

**Summary Minutes of the United States Environmental Protection Agency (U.S. EPA)
Clean Air Scientific Advisory Committee (CASAC) Oxides of Nitrogen (NO_x) and Sulfur
Oxides (SO_x) Secondary Review Panel Public Teleconference**

November 9, 2010

Oxides of Nitrogen (NO_x) and Sulfur Oxides (SO_x) Secondary Review Panel¹

Date and Time: November 9, 2010, 10:00 p.m. - 4:00 p.m. Eastern Time

Location: By Teleconference

Purpose: to continue peer review EPA's *Policy Assessment for the Review of the Secondary National Ambient Air Quality Standards (NAAQS) for NO_x and SO_x: Second External Review Draft* (September 2010).

CASAC Panel:

Dr. Armistead (Ted) Russell, Chair
Dr. Praveen Amar
Dr. Andrzej Bytnerowicz
Ms. Lauraine Chestnut
Dr. Ellis B. Cowling
Dr. Charles T. Driscoll, Jr.
Dr. H. Christopher Frey
Dr. Paul Hanson
Dr. Rudolf Husar
Dr Dale Johnson
Dr. Naresh Kumar,
Dr. Myron Mitchell
Mr. Richard L. Poirot
Dr. Kathleen Weathers

SAB Staff Office Participants

Dr. Angela Nugent, Designated Federal Officer (DFO)

Other Attendees – See Attachment A

Meeting Summary - October 6, 2010:

The meeting was announced in the Federal Register² and discussion at the meeting generally followed the issues and timing as presented in the agenda³.

Convene the meeting

Dr. Angela Nugent, SAB DFO, convened the advisory teleconference and called roll. She noted that there had been two requests for oral public comment and one set of written comments had been provided to the panel and posted on the CASAC Web site. She noted that the SAB Staff Office had announced a November 10, 2010 teleconference to be used as a contingency if the panel did not complete its review of the draft report peer reviewing EPA's *Policy Assessment for the Review of the Secondary National Ambient Air Quality Standards (NAAQS) for NO_x and SO_x (Second Draft)* and that the panel chair would announce whether the November 10th call was necessary at the conclusion of the teleconference.

Agenda review and approach for the teleconference

Dr. Armistead Russell, the Panel chair thanked panel members for their input for the draft letter and response to charge questions⁴ that would serve as the focus of the teleconference. He asked members to first discuss the specifics and tone of the draft letter and response to charge questions and then address the charge questions in reverse order, starting with charge question 24, to make sure that there was adequate discussion of the last charge questions and to ensure that responses are clear, fully responsive to the charge questions, and consistent with the letter.

Public comments

Two members of the public provided oral comments. Mr. John J. Jansen presented comments on behalf of the Southern Company and referred to his written comments for the teleconference.⁵ He noted that his comments supplement comments provided at the panel's October 6-7, 2010 face-to-face meeting. He noted that Florida lakes have thriving fisheries and would not be screened out, given criteria described in EPA's second draft Policy Assessment and Agency staff. He asked for a more complete explanation of how attainment and nonattainment decisions would be made and stated that a more complete Policy Analysis should be presented for comment and review.

Mr. John Heuss participated by telephone and provided comments he had developed with Dr. George T. Wolff of Air Improvement Resource, Inc. on behalf of the Alliance of Automobile Manufacturers.⁶ He stated that secondary air quality standards were not the appropriate vehicle to address aquatic deposition issues and that EPA is currently developing a transport rule that will impose substantial emission controls on oxides of nitrogen (NO_x) and sulfur oxides (SO_x).

Panel members asked several questions. Mr. Heuss noted that it may be appropriate to implement deposition standard for ammonia to address deposition issue but was not in a position to describe the position of the Alliance of Automobile Manufacturers related to advancing ammonia as a criteria pollutant. In response to a question, Mr. Heuss acknowledged that EPA has imposed secondary standards for ozone.

Discussion of draft letter and draft response to charge questions

The panel Chair asked members to focus teleconference discussion on key edits to the letter that would have a substantial impact on the meaning of the letter.

Panel members agreed on the following changes:

- Include a short statement supportive of the multi-pollutant approach
- Page 1, line 32, change language from “with no short-term standard” to “with no long-term standard”
- Page 1, line 37, change language to refer to all four elements of the NAAQS, possibly using the same language used on page 7, lines 11 to 13
- Page 2, line 9, substitute “Technical and administrative complexities” for “analytical complexities”
- Page 2, line 16, change language from “at an appropriate scale” to “at an appropriate spatial scale”; find a substitute for the word “appropriately” earlier in the sentence
- Page 2, line 18, add language to refer more broadly to science presented in the Integrated Science Assessment or the overall knowledge base and to acknowledge time as a critical factor
- Page 2, line 19, add language to refer to “aquatic and terrestrial nutrient enrichment”
- Page 2, line 24, add language consistent with language from the most recent CASAC regarding regulatory constraints on options for the secondary NAAQS. Language should:
 - Acknowledge that the regulatory framework does not allow EPA to fully address all forms of nitrogen deposition that affect ecological condition (i.e., reactive nitrogen deposition), because not all forms of nitrogen are criteria pollutants.
 - Acknowledge that the NAAQS is applied to ambient concentrations, not to depositional fluxes
 - State something like “However, given that considering all forms of nitrogen and sulfur is not legally feasible now, the panel supports EPA’s general approach”
- Page 2, line 26, remove clause “As delineated further...” Begin sentence “there are critical sections of the *Policy Assessment...*”, then insert bullets adapted from the language provided by Richard Poirot as an alternative text for Enclosure A⁷
 - Begin the third bullet with the sentence “The final PAD...” Consider providing more specifics, drawing on draft language responding to questions 14 and 15.
- Page 2, Line 40, insert language after the word NAAQS to be developed by Ms. Lauraine Chestnut. Language would acknowledge the difficulty of evaluating specific elements of the NAAQS, given uncertainty about individual pieces of the proposal (including spatial groupings and exclusions) and uncertainty about how individual pieces will interact. Language would acknowledge that “Despite these difficulties, the panel, however, does agree on these parts of EPA’s proposal
 - averaging time

- Acid Neutralizing Capacity (ANC) targets – consider including language noting that the ANC is the “ecological indicator of choice for aquatic
- Structure of the AAPI: Insert some language along the lines of “given current constraints, the choice of SO₂, SO₄, and NO_y as indicators of what is measured in the ambient air as factors for the AAPI appears reasonable because they are measurable and can be related through TSO_x and TSO_y factors to an estimate of deposition. However, those measures do not incompletely describe or capture the depositional rates of ecologically relevant oxidized sulfur and reactive nitrogen
- Page 3, line 1. Strengthen language to say something like “It is necessary for CASAC to review and provide comments on a more complete Policy Assessment and to have adequate time to review and provide comments to the Administrator
- Page 3 line 5, remove the clause beginning “nor is it apparent...”

Summary and next steps

The panel Chair determined that the panel would hold a teleconference on November 10th, as announced in the Federal Register, and would continue discussion of response to charge questions.

The Designated Federal Officer adjourned the meeting at 4:00 p.m.

Respectfully Submitted:

Certified as True:

/signed/

/signed/

Dr. Angela Nugent
SAB DFO

Dr. Armistead Russell
SAB Chair

NOTE AND DISCLAIMER: The minutes of this public meeting reflect diverse ideas and suggestions offered by committee members during the course of deliberations within the meeting. Such ideas, suggestions, and deliberations do not necessarily reflect definitive consensus advice from the panel members. The reader is cautioned to not rely on the minutes represent final, approved, consensus advice and recommendations offered to the Agency. Such advice and recommendations may be found in the final advisories, commentaries, letters, or reports prepared and transmitted to the EPA Administrator following the public meetings.

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Nevada Division of Environmental Protection

Steve Gouze
Air Resources Board

Andrew O. Hollis
Regulation and SIP Management

John J. Jansen
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American Farm Bureau Federation

Ashley Lyon
Beef Industry Information Center

Karen Martin
EPA, Office of Air and Radiation

Mary Maupin
Michigan Department of Natural Resources and Environment

Tom Moore, Air Quality Program Manager
Western Governors' Association

Ona Papageorgiou
New York State Department of Environmental Conservation

Stuart Parker,
Clean Air Report,

Heather Ptak
Alaska Natural Gas Transportation Projects

Sarah K. Raymond
IDEM-Office of Air Quality

Richard Scheffe
EPA, Office of Air and Radiation

Brittany Westlake
American Chemical Society

Linda M. Wilson
NYS Office of the Attorney General

Materials Cited

The following meeting materials are available on the CASAC Web site, <http://www.epa.gov/casac>, at the [page for the October 5-6, 2010 CASAC Panel meeting](http://www.epa.gov/casac):
<http://yosemite.epa.gov/sab/sabproduct.nsf/bf498bd32a1c7fdf85257242006dd6cb/fb2980a363c0078b852577bd004ba8fc!OpenDocument&Date=2010-11-09>

¹ Roster, Clean Air Scientific Advisory Committee (CASAC) Oxides of Nitrogen (NO_x) and Sulfur Oxides (SO_x) Secondary Review Panel

² Federal Register Notice Announcing the Meeting

³ Agenda

⁴ Draft report for discussion: *Review of the 2nd draft Policy Assessment for the Secondary NO_x and SO_x NAAQS*, (10.29.10 Draft Report and Enclosure C)

⁵ Statement of John J. Jansen, Principal Scientist, Southern Company

⁶ Comments from Jon M. Heuss and George T. Wolff of Air Improvement Resource, Inc., on behalf of the Alliance of Automobile Manufacturers.

⁷ Modified language provided by Rich Poirot for Appendix A.