need to be able to say that this doesn't make sense and needs some justification for it.

Rebecca: I would agree wholeheartedly. When I presented this to our executive board, they understood conformity for matters that have a bearing on human health. Still, the idea of losing transit funding over plant damage rather blew them away.

Chris: Let's look at what is being recommended or a particular region that might have a focus area that environmentalists are pointing their fingers toward. There is a lot of technology over in Europe and in other parts of this country, based on our best estimate, that focuses more into the business of pilot programs and demonstration projects to try to test these types of things. Get some before and after statistics, and get some of this stuff implemented to whatever standards are put into place. Then, consider all the regulations, including locomotives, construction equipment, etc. We need additional resources, and we need to listen to the local officials regarding this issue.

Bill Gill: In reference to Chris' remarks, the EPA will need to step up and look at the core urban counties, which means we will need to put pressure on the EPA on the other sources. If you are in a marginal area, which is what we expect, we don't have much time to get into attainment. You do not have many years on the federal standards with heavy-duty trucks. We need to take into consideration all these federal requirements and how long they are going to take. Thus, they are not requiring those marginal areas until we have time to meet those new standards.

Caller: What I'm hearing a lot is that funding does play into it, though. One of the things with transportation planning is using CMAQ funding and lowering the standards will require additional resources in those CMAQ programs to meet the new levels. Does the EPA have a plan to look into funding? My concern is that many MPOs that are financially strapped with funding in their projects, and I think a lower standard will induce more of those problems.

NARC (Shannon): In our initial conversations, EPA was looking at this issue in silos and not connecting the dots to help pay for this. Every time you increase the standards, you have to increase the actors/players in order to access different monies to meet these standards in the most efficient way.

Caller: Is your goal to restructure the letter you previously sent to EPA?

NARC (Shannon): The goal of the call today is to update you on what we have done since our last discussion and take a temperature on where we need to go. We are making a combined effort with our sister organization, NACO. However, we are also working to develop a comprehensive base as we move forward in the process not only with these standards but also with the way the EPA will be looking at different standards. They are also working to develop a toolkit on all of the air quality standards that are changing. Please feel free to use it to educate local elected officials and other stakeholders.

Joe Widener: Is working on separate legislative platforms on how the clean air needs to change in order to implement something that NARC ought to consider? We coordinate out these problems, which makes it much harder and less functional in my opinion. Many MPOs are saying that is not their roles. We need to make it the roles for all of us, because it's impacting us more every day.

NARC: They need to hear from more than just your agency; they need to hear from other stakeholders. Given that the new administration is possibly talking about retooling and revamping these standards, don't be surprised on this. We appreciate all comments and feedback on this issue.

Rebecca: I appreciate the comment made earlier about pilot programs and new technologies, because it's critical. There should be sufficient funding in place for those things that we know work, such as engine repowers and retrofiting, and continue that funding where it may have not made it all over the place.

I really think that NARC should follow up with the transportation conformity aspects related to the secondary standards, investigate what is going on with that, and what the ramifications would be. The other comment that I have is that, again, the economy does not play a role in the EPA's decision-making. Yet, if areas that are now centers for manufacturing and commerce are the areas that are having air quality issues, then they become unattractive because of restrictions on them, and they will move somewhere else. If they stay in this country, they will move to states with attainment and produce sprawl. Otherwise, they may wind up offshore. We did modeling in our region and we found the single most cost effective thing we could do to lower emissions was to lower the speed limit to 55 miles per hour.

NARC: The transportation conformity aspect and what may or may not be happening to the secondary standard seem to be leading issues today. Would it be more preferential to have a teleconference with DOT and EPA to talk through what that might be?

Callers: Yes, most in agreement. It would be nice to have it before comments are due.

Doug: We had an elected officials meeting down here in Austin, and one of the questions on conformity, besides whether the secondary standard will require conformity, was in a five county MSA, if one to two of the counties is designated non-attainment and two to three of the other counties don't have it, how is it going to affect conformity? Are the surrounding counties going to be able to grow with all of those transportation projects without being limited by conformity? How is that going to work?

NARC: Given the designation, no.

Caller: We would suggest some of these issues might be able to be addressed in the reauthorization of the transportation bill. As we did for SAFETEA LU, we got some issues addressed there. Certainly, the secondary standard may be able to be addressed in the next bill. We may even put something in it about background and how that influences transportation conformity. The current structure does not permit the EPA to seem to get to lower and lower thresholds for health effects. Eventually, we are going to succeed, and just the background will be standard. So, I think we should get some work done on how either the reauthorization or the Clean Air Act can properly address this issue.

Caller: (inaudible)

NARC: (inaudible)

Rebecca: Regarding the comment from Cleveland, I think it would be very educational to look at the EPA's Greenbook concerning the status of regions that have been in moderate or higher levels of non-attainment in terms of their success in getting the final ruling on coming back into attainment through the federal register. From preliminary research we've done, there may be only two or three regions at that level, which have been able to do that, and I think that bears on the feasibility question.

In terms of what we need to do, which rules may apply, and the reductions that we would need even to get to the 75 standard, someone asked, "Who was been successful?" In our digging, we did not find a

lot of good news. I would love for someone else to look at that and see if we were correct in our findings.

Caller: The Clean Air Act is written in such a way that by fiat, based on their scientific evidence, they make rules, and whatever ramifications for the entire country is not their concern. That's the basis of my concern and our elected officials' concerns from our last meeting.

NARC: Are there any other comments?

Peter Bella: I know it's late in the meeting, but given this conversation, is there such a way, if there are air quality problems on a national level, to be able to say these are the levels that we have. These are the reductions we need for different new standards, and the EPA's programs are on such a schedule that there are holes to fill reductions to be made. These are not the tools evident now either by time line or by control strategies implementation. I wish the EPA would work with the local levels to try to figure out what reduction needs to be met. Just simply that question goes to the heart of the feasibility issue, which is enormous. If it simply is not physically feasible, but not a matter of money, and if we can't meet these standards short of shutting everything down, we need that essentially. That kind of assessment might be very useful.

Caller: I agree totally. I don't think the EPA is your audience, but I think it is the legislative Clean Air Act that is broken issue. That kind of information is what we need to show. What we have now just doesn't work.

Peter: That kind of analysis will let us answer that question: whether or not it works and what it needs to be fixed.

Ken: Having worked with the EPA recently, let's keep in mind that it is a legislative thing to change. It is legislation that put it into place in the beginning, and the EPA is well aware of that. Yet, keep in mind as well that the EPA is very sensitive to it because of the recent court findings. So, what NARC should be doing in two respects is: 1) keeping their feet to the fire at the EPA; and 2) letting them know we support legislative change. We would be getting points for that. They are aware of the local strains/exigencies that they put on local economies and so forth. They are not blind to that, but they can't do much with that due to the legislation. We've got a lot of work to do to get that change but also a lot of work to keep the EPA engaged with us, knowing that we understand where they are coming from.

NARC: Very good. Any other comments?

Bill: This is a process. Comment/public hearings are coming up on 02/02 in California, then in Arlington, Virginia. I don't think NARC will have any comments ready. Most of us probably aren't ready to comment. Are there any people ready to comment by next week?

NARC: We will check if anyone is planning to submit any remarks at those hearings.

Bill: From our understanding, comments at the hearings don't have any more weight than those submitted by the deadline on March 22<sup>nd</sup>. Our local officials are planning to submit comments by the deadline.

Caller: Is there going to be a revision from the draft document from NARC?

## **NARC – NAAQS Ozone Brief**

NARC: We will revise the initial comments and ideas, which were being fleshed out today. I will send it out to this group later. We are also working with the NACO and the National Association of Cities. There might also be some potentially creative problem solving or thinking that comes from our February 22<sup>nd</sup> meeting. Thanks for all your comments and joining us on this teleconference.

End.