

DRAFT WRAP Meeting Minutes
November 14 - 15, 2001
Salt Lake City, Utah

Wednesday November 14

Governor Cyrus Chino called the meeting to order at 1:10

1. ***Review of agenda.*** There were no comments on the agenda.
2. ***Approval of minutes from May 2001 Board Meeting.*** There were no changes to the minutes. The minutes were approved unanimously.
3. ***Charter modification to include Alaska.*** Dianne Nielson announced that Governor Knowles had requested membership for Alaska in the WRAP. Andy Ginsburg said that including the State of Alaska would help efforts to provide clean air and protect Class I areas. He urged the Board to support the request. The Board unanimously approved inclusion of Alaska in the WRAP. Tom Chapple from the Alaska DEQ joined the WRAP Board at the meeting.
4. ***IOC and TOC appointments.*** State and tribal recommendations for filling expiring appointments were distributed to the Board. Bill Grantham noted that Julie Simpson was previously given an interim appointment to the IOC. He requested that this appointment be confirmed for a three-year term expiring on December 31, 2004 and that Julie replace Kesner Flores as a co-chair of the IOC. Kesner will continue as an IOC member. Bill also requested approval of Ondrea Barber to the TOC for a three-year term. Nancy Wrona asked that the present state co-chairs of the IOC and TOC be given one year extensions to their terms and continue in their positions. Ernie Wessman of Pacificorp was previously given an interim appointment and it was requested that his appointment be confirmed. Kesner Flores moved and Doug Lempke seconded a motion to approve the appointments. The motion passed unanimously.
5. ***Welcoming remarks from Governor Michael Leavitt.*** Governor Leavitt noted that the WRAP process has worked and expressed hope that the WRAP will continue to find ways to work in concert with all stakeholders to protect the environment.
6. ***Awards to members of the Fire Emissions Joint Forum.*** Darla Potter, Pete Lahm and other members of the Natural Background Task Team were recognized for their efforts on the FEJF and were presented certificates by Governors Chino and Leavitt.
7. ***Status of Annex.*** Jack McGraw from EPA Region VIII provided an update on the Annex review and approval process. EPA expects to send the Annex to the Office of Management and Budget the week of November 19th. OMB has a 90-day review period

before EPA sends it out for public comment. A final rule is expected during the summer of 2002. McGraw said the Administration supports the Annex and intends to keep it on track for a speedy approval.

8. ***Multi-pollutant bill.*** Dianne Nielson provided a status report of the U.S. Senate hearings and the Administration proposal. She noted that WRAP members have provided input to the Senate committee. She suggested the WRAP agree on a process for providing information to legislative committees and keeping WRAP members informed of developments on any federal legislation.

Jack McGraw said an Administration bill is not likely to be introduced for at least a year. EPA is most concerned about how to effectively attack the problems and is not just looking at new regulation. Discussions are now focused on developing a conceptual approach to problem-solving. He assured the Board that the concerns of the West are being heard at headquarters and would be considered in developing any approach.

Andy Ginsburg said that Oregon and Washington were developing a letter similar to the one already sent by Governor Leavitt, which would emphasize the need for the Western States to speak with one voice on this important issue.

Richard Long of EPA Region VIII re-emphasized that current EPA efforts are aimed at creating a bill that works for the Senate, the Administration, and the States. EPA testified at the Senate Environment and Public Works Committee hearing on November 1. The current Senate bill focuses on four pollutants: SO₂, NO_x, Mercury and CO₂. He said there is a need to develop a trading program as part of this approach. The Administration believes the bill now before the Senate lacks coordination with other Clean Air Act requirements and is leaning toward a three pollutant bill, excluding CO₂. The Administration supports the use of a market based, cap-and-trade system, modeled along the lines of the existing SO₂ trading program.

Governor Leavitt asked what the status of the existing legislation was and how that would coordinate with the Administration bill. EPA responded that it was not clear how quickly the existing bill would move forward, but that EPA would be working with the Senate to develop a more supportable bipartisan bill.

Chris Shaver asked whether EPA would be able to provide assistance to the WRAP if it decides to develop proposals more pertinent to the West. Long responded that EPA would most likely devote time to addressing Western proposals.

Andy Ginsburg said that by supporting the Annex, the WRAP recognizes the value of implementing a cap-and-trade program. However, there is still concern about dealing with localized impacts and ensuring that real reductions are achieved in the West. Long said that EPA is aware of the issue and that it would have to be considered in greater

detail during the development phase.

Dennis Hemmer said that it would be important to develop cost and emission reduction estimates for all the pollutants the Administration is considering in order to have a higher comfort level for making decisions.

Governor Chino asked what the best way would be for EPA to provide assistance to the tribes in order to have tribal governments be fuller participants. Long suggested that it would be best for the tribes to bring any issues they have before the Senate committee. McGraw also noted that EPA has a mechanism in place internally for the tribes to provide input. Kesner Flores said that the tribes would work on the development of a position paper to ensure tribal perspectives on issues were clearly identified.

Bob Neufeld from Wyoming Refining Co. asked where the Administration was moving on allocation schemes. Long said he is not privy to any discussions on the issue.

Lewis McLeod said that the tribes would have resource problems if the EPA moved away from PM10 and more toward NOx and Mercury. He asked if tribal environmental programs could expect sufficient funding to deal with NOx and Mercury issues. Long said a review of funding allocations is always part of the funding process, but that it is unlikely a multi-pollutant bill will have a specific effect on tribal funding. Jill Sherman re-emphasized the need to adequately involve the tribes and to make sure tribal leaders are personally contacted to determine what their specific issues are.

The Board discussed possible next steps with regard to maintaining an appropriate involvement in the development of legislation and the facilitation of information sharing. Hemmer said the first thing the WRAP needed to focus on was whether there was an accurate inventory of emissions available. He said the WRAP should generate a work plan to develop such an inventory and to determine what would be the impacts of various levels of reduction.

Nielson asked if the Market Trading Forum was working on development of inventory information. Colleen Delaney said that the WRAP work plan for 2002 focuses more on PM and NOx. She also said the MTF would examine what controls are on sources and how much reduction could be achieved from further control strategies. McLeod noted that tribal inventory data is lacking and that it is important to find ways to make tribal data more complete.

Shaver said it is important to have the IOC and TOC come up with a list of questions to determine if a context exists in which the WRAP could forward its issues. Hemmer re-emphasized the need to have a proposal on what can be done to develop the information needed to make informed decisions. Nielson suggested having the IOC and TOC co-chairs look at what information is available on inventory numbers and have them suggest

a mechanism to track the issue and develop a set of western principles. Bob Saunders suggested that the Air Managers Group could provide important input into the process. Andy Ginsburg agreed to work with Bill Grantham and Patrick Cummins to develop a schedule.

9. ***Status of Public Advisory Board.*** Barry Aarons made the presentation. He said there are two issues. The first is public outreach. The second is whether the PAB is the proper forum in which to approach public outreach. Barry said that in the Grand Canyon Visibility Transport Commission process, there was a single issue everyone was driving toward, making the PAB an effective way of doing public outreach. However, for the WRAP, it seems more effective for the Forums to be the focus of public outreach with the assistance of the Communications Committee. The Communications Committee recommends inviting the members of the PAB to become members of the Communications Committee. The Committee is also recommending that the Charter be amended to eliminate the PAB. The Communications Committee will discuss appropriate language and present it to the Board at the next meeting. Kesner Flores requested that there be a better mechanism to create an understanding of tribal issues, to involve the Communications Committee in tribal issues, and to do a better job of public outreach to the tribes.
10. ***Work Plan Overview and Financial Status Report.*** Patrick Cummins and Bill Grantham presented the overview. (slide show presentation and full Work Plan Update are available on the WRAP Web site)
11. ***Communications Committee Update.*** Barry Aarons discussed the status of the Speakers Bureau. He noted that a speaker recruitment goal has been established to increase the number of available speakers. He said the goal of the speakers bureau was to have WRAP issues presented at least three times in the six largest cities in the first quarter of 2002. He asked that WRAP members who wished to make presentations to groups they are members of should make it known and materials will be sent to them. Al Zemsky highlighted two projects from the work plan. First, he noted the Web site is very active and is successfully being used. He also noted that the WRAP electronic newsletter is available on the Web site. Jan Miller reported on the SIP/TIP template project. She said that there was an electronic public outreach effort being done through the Web site. A comment period ran for six weeks ending October 22. There were no comments, but the process used to solicit comments is considered fully tested and available to be used on future projects.
12. ***IOC/TOC Report.*** Andy Ginsburg, Mike George, Bobby Ramirez, and Julie Simpson presented the Work Plan update for the IOC and TOC Forums (slide presentation available on the Web site). Major discussion points included:

- critical path elements

- importance of modeling to stay on the critical path
- major products needed for 2003 plans
- clean air corridor work
- annex related work to be done by the Market Trading Forum.
- need for NOx and PM milestones, and potential benefits if they are needed
- Mobile Source Forum work
- requirements for fire
- road dust work
- pollution prevention work

Ramirez reported on some additional technical issues (slide presentation available on Web site) including

- Tribal Data Development Work Group
- status of emissions inventory work
- air quality modeling
- ambient monitoring

The Board approved the 2002 work plan and grant application unanimously.

Thursday November 15

13. ***Recommended policy for categorizing fire emissions.*** Pete Lahm and Darla Potter made the presentation (slide presentation available on Web site). Bob Raisch asked about the input/coverage with regard to the agricultural sector. Pete responded that the agricultural task force was consulted and that there was representation from the agricultural community on the task team. The agricultural task force expressed concern with the implications of the policy and the control that might be applied. However, there has been an ongoing effort to work with the Agricultural Task Force to resolve issues.

Lucille Van Ommering asked about the integration of the regional haze goals with the other goals in the policy. Pete responded that there are competing objectives, but that through the development of the policy, the need to tie in visibility requirements is made overt.

Bob Wilkosz asked if there was any scenario where agricultural burning could be considered natural. Pete responded that in general, no, for row crops and orchards and similar agricultural uses. Doug Lempke asked what requirement of the regional haze rule was being addressed by the policy. Pete responded that the need to define natural background and to account for fire was a part of the rule. This policy allows for consistency in defining what is natural and what is anthropogenic. Doug also asked if we had a specific schedule we needed to meet with this policy. Pete said that it was necessary to have the policy in place so that necessary technical work could be done.

Doug noted that some states, like Colorado, cannot regulate agricultural sources. Pete responded that the policy does have some flexibility in how states would approach control of smoke from agricultural sources, but that there ultimately may be some legal issues states will have to address.

Lewis McLeod asked how the policy benefits places in the region that do not have jurisdiction over a respective agricultural burn. Pete responded that emissions tracking would be the method used to quantify emissions impacts. Lewis elaborated that if one jurisdiction defines agricultural burning as natural, but another jurisdiction defines it as anthropogenic, that creates a potential conflict. Andy Ginsburg said that this issue would be covered in more detail in the presentation on the transmittal letter.

Governor Chino asked how much input tribes had into the Task Team. Pete responded that there was a substantial amount of tribal participation.

Andy Ginsburg presented the Transmittal Letter from the IOC on the recommended policy (slide presentation available on web site). There were some areas that needed additional clarification including:

- distinction between managed and controlled
- distinction between ecosystem maintenance and ecosystem restoration
- coordination and consistency between states (need to address this in the implementation guidance to the policy)
- alternate approach to data flagging
- need to address tribal concerns about adding cultural resources to decision process
- development of recommendations for non-mandatory Class I areas
- development of recommendations for establishing emission goals for fire
- provision of clear steps for incorporating policy management elements into fire programs

Lucille Van Ommering asked about the establishment of emission goals. Andy said that it was a requirement of Section 309 to establish them through 2018.

Doug Lempke asked what the timeline was for developing implementation guidance. Pete Lahm responded that it was targeted for June 2002. Dianne Nielson suggested that the Board could direct the FEFJ to consider the transmittal letter from the IOC to the Board during the development of the implementation policy. Dennis Hemmer said that the policy can recognize that states may have legal issues in tracking agricultural emissions, but at the same time allowing estimations to suffice to meet the requirements of the policy. Andy suggested that the transmittal letter could be made an Appendix to the policy, with some changes to “clarification 8” in the letter to reflect the need to do emissions estimates.

Lewis McLeod asked how the policy relates to transboundary issues. Pete responded that the policy helps reinforce classifications and interagency agreements. Wayne Leipold suggested that there were other techniques that could be used to track the impacts of burning emissions. Bonnie Thie noted that there was a report issued by Region X on agricultural burning that will be posted on the EPA Web site this week.

Bob Neufeld asked to clarify when a wildland fire would be managed for resource benefits (there is a conscious management decision that the fire will not be suppressed because there is a plan in place and there are larger resource objectives).

The Board agreed to accept recommended policy with the incorporation of the letter from the IOC to the Board as part of the policy.

The final policy will be posted on the WRAP Web site.

14. ***Coordination with USDA and Agricultural Task Force.*** Rick Sprott provided some background on the Task Force. He said that a letter had been prepared from the WRAP to the USDA seeking greater coordination and communication on agricultural air quality issues of mutual concern. Andy Ginsburg asked how EPA can support the WRAP in building a better relationship with USDA. Amy Zimpfer responded that EPA has already established a high level policy position to advise the Administrator on agricultural issues. She said that EPA would be involved with the process and would facilitate in any way possible.

Warren Harper from the Forest Service asked if it would be appropriate to address the letter to both USDA and EPA. The Board agreed to do that. Warren also noted that there would be a few editorial changes that he would pass along to Rick Sprott. Andy Ginsburg also suggested that the Task Force be invited to future meetings.

15. ***Presentation, discussion and approval of recommended policy for determining mobile source significance in the context of Section 309.*** John Kowalczyk made the presentation (slide show available on the Web site). One of the main points of the presentation is that there needs to be more work on the definition of significant and, once consensus has been reached, the Forum will return to the Board with the results. John noted that the presentation was an update of the Forum's work and that specific action by the WRAP was not being requested.

Doug Lempke asked if the Federal Land Managers had been queried about using the FLAG approach cited by John in his presentation. John said the Forum had not asked them specifically. Chris Shaver said that it really was a policy decision and should be discussed by the Forum as such. John said that it would be helpful to have a representative from the Federal Land Managers to discuss the FLAG approach in more detail. Andy Ginsburg asked if the issue would have significant impacts on decision-

makers. John responded that if conformity and SIP revisions were involved, there could be problems.

Lucille Van Ommering asked if dust was going to be a significant contributor. John responded that the experts believe dust impacts are going to be the greatest from sources near a Class I area. John added that dust should be catalogued for individual states, but that strategies could be focused on sources in and near the Class I area. By looking at statewide emissions, it should be possible to characterize the nature of the problem and the areas most significantly contributing.

Andy Ginsburg asked if the policy issues were going to be similar with regard to clean air corridors. John responded that there should at least be consistency in how significance is defined, but that the Forum had not given the issue much attention. Lewis McLeod asked how the lack of data from tribal areas will impact development of an accurate inventory. John said that decisions on control strategy development would have to be made based on the availability of data.

16. ***Recommendations from Northern Air Managers.*** Dan Olson made the presentation (slide show available on Web site). The basic change would have a state caucus and a tribal caucus, each with staff support that would communicate with each other. The caucuses would come together as the air managers group. The EPA and FLMs would be part of the air managers group as ex officio members. The air managers group would then report back through the WRAP standing committees.

Chris Shaver suggested that the air managers committee would function as a shadow organization to the Board, but that it does not represent a stakeholder committee. Dan clarified that the meetings would be open to any stakeholder to attend, but that the stakeholders would not achieve membership. Dan also said that the group would not duplicate the standing committees, but would identify issues to be vetted through the standing committees.

Doug Lempke expressed a concern that many of the people who wind up sitting on the Board would also be representing states at the air managers meetings, and that decisions could be made essentially in advance of Board meetings. Nina Daugherty commented that decisions needed to be made cognizant of the broader views of other stakeholders. Dan responded that the air managers group was not decision-making, but would identify issues that ultimately needed full stakeholder resolution. Al Zemsky noted that the Communications Committee would be making recommendations to have more meeting summaries available as opposed to just meeting minutes.

The Board approved the structure proposed by the Northern Air Managers. Randy Ashley was nominated by Lewis McLeod to be the Tribal co-chair. Sandra Ely was nominated by Dan Olson to be the state co-chair. Doug Lempke moved, Chris Shaver seconded the

nominations. The motion was approved unanimously.

17. ***Discussion of State and Tribal 308/309 decision processes and information needed from the WRAP.*** Andy Ginsburg did an introductory presentation (presentation available on Web site) covering the following issues:

- importance of the decision (critical mass in choosing 309, opportunity for regional approach, economic and workload issues, WRAP assistance to states and tribes)
- process to meet the 2003 SIP/TIP deadline
- 308 v. 309 considerations (Under 308, more time to submit a SIP [not later than 2008], strategies are to be determined, BART must be addressed, must show reasonable progress on the slope through 2064, there needs to be regional coordination, the WRAP will be responsible for some of the work, and there are probably greater economic impacts for states having to prepare the plans. Under 309, SIPs are due in 2003, the strategies are already identified, submission of the Annex satisfies BART, it assumes reasonable progress through 2018, need a critical mass of states, the WRAP does most of the work, and it will probably be less expensive for states.)
- tribes are under a different timeline than states

Nancy Wrona from Arizona talked about the public process for determining whether to go 308 or 309 (slide presentation available on the Web site). Major points included:

- decision timing
- stakeholder process and issues
- educating stakeholders to keep everyone on a level field
- six meetings were held between August and November 7
- options available under 308 and 309 respectively
- consensus building process
- the preferred option turned out to be going Section 309 with all Class I areas
- SIP development work plan and timeline needed to be developed as soon as possible
- there needed to be gubernatorial support for stakeholder supported legislation

Dennis Hemmer asked how confident Arizona is about being able to complete a 309 SIP on the required timeline. Nancy responded that there were certainly issues, but they would do everything possible to make it work. Wayne Leipold emphasized that larger industrial sources favored 309 because of the certainty it provides. Chris Shaver requested that the Arizona experience be posted on the WRAP Web page.

18. ***The next meeting was set for June 18-19 in Colorado.***

19. ***The meeting was adjourned at 2:00.***

Attendees:

Board Members:

Gov. Cyrus J. Chino, Pueblo of Acoma
Gov. Michael Leavitt, Utah
Dianne Nielson, Utah DEQ
Stanley Paytiamo, Pueblo of Acoma
Bob Saunders, Washington DOE
Kesner Flores, Cortina Rancheria
Lynn Terry, CARB
Farshid Farsi, Shoshone-Bannock
Robert Wilkosz, Idaho DEQ
Jack McGraw, EPA
Sylvia Palmer, Hualapai Tribe
Tom Chapple, Alaska
Dennis Hemmer, Wyoming DEQ
Doug Lempke, Colorado DPHE
Andrew Ginsburg, Oregon, DEQ
Lloyd Irvine, Confederated Salish &
Kootenai Tribes
Warren Harper, Forest Service
Ralph Gruebel, New Mexico DEQ
Chris Shaver, National Park Service
Bob Raisch, Montana DEQ
Dana Mount, North Dakota DOH
Nancy Wrona, Arizona
Gilbert Pablo, Campo Band of Kumeyaay
Indians
Jay Littlewolf, Northern Cheyenne Tribe

Other Participants:

Lewis McLeod, CS&K Tribes
Barry Aarons, The Aarons Company
Dennis Schwehr, West Associates
Bob Neufeld, Wyoming Refining
Tom Webb, EPA
Pat Murdo
Dan Clark, Wyoming DEQ
Sandra Ely, New Mexico DEQ
Dan Johnson, WESTAR
Terry Ross, CEED
Laura Tsosie, Hualapai Nation
Dan Olson, Wyoming DEQ

Kerry Kelly, University of Utah
Greg Schaefer, Arch Coal
Nick Bettas, P&M Coal Mining
Bonnie Thie, EPA
Pat Hanrahan, Oregon DEQ
Julie Simpson, Nez Perce
Richard Long, EPA
Cyra Cain, Montana DEQ
Kathy Van Dame, Wasatch Clean Air
Nina Daugherty, Sierra Club
Amy Zimpfer, EPA
Colleen Delaney, Utah DEQ
Bob Ramirez, Salt River-Pima
Jill Sherman, Pechanga Band
Brock LeBaron, Utah DEQ
Cheryl Heying, Utah DEQ
Wayne Leipold, Phelps Dodge
Rich Fisher, U.S. Forest Service
Lee Gribovicz, Wyoming DEQ
Ira Domsy, Arizona DEQ
Pete Lahm, U.S. Forest Service
Carl Bowman, National Park Service
Sandra Lucas, Trenton West
Mike George, Arizona DEQ
John Kowalczyk, Oregon DEQ
Bill Edmonds, PacifiCorp
Reuben Plantico, PacifiCorp
Marius Gedgudas, USAEC
Al Zemsky, EPA
Darla Potter, Wyoming DEQ
Ernie Wessman, PacifiCorp
Ondrea Barber, ITCA
Bill Grantham, NTEC
Patrick Cummins, WGA
Rich Halvey, WGA
Karen Deike, WGA
Lucille Van Ommering, CARB