



Maryland
Department of
the Environment

A Guide to the Air Quality Control Advisory Council



AQCAC meeting – March 14, 2022



AQCAC Description

- The Air Quality Control Advisory Council (AQCAC or “the Council) was created by the Legislature in Chapter 143, Acts of 1967, to replace the Air Pollution Control Council, which had been created in 1963. This change made the Council’s role advisory rather than policy-making
- The Council advises the Maryland Department of the Environment (MDE or “the Department”) on proposed air quality regulations which are being considered in order to achieve air quality and public health goals and to protect the environment
- Before adopting any rule or regulation, the Department must submit the proposed rule or regulation to AQCAC for advice per Title 2 of the Environment Article. The Council then votes to either recommend adoption, rejection, or modification of the proposal



Membership

- The Council includes representatives from industry, labor, professional associations, local and regional government organizations, academia and the general public
- Specifically, the Council consists of not more than 15 people appointed by the MDE Secretary as required under the Environmental Article, Annotated Code of Maryland



Council Composition

Environmental article § 2-202. Membership

- Maryland Chamber of Commerce (Public Utility)
- American Institute of Chemical Engineers
- American Society of Mechanical Engineers
- Maryland Chamber of Commerce (Manufacturing Industry)
- MD/DC AFL-CIO
- University of Maryland
- Johns Hopkins University
- Physician
- Children's Environmental Health and Protection Advisory Council (CEHPAC)
- Maryland Association of Counties
- Regional Planning Council (BMC)
- Metropolitan Washington Council of Governments (COG)
- Farming – Agricultural and Natural Resources
- General Public
- General Public



Selection and Appointment Process

- Most Council slots are filled by contacting the groups listed in the criteria prescribed in the Annotated Code of Maryland
- When vacancies exist for members who represent the community at large, ARA staff contact entities such as environmental groups, health organizations, advocacy groups, and elected officials to solicit the names and resumes of interested and qualified candidates to fill those vacancies
- The member who is a physician is selected by seeking candidate nominations from health organizations and medical associations
- Once the MDE Secretary has evaluated and approved a proposed candidate, the selected candidate receives a letter of appointment and certificate from the Secretary



Terms

- Member terms are five years. At the end of a term, a member may serve until they are reappointed or a qualified successor is appointed by the Secretary
- The terms of members are staggered so the entire Council does not turn over at the same time. The Chairman and Vice-Chairman of the Council are selected and appointed by the MDE Secretary



Meetings

- The Council meets an average of 4 times a year at the MDE office located at 1800 Washington Boulevard in Baltimore, Maryland or virtually. Typically, Council meetings begin at 9:00 a.m. and last until 12:00 p.m. A fixed schedule is created for the year. MDE may pull the Council if an additional meeting is warranted
- Agenda and draft regulations are emailed to the members for their review at least two weeks prior to the meeting
- When meetings are scheduled, ARA also notifies local and regional agencies, and the Region III Office of the U.S. Environmental Protection Agency. Notice is also given in the MDE Calendar
- AQCAC materials and meeting schedules are available on the Department's website
- https://mde.maryland.gov/programs/workwithmde/Pages/aq_cac.aspx



AQCAC By-Laws

- The Council voted on amendments to the By-Laws in 2016
- The By-Laws Conform with Robert's Rules of Order



Chairperson and Vice-Chairperson

- The Chairperson is generally responsible for opening the session at the time at which the Council is to meet, by taking the chair and calling the members to order; announcing the business before the Council in the order in which it is to be acted upon; recognizing members entitled to the floor; stating and putting to vote all motions which are regularly moved, or necessarily arise in the course of the proceedings, and announcing the result of the vote; assisting in the expediting of business in every way compatible with the rights of the members and enforcing the observance of order and decorum among the members
- If the Chairperson is not able to attend a meeting, the Vice-Chairperson will assume the responsibilities of the Chairperson. The Vice-Chairperson may also moderate discussion if the Chairperson wishes to actively debate an issue



Secretary

- The Secretary of the Environment shall appoint a secretary of the Council
- The Director of the Air and Radiation Administration or the Director's designee is the secretary to the Council and shall prepare minutes, maintain Council records, and assist Council members in obtaining reimbursement for their expenses



Meeting Attendance

- Council Members may attend meetings by phone or webinar, but should attempt to attend all meetings in person, if applicable. If unable to attend in person, the members will have the same rights as those attending in person
- A Council member shall attend at least 50 percent of the meetings during any period of twelve consecutive months and shall not miss more than two consecutive meetings
- If a Council member does not meet the attendance policy, the Chairperson will contact the member and discuss the reasons for the member's absence. The Chairperson will also inform the Director of ARA as to the reason for the member's absence
- If the member continues to have unsatisfactory attendance, the Director of ARA may recommend appointing a successor for the remainder of the member's term to the Secretary of the Environment. Extenuating circumstances may be considered



Voting

- Council members may vote in person, by phone or via webinar
- Any Council member has the right to make a motion for a vote. The Council may vote if a quorum of members is present. A quorum consists of a majority of the current membership. When a quorum is present, a majority vote is sufficient for the adoption of any motion



Voting, cont.

- Council Members may vote in the affirmative, negative or abstain from voting
- The Chairperson protects impartiality by exercising voting rights only when his or her vote would affect the outcome. In such cases the Chair can either vote and thereby change the result, or can abstain. If the chair abstains, he/she announces the result of the vote with no mention of his/her own vote. Should the vote result in a tie, no recommendation is made to the Department



Public Input

- Except as otherwise provided by law, Council meetings are open to the public
- At the discretion of the Chairperson, members of the public may be allowed to address the Council. Members of the public who address the Council at meetings shall be encouraged to limit comments to 5 minutes. At the discretion of the Chairperson, additional time or less time may be provided to the public
- After a member of the public addresses the Council, the Chairperson will allow Council members to ask questions of the member of the public and then allow the Department an opportunity to respond to the member of the public



Amendments to By-laws

- The by-laws may be amended by an affirmative vote of at least eight Council members at a Council meeting. The Secretary of the Environment shall mail or otherwise provide the text of proposed amendments to the by-laws to each member at least fourteen days before the Council votes on the amendments
- Standing rules consistent with the by-laws may be adopted by a majority of members present at a Council meeting, if the text of the proposed rule has been provided to each member at least fourteen days before the meeting



Questions?