on all parties part to really make a agreement or something of that nature work.

It takes a willingness from the activist or the EJ Group, it takes a willingness on part of industry. It takes a willingness on part of the city and also it takes a willingness on part of the agencies to assist in that process. Region 6 EPA I think is doing a great job. Port Arthur, Texas has been selected as the EPA showcase community and there are some great models, I think that is going to come out of this project once it is done.

But at this particular point, what Region 6 EPA has been able to do, is to bring all of the parties that I mentioned earlier together. And I think that is paramount because we have been able to really sit down and talk openly about the issues that we have in the community and what industry can do and what we don't like and what they don't like. And now we are able to meet or find medium. And it is really working very very well.

But before Port Arthur was selected as an EPA showcase community, I just have to give kudos to Rich Walsh with the Valero Corporation because he had the foresight, as Stephanie was talking about earlier -- playing a major role in coming into the community and actually hearing us for the first time when it was PrimCort refinery before it was Valero. That particular plant manager was very arrogant. He was very standoffish and it was a good ole boy network and they felt like they didn't have to answer to anyone, even though they were having a major impact on our lives and our community.

But Rich Walsh at the Valero Corporation, even though we don't always see eye to eye on issues at all times, but yet he did have the foresight to say, "Well let's go out into that community and talk to those folks." And that is what they have done. And because of that, I think they are having some successes with being able to move forward with some of their projects.

MS. YEAMPIERRE: Thank you. Sue and then we are going to move on with Gina McCarthy. Thank you.

MS. BRIGGUM: This is just quick. I was just going to volunteer if we could get a little work group to plan a session for the next meeting. I know a lot of people in heavy industry who I think might come to the table constructively. I would love to be part of that.

MS. YEAMPIERRE: Thank you. That is awesome. I mean, that is really great. This is really a Rich discussion and I know that we have a lot to say, so thank you so much. Now we are going to move on to the next part of the agenda where we have -- oh I am sorry, Victoria? I am sorry, moving on to Victoria right now.

MS. ROBINSON: Thank you. Just a quick announcement. Yesterday, Rich Wayland who -- Chet, sorry, gave a presentation about the EPA responses to school air toxics monitoring. And Jolene requested -- I want to find out whether tribes were eligible for the community scale air toxics monitoring grants and he says the answer is yes, they are eligible -- tribal governments. And also, just letting you know, the RFP should go out in early 2011. Okay. So. Thank you.

MS. YEAMPIERRE: Thank you. So now we are being joined by Gina McCarthy who is the assistant administrator at OAR. Gina is going to be talking to us about EPA Plan EJ 2014: Environmental Justice and Rulemaking. She is going to be providing us an update about various Air Rules relating to utilities. Also sharing with us some of the changes in her office and the work that is being done on permenting and some of the challenges that are being faced by the administration right now. So I don't have your bio, but I think everyone knows who you are. You have been very consistent. You have been joining us at several meetings. It is actually -- it is such a pleasure to have you before us. So welcome.

Plan EJ 2014: Environmental Justice and Rulemaking—
Clean Air Act Priorities: Air Toxics and Power Plants

Presentation by Gina McCarthy,
Assistant Administrator, EPA, Office of Air and Radiation

MS. McCARTHY: Thanks very much Elizabeth and I hope that I am not haunting you but it is great to be here all of the time --

MS. YEAMPIERRE: Did you say stalking?

(Laughter.)

MS. McCARTHY: I would do that too if I had to. But, no I am just haunting. That is sufficient. I think you all met Janet McCabe who was here yesterday and she is working with us on the issues relative to EJ and permenting. And I want to begin by thanking Edith for her kind words, but

frankly Edith is one of those individuals that when she works for you, she pushes you. She doesn't wait to be pulled. And it was a great opportunity for me to get to work with her and to work with the Connecticut Legislature to pass a law that actually mattered. And I know she is doing a great job implementing it. So it is fun to see things happen.

So I appreciate that. But one of the reasons why I want to be here and I always want to be here is that I think we are doing some pretty significant work in the air program to try to address the issues of environmental justice. Not just as individual rules get looked at but to try to think a bit more strategically about this.

As all of you know, people in my position have limited time with the agency always and so I am trying my best to figure out how we can not just institutionalize the issues that we talk about. Institutionalize them in rule making and how we look at rule making and permitting and how we look at permitting. But we are also -- I am also trying to be as the administrator asked us to be as really focused on what are the key things that we can get done with our limited time here.

And so I wanted to talk to you again because we talked about this before. When I was here last time, we talked about individual rules that were coming up and I think we have had a -- many successes frankly this year in moving those issues and those rules forward. But I think the bigger challenge for us is to think more strategically.

And so I wanted to lay out the strategy that we have in mind then dig in a little bit about what that strategy might look like and one of the -- what I believe to be the most important sectors for us to break through, which is the utility sector. So if you let me walk through this -- and I would actually encourage you to interrupt me. I interrupt myself in my head all fo the time so you might as well join in the fun.

And so let me walk through this a little bit and figure out how I do this. All right, I don't know whether you need to follow the slides. If you want to, that is great. There is some interesting pictures. I will point to them, other than that we will just chit chat together.

(Slide)

But I think the thing that I wanted to make clear is that the Clean Air Act has a bunch of different ways to manage air pollution. And the way I look at it is, there are rules and there are strategies that I are more important in terms of their local impacts.

And there is a whole range of rules that deal more broadly with Air Quality in general. And there is opportunities on both sides of that ledger for us to think differently and to look at ways in which we can focus on reducing the burden in communities where we know we are overburdened and where they could potentially bear the brunt of new pollution as it comes through. And let me first let me look at the -- right side, I am terrible with right and left, I have to think about which hand I eat with.

The right side on the National Ambien Air Quality standards, those are issues in which we are continually thinking about -- at least now we are continually thinking about the standards and what they ought to be. They will generally apply across the country. And then you will look at areas in which the air quality doesn't meet the standards and as a result, State's look at developing plans. And those plans not only look at what they can do locally but they look at what the Federal Government is doing to try to generally reduce emissions so that the background levels they work from are lowered.

And so we are doing a lot of work on that side of the ledger. We are looking now at PM standards. Those are going to be looked at and the time line is for a February assessment of whether or not those standards are where they need to be. I will tell you that from vantage point, PM is the most significant criteria pollutant that we have. If you actually care about public health. Every year PM 2.5 is responsible for tens of thousands of premature deaths in the United States. It matters a lot. And so we will be focusing a great deal of attention on that.

Everybody knows we are reconsidering the ozone standard. The administrator is doing a tremendous job in ensuring that we can move ahead with the standard that matters, a standard that is consistent with science based limits. We will be moving forward on that quickly. You may remember that I think the last time I was here, we already talked about having accomplished a relook at both SO2 and NO2. That was an accomplishment from last year -- I don't even know when the heck -- was that this year or last year?

MS. McCABE: This year.

MS. McCARTHY: Oh my God, time flies. Feels like 10 years I will tell you. We looked at the SO2 and NO2 and we looked at both of those are new standards. Those are standards that hadn't been revisited for decades. We are now relooking at carbon monoxide and you already know that we

have revisited the lead standard and we recently signed, just not a moment forward but to look at monitoring of lead, but just yesterday the administrator signed the designations for the areas that are out of attainment for the lead standard.

So, those things are moving forward and we are proud of that. Those are big ticket items that I are not looked at as frequently as the Clean Air Act requires. So it is kind of fun to be part of that. It is a big deal. It is a big deal for everybody. But if you look on the left side of the ledger, the Air Toxics Rules to me are slightly different. They are different in the sense that when you look at these rules, you tend to look at very localized issues of high risk.

These are areas in which I think that my office could do a much better job at looking at those toxics rules in a way in terms of what makes most sense to actually alleviate problems that address local community concerns. And so that is where we are spending a great deal of our time trying to look at what are we doing, what is our work load, what are the court ordered deadlines. Do those court ordered deadlines get at the most significant issues and we are working with the litigants and the NGO's who have sued us for not moving forward on these rules.

To make sure that we are walking through them in a way where the highest priority issues are addressed first. And what we are looking at it, is a new system where we can look at both of these things together as we are making rural makings so that it doesn't just address the national challenges to reduce -- to improve air quality but it does it in a way that also addresses local community concerns.

It is a challenge, but it is not unachievable. It is actually very achievable if you think about it. And so I wanted to give you our thought process on it. And walk through it.

(Slide.)

Now the first thing and one of the reasons why we must do this, is we have a significant challenge. Our challenge is that we have a large rule making agenda to work with. It is extraordinary at best. To give you an example is our 2010 Reg Agenda lists 64 proposed rules. And 67 final rules that we need to get done next year. That is in addition to 47 larger rules that won't get done next year but are being worked on now because we must get them done over the next two years.

Now that is a daunting task but it is also a tremendous opportunity. But it is an opportunity that we needed to think about it in order to maximize it. And much of the agenda as I have said is driven by statutory time lines and we need to think about that and work with the litigants to make sure we are aligning what ought to be the big priority items which actually is coming up in the litigation schedules.

Now what we have really thought about in terms of a solution for focusing us sort of strategic thinking is to really -- instead of doing individual rule makings and thinking about them, only within the context of that rule making, is how do we being to look differently at a sector-based approach. And it is a work that the Clean Air Act Advisory Committee has been talking about for years. But is helping us really dig in.

Let me explain to you what that means. It really means targeting our rule making to different industry sectors and coordinating it so that it is a combined rule making package or at least a rule making vision where communities can trust where we are heading, where the regulated community can know where we are heading and where they can look at investing wisely so that we are not nitpicking them with different rules that may in fact end up in conflicting messages but we are actually aligning them together.

And that means, not just looking at our toxics rules in doing that but looking at how that sector approach can help us achieve National Ambien Air Quality Standards. How do we think about it holistically and do this well? And it is not just about prioritizing rule making. It is about looking at the full gamut of what we do for a living. You heard Chet yesterday. Chet is a brilliant, hard working, wonderful person who is working on monitoring. And he is not working on monitoring just to do National Ambien Air Quality Standards. He is looking at issues related to monitoring offense lines for facilities.

He is looking at doing work that we need to do for enforcement purposes as well. So it is not just rules but how do you enforce them, how do you get information out to communities, how do you start looking differently at challenging industries to monitor themselves and make that information available and that is what I mean by a sector-based approach. It is not simply rule making. It is the full gamut of tools that we both have to work with that can make this happen.

(Slide.)

Now let me talk to you about how we have been thinking about a sector-based approach

in terms of where we are prioritizing. And how we are looking at prioritizing ourselves. Now the administrator has made it very clear that with all of this --- of work, we better focus and she said how are you going to do it? Well, that is a really good question. We could all sit around the room and debate which industry section is the most important but we decided to do what EPA does best and think through it for a little bit, but only a little bit. Which is what we often don't do.

We are doing it a little bit so that we can move on. And what we decided to do is ask really common sense questions. Where are the biggest risks? What are the sources that contribute to those risks that are most important. And how do we get improvements in investments? And this is the idea of this holistic approach to rule making, can tell an industry well -- oh, if I choose these range of controls, these measures of efficiency, these leaked detention methods, I can actually assured that EPA won't aggravate me for the next 10 years. That is what I would like because I think we can make tremendous improvements that the communities can monitor and industries can deliver.

And then how do we look at opportunities for co-benefits. Part of the challenges we have is if we don't do rule making together, we miss tremendous opportunities. We see it time and time again. That we are not taking advantage of the most beneficial responses to regulatory rule making because we are not thinking broadly enough. And how do we also address this litigation strategy moving forward.

(Slide.)

So let's start with where are the biggest risks? Now this is a map you ought to look at. This is a map which basically looks at where the estimated non-cancer, respiratory risk is. Now I will tell you that we have looked at a number of these maps based on information that we know as a result of toxic data that -- did on toxic pollution that we gather in looking at risks associated with that. Now what you will see is the darker the color, the higher the average risk level has it indexed. And when you look at that and you plot that out, what you will first see and this isn't surprising to anybody I assume, is that the highest risk areas are the urban areas. And that is primarily because that is where you have many of the larger sources but it also is a factor of that is where most people live.

So when you are looking at exposure, you are going to be looking in those areas and ensuring that if you are prioritizing, you are not missing big ticket items that matter a lot to the broadest amount of people.

(Slide.)

Now the second question is, and this is also a neat little -- it is one of the few that I can actually understand is if you know that there are risks in these areas, the second question becomes what is presenting those risks.

What are the sources that are most notable that we have to look at it. And this chart is interesting in a couple of different ways. One is, if you look at those beige areas, that is the power plants. You will see that they are quite a hefty amount of the toxic exposure in these areas. And so that tells me that our look at utilizes is absolutely appropriately. If you look at that blue section -- I don't know how would I explain the color -- the third from the bottom in the first column. You will see that that is consumer and commercial products manufacturing services.

So there is a lot of industrial manufacturing operations that contribute to these emissions as well as these risks of toxics. So when you look at that -- the other thing I want to point to you is something that was pretty eye opening to me. I want to look at the last column. It is very often we focus on cancer, cancer, cancer. Now I am not telling you that we shouldn't focus on cancer, cancer, cancer but it is not the only health risk around.

Now look at that last column. The light blue on the bottom boilers and engines. Now there is something that we have taken on this year to address that risk. We have made a lot of new standards that deal with diesel engines. We have moved those forward. We have also proposed a new rule on boilers to take care of the toxic emissions from boilers. They are everywhere. And they are a significant risk, not only in urban areas but in rural communities and they are extremely important for us to look at and prioritize.

Now let's look at the top sort of -- I don't know what that color is, what is that color? Green? Teal is a good -- turquoise is good. Whatever the heck it is. It shouldn't be pretty. We should make it brown, actually. That is residential combustion. And I know you spent a lot of time yesterday talking about some of the challenges in the rural areas. Well, take a look at that. It is amazing how much emissions are associated with residential use.

A lot of that is wood stoves. A lot of that is the burning of wood in rural communities as well as the increasing use of those types of combustion facility units in and around the rural areas. Go

ahead.

MS. FISHER: Hi Gina, this is Wynecta Fisher, E2, Inc. you said that we could interrupt you.

MS. McCARTHY: I did.

MS. FISHER: Is it possible that we could get access to that data that you use to --

MS. McCARTHY: Sure.

MS. FISHER: Oh, thank you.

MS. McCARTHY: Oh, absolutely.

MS. FISHER: That would be great.

MS. McCARTHY: I will tell you that this is a snippet of what I am going to tell you next time I come back which is a broader toxic strategy for the entire agency. So you will see all of the data when we do this. This is just wetting your appetite. So again, does this stuff make sense to you? This is sort of confirming what we kind of know? All right, I just wanted to make sure.

Now next we need to look at what does this mean for where these big emitters are located. And this is one of my favorite slides and I have done this in every state that I have been in. Which is basically to look at where we might anticipate environmental justice communities are and where these large sources of emissions exist and is there a correlation between the two.

I did this in Massachusetts and it really helped us pass an environmental justice policy because the correlation between the two was startling. It was unavoidable. Now we didn't argue about whether it was a historical artifact of the industrial revolution or whether this was a concerted effort by some to take advantage of communities where they thought they could site. I didn't need to. It was clear that we needed to do something about it regardless of what your position was.

So again, this is a case study that has been worked at in Chicago and basically those blue circles are blocked group level data. And the blue represent areas where the groups are more than 50 percent minority population as well as 20 percent living below the poverty level. So it may be your definition or more restrictive or not, but if you look at it, you will see that many of the facilities that we are looking at, and working on for our rules could have significant impact in areas that we believe may be most vulnerable to the pollutants that are being admitted.

Areas where there are likely to be we can tell status. Where there may not be an ability for folks to move or to actively engage or participate in permitting decision making. In other decisions that will really matter to them. Please?

MR. TARG: As you are looking through -- Nicholas Targ, the Law Firm of Holland and Knight with the American Bar Association. Thank you very much for coming to address us and going through this very important issue. With respect to the impact on low income and people of color communities, one of the things that would be very helpful to understand or to see is how the regulation of different sectors would fall out with respect to impacts, specifically with respect to low income and people of color communities.

I recognize some of the challenges that are involved with that. But using reductions based on existing NADA data pressed against and making that kind of information public --

MS. McCARTHY: Yes, I agree. That is exactly the point of all of this. Is I don't want to just release the data but I want to consider the data when we are looking at our rule making. Because that data is extremely important to us because we can -- frankly what I am doing here is explaining that we are using that data to prioritize what we do. So that I am working on the rules that I think from a scientific standpoint and from what we know, matter the most, because they get at the highest risk first.

But secondarily during the rule making process to look at what it means for environmental justice moving forward and what people could expect to see in terms of risk reduction. And we are already starting to integrate that and you will see it in rules that we are putting forward.

MR. TARG: That is -- that is outstanding. That would create the basis for one projecting what the goals might be and also setting an annual or every two year benchmarks for what the outcomes would be as well.

MS. McCARTHY: The only thing that I will tell you and we -- we will look at this a little bit on the transport rule because I have some better example. I don't have all of the environmental justice data, I should have brought it with me. But we are working on it. I will tell you that one of the things that is most challenging for us is that on the toxics rules, we can get that information and make that clear. And it actually has a real opportunity in many cases to make a difference.

In some cases, it is informative only because the Clean Air Act is so prescriptive in how

you make your decisions that you can't readily factor those -- that information in the decision so your best opportunity is to do what I am doing which is looking beforehand at what rules make a difference to an environmental justice communities rather than after the fact integrating the environmental justice data into the decision making because they can't do that.

MR. TARG: I completely agree --

MS. McCARTHY: If you know the Clean Air Act, you know that.

MR. TARG: Yes, what this allows you to do again is to make projections --

MS. McCARTHY: Absolutely.

MR. TARG: And then also to bench mark what the expected progress is --

MS. McCARTHY: Absolutely. Absolutely. So in other words, it is pretty exciting and this data will all be available to everybody either beforehand, we can talk in more detail next time about where the -- the data behind these priorities or we can send it along and then we can talk here about the ways in which we are looking at environmental justice and the rules that we are doing. But it is all actually pretty exciting.

But so far, I am probably not -- am I telling you anything new right? I am just verifying what you probably already have been thinking about? So let's talk about in the end where we are ending up in terms of our thinking and why -- we asked ourselves all of these questions and we came to some conclusions. And those are preliminary and I would love to hear from you guys if you think we are getting anything wrong. And again, we will talk about a lot of the underlying data that goes into this decision making.

But there are a number of priorities sectors and they are not necessarily in a hierarchal order here. But these are the sectors that we believe pose the most risk and offer the most opportunity when we are looking at organizing the rule making that we do. So in other words, we think that these are the biggest bang for the buck items. If I am only here for a short period of time, these are the ones that I want to make progress on as soon as possible.

Because they are absolutely critical and they may be, I think, I don't know where Hilton went but I think he would probably readily agree because this is sort -- oh, there you are. Why did I think you weren't there? You were sitting forward and I didn't see you. How could that little woman cover you up that is amazing. It is nice to see you.

(Laughter.)

MS. McCARTHY: It is my eyes, Hilton, I am sorry. I think you will agree when you look through this, this is sort of like what is in your neighborhood.

MR. KELLEY: Very much, so.

MS. McCARTHY: Yes, it really is. It is a big ticket item -- is utilities and we can talk about and I will show you the data from that one so you can see why I am focusing on those so specifically. Chemical manufacturing, iron and steel. If you look at mobile sources, we have made tremendous progress on that over the past year with lots of rules and we are going to continue to make progress specifically on the diesel front which we know has specific issues relative to local pollution.

We have non-utility boilers. I mentioned that before we put out a toxics rule on boilers that is stirring everybody up, which is, the good news is we have lots of information and we are going to do a great rule on that. Oil and gas is becoming a predominant issue out in the Western part of the country. It is actually contributing to winter time ozone, which is a first. We have never known that before. It could be because it never happened before.

But oil and gas exploration is something that we really need to look at closely. Petroleum refining we have some real opportunities. We talked a little bit about that last time I was here. And that is not just looking at rules that directly relate to them -- I am sorry, I don't want to go too long. I am kind of done, aren't I? How long do I have? An hour right? I am sorry?

MS. YEAMPIERRE: You have until 11:00.

MS. McCARTHY: Okay, great so I am not done. Good. Petroleum refining is an area where it is not just about that sector but it is about looking at and remember we talked about leak detection, we talked about malfunctions, start up and shut down. How do we make sure that flaring is done in an emergency basis and not as standard operating practice. We are moving forward the rules that get at these issues as we are sitting here. So we are getting fundamentally at some of these questions as well as knowing what sectors they will impact the most. As many of you know, we put out a Portland Cement rule and that rule was the first opportunity for us to use this multi -- this sector approach. It wasn't just a toxic standard but it was also a standard regulating new source performance standards,

getting at the criteria pollutant world so that we could look at maximizing our opportunities for reductions in the most cost effective way.

As all of our rules we are being sued on, everything but we are going to win this time. Okay. In addition, I just wanted to make sure that I didn't always focus on rules because that is not the only tools in our toolbox and much of what we talked about last time was how do we do better at monitoring because a lot of it is about we have rules in place, what are you doing to enforce -- how do we get smarter at where the toxics are being emitted. How do we allow communities more access to data that matters to them so that they can take actions, not just with us but at other local and state --- entities.

So we are looking at doing a fairly concerted effort working with our enforcement office under the auspices of a new cross office effort that the administrator is really interested in, is looking at new monitoring technologies, getting them out there, getting them into the communities, using our innovative technology initiatives to foster that. We are looking at how do we make that data much more transparent, understandable so people can do what we are doing.

Which is look at it and know immediately how you prioritize what is important and what matters and how to read that. We are really looking much more at the neighborhood monitoring. We are working closely with these community based efforts so that we can integrate some of the monitors that we are actually developing and moving forward with the Office of Research and Development and with our folks at OAQPS, they are developing the monitors that will allow us to look at multiple pollutants and not just by roadways, which is great. But at fence lines. Elizabeth?

MS. YEAMPIERRE: Gina, do you have an example of that because one of the common complaints is that monitoring is done in a way that really doesn't resonate for the community, the monitors are put in the wrong place. And that they are not at the level where people are walking and breathing it in -- do you have --

MS. McCARTHY: I do, I have two examples. One is not the example that is my favorite. It mentions the DIAL, I forget what that is called. I forget what the acronym is, but the dial is this really expensive mobile unit that can do fence line monitoring, that you move around and you basically use it for enforcement purposes. The enforcement people love it. But it costs something like a million and a half bucks.

And it is great to have, don't get me wrong. But the more interesting thing for me is some of the work that we are doing in the communities in Texas. We are actually going and putting in monitors that are very inexpensive to operate along the fence line of lodge refineries. Because that is how we figured out that the leak -- that flaring does not provide the reductions in emissions that we thought it did.

MS. YEAMPIERRE: We have mobile air monitors in our community but there was someone who came and testified before us, I think from the bay, from San Francisco. Who was talking about being able to measure the emissions and that she needed equipment -- how would people in the community access those resources and where would they get information about that equipment?

MS. McCARTHY: We -- you know, we should -- I am happy Elizabeth after this, why don't we have a conversation about that and why don't we provide a mechanism. Because one of the things I am not sure we are doing -- I know we are doing pilots and I know we have equipment that is fairly inexpensive that we can move around and that can be really helpful to us. I don't know if we have a concerted program to solicit interest in that so that we can prioritize together about where it makes most sense.

Let me challenge us to think about that and then get back to you. Because I don't think we have put out a broad call for that as opposed to identify pilots. Yes?

MS. BLANTON: Terri Blanton, Kentuckians for the Commonwealth. So when we are talking about the utilities sector and air monitoring and air pollution, I noticed on the map you know, you are talking about it is mostly in the cities but do we really do the air monitoring in the rural areas to see the impact in the mining communities, whether it is central Appalachia and whether it is in Montana or whether it is in -- out in the west. Where the beginning of the utilities is actually happening with the mining of the coal because lots of people whether it be in the west or central Appalachia feel for the most part that they are prisoners within their own homes because of particular matter from either the mining of the coal or the transporting of the coal be it on trucks or trains.

So when-- is that really an adequate or a fair representation of air pollution when the monitoring isn't happening in the rural parts of the country.

MS. McCARTHY: Yes, you are making a very valid point. One of the things that differentiate I think our work in urban areas with rural areas is that the rural areas -- they tend to be very

large sources that pose significant problems that are multi media. They show up on our radar screen anyways. They show up in areas where you have pristine areas and they end up being non-attainment and that ends up being the focus of attention in terms of how you have to do a state planning process to meet Ambien Air Quality Standards. They tend to show up.

And so I guess what I am trying to indicate is that I am not indicating the fact that we want either shift resources away from addressing those but I think that we haven't known enough about the mix of sources sometimes in these populated areas and we spend a lot of times wringing our hands about cumulative impact. I think that we have lots of tools where we don't need to wait for more scientific data in order to move forward. But what we haven't had is really good monitoring data to be able to allow us to do that from an enforcement perspective and to influence how our rule makings are done.

So I don't disagree with you at all that those are very large issues. They tend to be issues that are on our radar screen and -- yes, go please?

MS. McCABE: The other thing is that -- this has been challenging forever because monitoring is expensive and resource intensive and over time, the emphasis has been as you point at, in putting the monitors where the most people live. But the information that you are seeing in this presentation is not just based on monitoring data. The map of the country which I noticed didn't have Alaska on it and I apologize for that, well, we will fix that. But it is based more on emissions data from sources that get reported either through mandatory reporting requirements of criteria pollutants or of toxic pollutants and other inventory work and it is from that data -- from those data that we generate these maps.

So the fact that you don't have a monitor in a rural area wouldn't influence this and in addition, we don't monitor for many of the pollutants that go into putting these sorts of maps together. So even without a widespread monitoring in rural areas, which by the way we are trying to be sensitive to and increase as we develop the newer standards, we have other information that we can use that is nationwide.

MS. McCARTHY: Does that answer your question to some extent? Not at all? Well, go ahead. Sue has a question.

MS. BLANTON: Sometimes I think when we talk about utilities we only talk about the end of the cycle.

MS. McCARTHY: Yes, you are absolutely right.

MS. BLANTON: And we are not talking about the entire cycle of whatever, whether it is gas or coal. Whatever nuclear. So I just think that when that needs to be thought about in the entire -- I mean, if we are talking about utilities and you have these power plants on here then we need to think about the entire cycle of producing energy and the utilities. Not just the in use.

MS. McCARTHY: And the only thing I will tell you, I think that the administrator and the overall EPA is thinking about this more holistically. It is just my tools tend to be how do we regulate the utility itself. But we are certainly coming out with rules that look at mining operations. So it is not that we won't get at them. But you are absolutely right and you are making a significant point and I think that the administrator is working very hard on the point that you have just mentioned.

And the other media, there is some significant rules that are being proposed that will help with that but it is certainly not the full answer.

MS. BLANTON: I have another question?

MS. McCARTHY: Sure.

MS. BLANTON: So, you know, if you look at the fleet of power plants and being one of these people that have fought the construction of new power plants, sometimes it makes you think am I really doing something right by fighting a new power plant when you know, 82 percent of the plants were built before 1950.

MS. McCARTHY: Now, you are going ahead now. That is not allowed in your questions. (Laughter.)

MS. BLANTON: Well, I will get to that question when you get to that slide.

MS. McCARTHY: Other than -- I will go ahead, let me catch up with you. Let me get everybody caught up.

MS. YEAMPIERRE: Can you just take a question from Sue, for a second and then you can --

MS. McCARTHY: I am sorry, sure.

MS. BRIGGUM: I just would like to have you take some credit, I think that the new

executive order on heavy duty engines in fact will to some extent address some of the rural concerns because it has been almost impossible to get the manufacturers of heavy duty engines to pay attention to fuel efficiency and improve and the administration has done that. I think that could be very profound in terms of providing assistance.

MS. McCARTHY: I will always take a comment like that, thank you. So let's focus on the utilities because it is a good question you are asking is where do we put our emphasis on this so that we can move towards a cleaner energy supply.

(Slide.)

Let me just remind you of why utilities are a big ticket item. I mean, if you look at in particular -- I point you to the SO2 and the NOx reductions -- I am sorry, emissions. 60 percent of the SO2 emissions come from utilities. 20 percent of the NOx, now those are both precursors to PM finds.

You know we need to think about the actual public health impacts associated with utilities and how we get more serious about meeting what I believe to be the obligations under the Clean Air Act. The Clean Air Act made some assumptions and assumptions didn't really pan out. One of the assumptions that were made when the Clean Air Act was written and when it has been updated was that if that -- that these older utilities will be phasing in to sort of new utilities before you know it, so we really don't need to focus as heavily on the older utilities as we do the new.

That has not proven to be an effective strategy. As you can see from these numbers, I don't think it has been an effective strategy. These numbers would be very low had that been the case. Now if you look at -- this is the slide --

MS. WASSERMAN: I just wanted to say that that is a great picture, that is the picture that --

MS. McCARTHY: I thought it was really cool too.

MS. WASSERMAN: That is the co-power plant in our neighborhood.

MS. McCARTHY: Is it really?

MS. WASSERMAN: Yes, we took that picture so thank you very much for using that.

MS. McCARTHY: Don't you love the way they did that? I thought it was cool too. Thank you.

(Laughter.)

MS. McCARTHY: And of course, Mercury is something that we all have to be concerned about. And it is not just Mercury but the other toxics that might wind their way along with those. And so that has become a big ticket item in terms of our ability to regulate and look at how we move forward with some cost effective installations of control measures.

(Slide.)

Now this is the slide that Terri was at. And this is the slide that shows to you these numbers are the percentages of existing facilities without advanced SO2 and NOx controls. Now the SO2 and remember and NOx are big ticket health items. And what you see is that 82 percent of the oldest facilities are not up to snuff in terms of the controls that they are supposed to have on.

And there are a lot of older facilities. And I will -- 10 percent -- I am sorry, let me think, what is the best number here. I won't go -- I won't get into that. But there are a lot of facilities, some of which are 70 years old. 70 years old. It is amazing how long these facilities last. And many of them it is just time to make investments in these as other countries are making investments. I don't think this type of fleet was really what President Obama has in mind when he talks about Clean Energy. When he talks about moving forward to remain competitive.

And so there are significant challenges for us, with the existing fleet. As well as looking at the new sources that are coming online which frankly tend to be orders of magnitude cleaner. And the good news --

MS. YEAMPIERRE: Can I ask -- I am sorry to interrupt, are they too old to repower?

MS. McCARTHY: No.

MS. YEAMPIERRE: Or retrofit?

MS. McCARTHY: No. It becomes a market question. Because as you know it depends on where they are going to fall in terms of the cost associated with the production of electricity at these facilities. Many of these older units are there for two reasons. One is primarily because they make money. And they can run them for short periods of time. They can make substantial amounts of money and they don't have to worry about updating because they only run certain periods of time.

And the second issue is that many of the -- some of them, I don't know if I would

characterize it as many, some run in areas where there are problems with producing electricity during high peak demand. And Connecticut is one of those areas and why I have been obsessed about this issue ever since. Is that if you think about it -- the areas that -- the times when ozone is produced are times when it is the hottest because it takes sunlight to produce -- to produce ozone.

And so what you see is in the summer when it is the hottest, is when ozone is produced and it is also the time when energy demand is the highest because people run their air conditioners as a result, there are units that are out there that are sitting idle that are waiting just for those days. And those are units which do not follow the rules but have contracts because of reliability concerns. They are almost exclusively coal units. And they burn -- and those are the days that you have high ozone. It is the worst possible confluence of issues running together.

And if you took care of that, you could potentially come into attainment in many more areas as a result of addressing that issue. Which is why we are working really hard to integrate energy policy and planning and demand reduction into the SIP Planning Process. So that States instead of saying I am going to spend a whole lot of money to change out gas cans, maybe they can think about demand reduction strategies that actually force out of business those coal units that are there solely to produce electricity on the worse days possible.

So I mean, it is just so cool to think you can get at it as easily as that and I think in many ways you can do that or at least get a significant head start on how to reduce high ozone during those periods. So it is really -- we are working at all fronts to try to incentivize and make this happen. And actually, Connecticut, God bless them, has been in a pilot with Region 1 to help us work on how we do that. And we are making incredibly good progress so it is very exciting.

But this is a challenge that we face. So --

MS. McCABE: May I add one other thing?

MS. McCARTHY: Yes, you can.

MS. McCABE: In answer to your question, in each of these facilities the old ones that have not upgraded, they have their own unique circumstances. Some of them are in are in very small physically and so they don't have room to put on the kinds of control technology. Some of them are small in terms of how much power they produce. And so the money that you would have to invest for those controls is a lot less cost effective per ton of reductions. Not to say that these are good reasons, they are reasons though.

And so you have many of these facilities that a 50 year old facility, I mean, I am feeling pretty old -- that is about how old I am, so some of the companies just feel that it makes better business sense for them to just run them as long as they can before somebody comes and make them put some controls on. Because it would be so cost ineffective to do that.

So there individual things about individual plants that go --

MS. YEAMPIERRE: The reason I raised it is that we have so many peakers in our community and we have a power plant company that is expanding and when we tried to negotiate into their permit and into --- of understanding, is that they would take the peakers off line so that we would have a net reduction in emissions. But also I was thinking about a question that Stephanie raised earlier about incentives to force these companies to retrofit and repower.

But that is what I was thinking -- but thank you.

MS. McCARTHY: And if I could just give a little twist on that, one of the things that I want to make clear is that when I say they are making money, I don't mean it in a mean way. I don't mean it in a black hat or white hat way. That is simply how the energy market works. You know, you go for the cheapest energy and that is what gets called on first. And that is what gets -- you know it is these units. These must run units that get called on last when you need them.

I am not making a value judgement. So I absolutely think that you are absolutely right that we need to look at this -- not only as a public health challenge but as a challenge on how we deal with energy policy issues so that the cleaner facilities actually get turned on more quickly. And so that you work this whole thing out, rather than making dramatic shifts. And so that it is really about how do you send the right triggers to the energy market world so that you can do this in the least expensive way.

And when we are looking at this, our rules are public health based. You know, we make decisions on the basis of what our rules say and what the science is driving. But we could be preparing absolutely today and frankly we are. To look at how you make it, yourself less reliable on some of these units that are peakers. How you build transmission lines that provide incentives for new cleaner facilities to come on board and how do you send all of those signals so that the energy market engages in this

question in a more robust way.

Rather than step back and say oh, this could be a problem. And we are absolutely having those conversations and I think there is a way to do that. And one of the best things about it, frankly is that right now, we have an opportunity if we do this well and in an environmentally sound way, the natural gas resources that are now projected to be available provide a very different dynamic in terms of energy prices.

The price of natural gas should be low enough that the cleanest fuels really have an opportunity to complete effectively and that will change the energy market dynamic no matter what we do. And what you see already is you have companies that manage all of these fleets of utilities that actually are proposing to close some of these small facilities because they aren't cost effective anymore. They are competing against inexpensive natural gas. The dynamics have already changed.

But the utility decision makers at the state and regional levels are saying, "Oh no, we can't afford that." You have to keep them on. So there are many ways in which we can actually work with industry and work with our federal partners and our state partners to make this happen in a way that is good for them and that is good for energy and that is good for the environment. It is just we have to get away from the constant battle of saying you don't need to do any of this.

MS. HORNE: Hey Gina, I couldn't agree with you more. I live in --- Chapel Hill, North Carolina where you have the flag ship of the University system. Right at the fence line of the University's power plant. And about 10 years ago they knocked down the stacks to build higher capacity ones and even though at the time the gas prices -- natural gas prices were as competitive but they parsed it down to the margin of pennies on the ton of coal and they continue to do coal burning right in the middle of town and it is just -- it is unbelievable and it is ringed by minority communities and of course, the asthma rate and everything else goes up.

But you can't attack the sacred cow of the University. So I really appreciate the work that you are doing and I think if we kind of shift the energy to conservation and doing just what is even much better, paint a little bit more for gas to get energy and then cleaning that up. We have to progressively just really make a commitment to move away from coal. And I think it is doable.

MS. McCARTHY: I think that one of the things that -- Elizabeth, I am really going over again and so I am going to -- I am happy to speed this up and I will do that if that makes sense to you?

MS. YEAMPIERRE: Yes. No thank you, we are completely engaged in listening to every single word. We have an option of taking our break a little later. I just want to get a sense of how the council feels? Are you comfortable with ten more minutes?

MS. ROBINSON: Yes, the break was originally from 11:00 to 11:30, so even if they shift it to 11:30 to 12:00, you are not going to be -- you will be fine to get out.

MS. McCARTHY: Just some of this presentation that I don't need to go through. So let me try to get to the highlighted items --

MS. YEAMPIERRE: So let's do 10 more minutes and then --

MS. McCARTHY: Thank you. But the one thing that I wanted to mention in response is that -- is that the challenge for us really is to make the public health needs the primary cornerstone of the Clean Air Strategy you have moving forward. I feel like we are always the one that can be moved. And others remain stationary. If we get the world say, "Okay, we need to make these public health changes" how do we change everything else to accommodate that and make it work.

That is the kind of dynamic change that we are looking to make and we do have rules that are in process that can make that happen. And let me get to those quickly. I am skipping this slide -- you can read it later.

(Slide.)

It is the tail of rules as to why we haven't gotten this done but it is acknowledging that there have been rules that have been required under the Clean Air Act that should have made many of these changes and they have been deferred a long time. So when you start reading rhetoric in the news or discussions about how EPA has gone wild and is doing all of these crazy rules, we are doing them as slowly as humanly possible except now.

(Laughter.)

Not because the agency didn't try but because it has been challenged, the Courts have thrown them out and we have tried to provide creativity, the Courts have said you can't be creative. So we now know enough about what we can't do that we can do and will do what we have to do. I can't change it -- oh there I can.

(Slide.)

I just wanted to remind everybody I am going to quickly go through this is that we have rules that deal with local pollution that we have talked about. That deal most predominately with the toxics issues but air quality is not just about local stuff. It is about transported pollution. So we are looking at both of those equations in order to achieve the air quality reductions. And this becomes very critical in the utility industry because there are cost effective opportunities on both sides in order to achieve better air quality.

(Slide.)

And let me just walk through very quickly what our rules are that deal with both these localized issues as well as these larger issues moving forward. We have the transport rule which really is focusing at this point -- the majority of the reductions we are hoping to achieve are from the utilities sector and this has to do with NOx and SO2 reductions. That is a rule that we have already proposed. We are finalizing it in the coming year.

We have a second transport rule that is going to take place as soon as the Ozone Standard is reconsidered and that final decision is made shortly. We have the Utility MACT rule which I tell you is the cornerstone of change. And we will walk through that. And so let's just move forward as quickly as I can get it done.

(Slide.)

The transport rule or overview and I don't want to dwell on this but this is a rule that many in the environmental justice community I think might have concerns about and that is because it does rely on a cap and trade program. But it is much more narrowly crafted then it has been proposed before because the Courts have limited flexibility for a cross -- for regional trading. And so what you will see is the predominate reductions that were going to be achieved -- are going to be achieved will be at utilities.

It will mean that we will capture the range of capital investments that these utilities have been making. Allow those units to be run constantly so we get better air quality. It will expedite reductions moving forward quite a bit. And I will show you that you should not really underestimate what a small rule like this actually accomplishes. Take a look at these numbers.

The numbers indicate that the annual benefits from just this one rule that we are going to finalize, that will not be momentous in its cost will have tremendous public health benefits. This was just an example to talk to you. When I say really big ticket public health items, I mean big ticket public health items. And this is predominately driven by again, PM2.5 in ozone.

And so what you are looking at is significant public health reductions but look at the cost benefit analysis here. EPA says that the benefits will be anywhere between 120 which is low balling and 290 -- $290 billion dollars and that is in a single year. As opposed to 2.8 billion in terms of cost. These cost benefit numbers are staggering. And actually OMB considers this to be one of their highest priority rule makings.

Because we always go off the charts when we do rules like this in terms of giving them credit for getting through rules that have great cost benefits. So in these instances, we don't argue about their cost benefit analysis. In other areas, we do.

(Slide.)

And here is -- I just wanted to point your attention on the utility MACT. Now why utility MACT? This is taking place of the mercury rule that the Court struck down because toxics are not pollutants that lend themselves to trading. They have localized impacts and they need to be done on a facility by facility basis. This is the rule that we are going to be moving forward with a proposal in March to be finished in November. This is a rule that we are going to combine with new source performance standards and this is a rule that will provide certainty to the utility industry in terms of making decisions about what units are worth being invested in and what units are not and how do we move forward.

This is a lynch pin rule for us. I am going to be haunting everyone about this rule. I will tell you it is on everyone's radar screen. Everyone knows it is a big ticket item. We are going to be watching for this. I want you to be watching as well and helping us talk about the benefits associated with these rules. Talk about the public health implications. Give us pictures of these facilities in the urban areas and the rural areas that matter most to people so that we don't get swept up in larger issues and discussions that lose sight of what we are really here to accomplish.

And that is my plea for you. There is lots of opportunities for comment. I really want you to help me do the outreach so that people understand why these rules are important and we can move this forward.

(Slide.)

Now these are my couple of slides and I will tell you that the approach we are talking about in terms of prioritizing, has already begun. We think we can make significant progress moving forward. We think that the benefits associated with thinking more strategically are great. the litigants that we are talking about that are -- that have already scheduled for litigation and for rule making that is looking at different sources other than what we think of the big ticket items have been willing to defer those and give us more time because they know we are doing the most important things first.

So I will end with that and ask your -- entertain questions. And again, I just ask your support and your input. These are the things that we see are important. I love doing this. If we have missed the boat, I want to hear about it. But if you think what we are attacking are the most significant issues, I need your support to get the word out at the community level. This cannot be an inside the beltway discussion. We are not losing lives inside the beltway. We are losing lives across the United States and I will need your support to get these rules done, so thank you very much for your patience.

MS. YEAMPIERRE: Thank you. Kim? I am doing it in order of people who haven't spoken as often, if that is okay.

Questions and Answers

MS. WASSERMAN: Kim Wasserman, LVJEO, first of all, having been at my second NEJAC meeting, I think it is amazing -- it is incredibly amazing to me having lived in my neighborhood for 30 years, that the EPA understands what is happening on a local level. I never knew that to be quite honest with you. For us it has always been -- and our neighborhood is struggling against a coal power plant.

Yes, the Region sued them but we never knew that you all knew what we knew. And so it is very refreshing to us to know that. So first of all, thank you for that very much.

MS. McCARTHY: What is your neighborhood, where are you?

MS. WASSERMAN: We are in the Little Village Neighborhood. We live -- I live three blocks from the Crawford Coal Power Plant, the one that you had on the map. I live literally a block away from that picture. And so thank you very much for that. Because like I said, it is very encouraging to know that. I think for us one of the things that is helpful is in starting our discussions with the Region is to figure out how we can get like you said, the information that you all have down to a community level because we don't know that these conversations are happening federally and we want to empower our folks to know that they are happening and this is why they should get involved.

I think another thing that would be helpful for us as a community that is impacted is to figure out how we can be supportive to the EPA's campaigns against the coal power plants aside from meeting with the lawyer and getting an update. We need to know how we can be helpful on the ground and moving strategic with you all in helping fight these coal power plants. Because you nailed it in the head. They don't care about our neighborhood and unfortunately in this case, there are not incentives. They are running this plant into the ground and they are killing our people in the process.

Our people, her people in the process. And we cannot afford the luxury after 8 years of fighting them to be nice anymore. And so my question is, how can we work with you and make our fight even better on the ground? For those communities that don't have the luxury of incentivizing working with these companies?

MS. McCARTHY: Thank you. And I will tell you that I am most happy to talk to the Regions about how we can do the actual work that you are talking about is getting the information out there. We have also talked to some of the non-profits who sometimes can be a little bit more pointed in their outreach than we can. And I think they really will add value. I wish EPA's website wasn't quite so onerous to navigate -- we are working on it trust me. But we have some really phenomenal information on our website.

We have maps that show you -- you can click on -- we show you where the largest facilities are and these energy generating units. They have different sized bubbles for the how much emissions they generate. You can find out by clicking on that what emissions they have emitted over the past years. Of who is running their equipment, you can tell. And it tells you -- you can actually click and get a Google picture of these facilities.

So there is information available but I can't expect everybody to figure out how to get there and work it. So we will do our best to accommodate your interest in public information in a timely way.

MS. YEAMPIERRE: Thank you. Jolene?

MS. CATRON: I just -- Jolene Catron, Wind River Alliance, Gina thank you for that presentation, that was very informative and very thought provoking. One of the things I wanted to share is just kind of a big picture thought when we talk about clean natural gas. That is kind of like along the same terms of clean coal, there is no such thing as clean natural gas.

Wyoming, if you look back to your United States map, the hard Wyoming is all one color and that is due to natural gas production. Oil and gas production. Especially natural gas and the process of hydraulic fracturing. It is taking the pollution that was in the air and now it is being re-injected into the ground and opening these fractures in the rocks and creating this kind of new kind of pollution that we haven't really -- that has been exempt from federal law.

And so from the Safe Water Drinking Act and so I think we really need to be careful about or at least be cognizant of how the movement of source pollution is going from the air into the ground when we are talking about natural gas production.

MS. McCARTHY: I -- thank you, you are right. Next time I will talk about this I will make that broader point. One of the challenges that we face is that much of what I am doing is -- I think making a significant public health impact but it is not a clean energy strategy and I should make that very clear. It is a piece of it that we can do in the short term. But I think that you are right, we need to make the point that really what we are looking for is clean energy.

And we are not there with these rules. But it certainly would help in a short term. And the interesting thing is that we -- you guys talked about incentives and I am all for positive incentives and I think that the administration is spending significant amounts of money in two ways, on the positive incentive side of clean energy. One is on renewables. There is a significant amount of money being expended to try to reduce the cost associated with the renewables.

There is discussions about how to reduce time to get these renewable units into place. And it is also transmission lines that are being built to try to access areas of renewables are important. But the second issue is the amount of money that is being spent on energy efficiency. The more I look at energy efficiency and demand reduction, the more it becomes an absolutely essential strategy even for this. We looked at potential costs associated with our making -- if you invest in energy efficiency, the cost associated with these changes go down dramatically. So there is lots of things we can do and it is a much bigger picture than I am presenting here and I really appreciate it. I will make sure next time that I start with that and then talk about this more narrowly because the last thing I want to do is say this is the be all and end all. Thank you.

MS. YEAMPIERRE: We don't have a lot of time left. And I am just going to urge the council to please keep your comments brief. I know I always ask that and we do what we do. But also, that you have an opportunity to send your comments to Gina as individuals and that is always an option. Hilton?

MR. KELLEY: Hilton Kelley, Community In-Power Development Association, Southeast Texas, on the Gulf Coast. I just wanted to make brief comment. Gina, I just would like to say that you guys are doing an outstanding job and I commend your efforts and Lisa Jackson's actions. I have had the pleasure to sit down and talk with you on a few occasions and I must say, you guys hit the ground running. And I think you got it. In the past when the last administration was in place, they didn't get it.

The EPA then didn't get it and we were outside campaigning. But I must say that I really feel that you guys really get the issues that are out there and we know that the task is very daunting and it is tough and it is broad. But I commend your staff and your self and Lisa Jackson for really putting out this tremendous effort to address many of the problems that we have environmentally speaking. Thank you.

MS. McCARTHY: Thank you, Hilton. I would just say that in order for us to be successful we need to translate a really good vision and actions and we need to get them over the finish line. I need you to do that. Lang?

MR. MARSH: Lang Marsh, National Policy Consensus Center and Gina, I really also want to commend you for doing what you all said you would do last time which is to really incorporate environmental justice into rule making. This is a wonderful example of that. I just wanted to make a suggestion on the -- addresses the points made by Kim and Terri and Stephanie and others about better information and incentives.

One of the things that scientists have produced is a really good accounting of the total life cycle impacts and costs of coal and other fuels. And that information you know, which demonstrates and to my satisfaction at least, that coal is not the least priced fuel -- it is the highest priced fuel. It is just that

the price is paid in our health and in property damage and wild life lost and so forth and so on and it really comes to the expense mostly of communities.

So in terms of giving communities really good information, I think it would be helpful as Terri has pointed out to have digestible life cycle impacts and cost information provided. And in the end, that kind of information will lead to a demand for clean fuels which will also be addressed the kind of incentives that Stephanie and Sue have been talking about.

I think it is -- you know, a wonderful scientific tool. I know the administrator is interested in it and Bob and others in the administration but it needs to be translated to a digestible community based information that can be used in organizing and understanding what is happening.

MS. McCARTHY: Thank you, Lang. Very thoughtful comment.

MS. YEAMPIERRE: Thank you. You know we are always impressed by the breath of the information, the candidness and the level of the commitment. I would ask, though, in your future presentations, if you could in your maps, include Alaska, Hawaii and U.S. Territories. We won't ever get to go to those places, so it is important for us to have that information. So Terri and then Nicholas is the last comment. Thank you.

MS. BLANTON: Terri Blanton, Kentuckians for the Commonwealth. I have had the opportunity to go to that website that you were talking about and it is quite eye opening if you -- oh most definitely. So I encourage everyone to take a trip through that website and plan on staying there for a while because there is a lot to see and to learn. And really interesting in helping move this forward in a positive direction and it is always really exciting to be working for something positive instead of always working against something negative. So thank you.

MS. McCARTHY: Could I just mention that the reason that website was developed, was it had the foundations but over the past year we developed it because John Walk called me from -- John Walk is from NRDC and he said, "Why don't you have this information up there?" All I really had to do was ask. And we have this whippersnappers who know how to do all of this stuff.

So maybe one of the great things to do is for you to think about what information you really want displayed because I was amazed that you -- if you ask you shall receive.

MS. BLANTON: Can we go back to that question about the power plants, if we spent so much of our energy like --- building new power plants because that means that we are going to be stuck the next 50 or 75 years on coal. But when you look at power plants that is 82 percent of them is over 50 years old and I am with the lady over there, I am over 50 and I feel old. So I mean, it is like how do we balance that thought about finding --

MS. McCARTHY: All I can say is what the Clean Air Act tries to do is you try to bring all existing facilities to take a look at really well known cost effective technologies and over time get them integrated in. That is where we sort of fundamentally missed the boat for whatever reason on the utilities. There are many things -- the utility MACT and the NSPS is not designed nor will it get coal out of the mix. But it says you have to get on board like seat belts on cars. You know at some point, you just have to catch up and then on the new facilities we make demands that they put the best control technology money can buy on them.

It is a more strict standard and it is what we should do and it keeps pushing innovation and I think it is a really creative approach. It is probably the best kind of framework you can do in a regulatory arena. So --

MS. YEAMPIERRE: Thank you -- he put his card down. Okay, so Nicholas has a brief comment.

MR. TARG: Thank you so much for again coming today and for your leadership and for the agency's innovation in this very important area.

MR. RIDGEWAY: Can you speak up just a little louder please?

MR. TARG: It is important for a couple of reasons. One is the demonstration of the ways in which the agency can take environmental justice into consideration in the rule making process. Just across the board. And to that end, including the environmental justice implications, quantitatively -- in the Federal Registration, in the preamble to the rule, will be really helpful both to understand what the implications are and also in moving forward demonstrating to the agency and frankly to the rest of the Federal Government how it is done.

MS. McCARTHY: Excellent. Thank you. Again thank you, Elizabeth. You are always patient with me. And it is great to be here. And I will see you next time.

MS. YEAMPIERRE: It is always wonderful having you and we go over because

everyone has such rich comments that they want to incorporate, thank you so much.

MS. McCARTHY: Thank you very much.

MS. YEAMPIERRE: So we are going to take a 30 minute break. So that we can check out and come back here. Please be back here in time. So right now I have 11:22. Is that what everybody has?

MR. TARG: Close enough.

MS. YEAMPIERRE: All right, so we will be back at 11:52. All right, see you in a minute.

(Whereupon, a luncheon recess was taken.)

A F T E R N O O N S E S S I O N

(12:07 p.m.)

MS. YEAMPIERRE: We are going to get ready to get started and Victoria has a few housekeeping things that she wants to share with you and then we will bring this NEJAC to a close.

MS. ROBINSON: Okay. Actually less housekeeping and more administrative in terms of the kind of process we need to follow. Yesterday I talked about for both of the reports, we are going to have to -- there is going to be an open comment period if you will from the members to submit your comments to the respective chairs of the subgroups. Your comments to the Planning Permit Draft need to go to John. Make sure you cc me and John will make sure that the subgroup gets those.

Comments to -- or revisions to the Plan EJ Report, need to go to Kim and make sure you cc me as well. And also -- I am sorry, make sure you cc Elizabeth as well on those comments. And I am going to do is -- because the holiday is coming up and it is a short week next week, giving two weeks, December 1st to have your comments sent. So that will give the subgroup an opportunity for a couple of weeks to compile those revisions and put them into -- and incorporate them into their document.

We would like to be able to get a final draft for each of the documents out to the members by Christmas, by New Year's Day so you have some time -- a couple of weeks after that to -- for ballots. We are looking at having ballots due back by January 15 so that by the end of January, we can submit these reports to the administrator. So does that sound amenable to folks in terms of a doable process, timewise? Okay, wonderful.

So again, send them to the respective chairs of the two subgroups, cc myself and Elizabeth and we will be also providing some note taker -- don't worry about the formatting, my note takers will be able to help -- the contractor will be able to help with that in getting it formulated. They may work directly with you. Same with you, John. Okay. All right. Thank you.

Next Steps

MS. YEAMPIERRE: So we have until about 1:30 and around that time, Father Vien and Hilton Kelley have graciously offered to help us with the closing. We -- one of the challenges of sharing the NEJAC is that we always have time limitations. And the cards go up and it is my responsibility to say, "Okay three more." And I am always really terrified that that fourth one is going to add something that is so valuable and it is always the case that it does. And so it is a dance. And sometimes I dance well and sometimes I don't dance as well, which is really hard for me given that I am Carribean and I should be able to dance well all the time.

But it is a challenge and I think that -- I think that this session this morning was really an example of that we are getting better at dancing. So I think it was a really rich discussion. So we are going to start -- we are at the point of Net Steps. And there was a lot of discussion over this week on a number of topics. I am going to start with Nicholas because during the break he mentioned that there were a few things that he wanted follow up on and to flag him and we will go around the table. Does that sound good with everyone?

(Chorus of "Yes")

MS. YEAMPIERRE: Okay, cool. All right. Nicholas?

MR. TARG: Okay. Hi -- just so you don't make me raise my hand first. My name is Nicholas Targ. I am with the law firm of Holland and Knight and I am with the ABA here today. Following up on our meeting in July, I both appreciated the opportunity to introduce and to work with other members from NEJAC and with respect to the time that we are afforded by our chair and the excellent crafting of many, many people. Not the least of which was Sue Briggum. We put together a letter and then rapidly