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**Air Quality Control Advisory Council Meeting Minutes
June 14, 2021 @ 9:00 am
Webinar held by MDE**

AQCAC MEMBERS PRESENT

John Quinn– Chairman
John Kumm, P.E., BCCE – Vice Chairman
Sania Amr, M.D.
Todd Chason, Esq.
Nicole Hebert
Ben Hobbs, PhD
Jonathan Kays
Tom Killeen
Megan Latshaw, PhD
Ross Salawitch, PhD
Lawrence (Larry) Schoen, P.E.
Robert Wright

MDE-ARA

George (Tad) Aburn
Randy Mosier
Daniel Newell
Marcia Ways
Peggy Courtright
Kathleen Field
Carolyn Jones, P.E.
Eddie Durant
Husain Waheed
Catherine Salarano
Kim Drake
Dave Krask
Frank Courtright
John Artes
Kathleen Wehnes
Vimal Amin
Cynthia M Weisz
Lisa Nissley
Megan Ulrich
Roger Thunell
Ryan Buckley
Steve Lang
Susan Nash
Tim Shepherd
Tyler Abbott

AQCAC MEMBERS ABSENT

Stephen Bunker
Hon. Leta Mach
Weston Young, P.E.

VISITORS

Delegate Kumar Barve
Delegate David Fraser-Hidalgo
Sheila R. Howard
April King
Kirk McCauley
Lindsey Mendelson
Michael Johansen
Jonas Jacobson
Theresa King
8 telephone callers

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This is a summary of the June 14, 2021, Air Quality Control Advisory Council Meeting and serves as a record of the Council's vote on regulatory action items. The meeting is recorded and the digital file is maintained by MDE/ARA. This digital file is considered public information and may be reviewed in its entirety by anyone who is interested in the details of the discussions.

MDE website: <http://mde.maryland.gov/programs/workwithmde/Pages/AQCACmeetingminutes.aspx>

Mr. John Quinn, AQCAC Chair, and Mr. Tad Aburn, MDE Air Director, opened the meeting by welcoming everyone to the Air Quality Control Advisory Council (AQCAC or the Council) meeting at approximately 9:02 a.m. Council members in attendance were introduced.

MEETING MINUTES

Mr. Quinn, Chairman, requested approval of previous meeting minutes.

Motion to approve the March 2021 minutes was made by Larry Schoen and seconded by Dr. Amr and all members voted in favor (12)(~ 5 min into recording)

ACTION ON REGULATIONS

Vehicle Emissions Inspection Program (VEIP) Amendments - COMAR 11.14.08

Mr. Tad Aburn presented on the air quality progress supporting the proposed VEIP changes and Mr. Daniel Newell presented on the technical aspects of the proposed changes to COMAR 11.14.08, which include extension of the initial VEIP test requirement for new vehicles from three years of age to six, completion of the phase-out of the outdated idle (tailpipe) test, and implementation of Motorist Assistance Centers to provide customer service and repair effectiveness enhancements.

Significant air quality progress has been made over the years. Maryland currently meets all federal air quality standards but the ozone standard, which the state is very close to attaining. Advances in vehicle technology and computer-controlled onboard diagnostics (OBD) have reduced new vehicle emissions by 98% and allow these lower emissions to be maintained much longer, resulting in a very low VEIP failure rate and contributing to our air quality success. The heavier, idle tested vehicles built prior to OBD computer controls are rapidly retiring from the vehicle population and the new heavy-duty vehicles are making the transition to OBD compliance. These air quality and technology advances support the proposed VEIP changes. Other strategies such as Maryland's Healthy Air Act and 2015 NOx Regulations along with the Maryland Clean Cars program and diesel emission reduction programs provide more reductions and will continue to drive air quality progress.

The VEIP has undergone previous steps towards modernization and these proposed actions simply continue that process. The proposed changes will have virtually no impact on the State continuing to make air quality progress while providing enhanced customer service to Maryland motorists.

The purpose of these amendments is to continue to modernize and enhance the VEIP to improve motorist convenience while minimizing the impact on air quality. These amendments make

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several key changes. The first delays the inspection date by three years for a new vehicle. The amendment moves the initial inspection date of a new vehicle from 3 years after its model year to 6. The second change is an exemption of all pre-OBD heavy duty vehicles from VEIP inspection, removing the need for the idle test. Thirdly, Motorist Assistance Centers (MACs) will be added to the program to help motorists acquire effective emissions repairs if their vehicles fail VEIP testing. These common sense enhancements to customer service allow Marylanders to benefit from significant air quality progress in Maryland. In addition to these major changes, several wording corrections will be implemented.

A question from the chat box asked if electric vehicles emit pollutants. Mr. Aburn explained that electric vehicles are zero-emission, and electricity generation is the main source of pollutants for them, which is much cleaner in Maryland than operating gasoline-powered vehicles.

A question from the Council asked if MDE expects bad air days to go up for 2021. Mr. Randy Mosier responded that 2021 already had exceeded 2020, with 6 bad air days so far in 2021. Mr. Aburn confirmed and noted that two of these bad days to date had high levels of transported pollution from other states.

Delegate Frasier-Hidalgo commented that the 2020 bad air day numbers are an anomaly due to the COVID-19 pandemic. He also added that OBD-only testing relies too much on trusting vehicle manufacturers to be honest about their emissions equipment. Mr. Aburn responded that the idle test may be discontinued now since it only measures VOC emissions, noting that NOx reductions must be MDE's focus and VOC-only tests are no longer helpful in reaching ozone reduction goals. Additionally, idle-tested vehicles are rapidly retiring from the population. Mr. Aburn also added that he is confident in federal regulations that set emissions standards for newly manufactured vehicles to be enforced, and for vehicle manufacturers to stay within the law, noting that EVs and truck electrification will be a big part in future reductions. Mr. Aburn concluded with an offer to meet with the Delegate at a future date to answer further questions.

Mr. John Kumm asked how the revised testing schedule overlaps with new vehicle warranties, and how the changes dovetail with defeat device enforcement. MDE responded that many automobile manufacturers have a 5-year repair warranty, and that the emissions equipment on newer vehicles usually has a warranty of 15 years. A follow-up question from Mr. Kumm asked if any changes in program participation may result from these changes. Mr. Newell responded that improvements like Motorist Assistance Centers will result in increased repair effectiveness and program effectiveness.

Mr. Robert Wright asked if we could separate how much pollution on a given exceedance day comes from transport vs Maryland itself. Mr. Aburn responded that research from the University of Maryland suggests that, on bad ozone days, at least 75% of the problem comes from upwind states, and that coal fired power plants are the most culpable in-state source for local pollution. Mr. Aburn added that their future closure and increased emissions controls is a large part of MDE's reduction efforts.

Mr. Wright asked what the funding source for MACs are. Ms. Marcia Ways explained that the \$14 test fee covers the funding for MACs.

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A question from the chat box asked if the technicians employed at MACs would be state employees. Ms. Ways responded that the technicians would be employed by the operations contractor and recruited from the private sector.

Mr. Larry Schoen asked why Maryland does not have a remote sensing program. Mr. Aburn explained that roadside remote sensing does not work very well, adding that the vehicles that get excused from station testing through such programs are the newer, cleaner vehicles that we're addressing in today's discussion. Mr. Aburn offered to discuss the issue further at a later date, to which Mr. Schoen requested research papers on the topic. Mr. Aburn informed him that MDE will provide that information.

Ms. Nicole Hebert asked why Maryland chose the 6-year model year cut-off for new vehicles. Mr. Aburn responded that we looked a lot of various options and 6 was supported by the data. Mr. Newell added that VEIP test failure rates beyond 6 model years started to ramp up at an unacceptable rate.

Dr. Ross Salawitch commented that VOC reductions have had a history of being important for air quality. He asked why the idle test only affects VOCs. Mr. Newell explained that it was based on the results of the MOVES model. Ms. Ways added that the idle test does not measure NOx. Mr. Aburn commented that we don't believe that controlling VOCs does not have value, and that targeted reductions on specific VOCs can help air quality progress, but that NOx reductions drive the needed air quality improvements in Maryland.

Ms. Lindsey Mendelson, representing the Sierra Club, commented that there was concern the changes are happening prematurely to a comprehensive analysis that should be released to the public on how criteria pollutants are impacted by the changes. She added that Maryland has not reached attainment yet. She added that she also wanted to see an EJ analysis on these proposed changes. She commented that an analysis should be done on how closing test sites would affect people that may have to drive further for a test. Mr. Aburn responded that the data on clean air progress is extensive, ozone is dramatically down, and that Maryland is within reach of achieving the ozone standard for the first time. He added that Maryland is in attainment for fine particles, and will still be after the new standards. He also stated that the data to support the proposed testing level is there, which is why California started similar work years ago. He commented that I/M programs (inspection and maintenance programs such as VEIP) have been a large part of overall reductions for years, but that this is no longer the case due to improvements in vehicle technology.

Delegate Frasier-Hidalgo asked if the State charged an exemption fee of any kind for the older vehicles we are exempting. Mr. Aburn responded that we do not, and a change like that would require legislation.

Mr. Jonathan Kays commented that there should be kiosks in counties that lack them, mentioning that some customers might drive far in order to pay less at a kiosk. Mr. Aburn agreed with the sentiment and added that kiosk expansion is under consideration for long term program plans, but that remote OBD initiatives may prove to be even more convenient for these individuals than kiosks.

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Mr. Wright commented that it is not the body's mission to make a standard, but to try and meet the federal standard, unless Maryland wanted to enact a stricter standard. He added the objective should be to see if it meets the current standard. Mr. Aburn responded that many analyses have shown that due to transported air pollution, if Pennsylvania's power plants operated on the same standards as Maryland's plants, we would have significant reductions on the worst ozone days.

A Motion to approve the regulation as presented was made by Mr. Robert Wright and seconded by Mr. John Kumm (~1 hr 43 min into webinar recording) Chairman Quinn asked for further discussion before a final vote. Mr. Schoen stated that he opposes moving forward without a field validation aspect to support the changes, and two additional Council members agreed that would be preferred. Dr. Salawitch suggested validation by sampling a selection of random cars that are less than 6 years old. Mr. Aburn reiterated that there is an enormous amount of data that is collected on mobile sources and the Department would be happy to share the verification data we have. The Department believes this is a customer service initiative that is long overdue. Chairman Quinn requested a vote for the regulations as proposed at approximately 11am. Eight members voted in favor, four opposed, and none abstained.

Motor Vehicle Emission Control Devices COMAR 26.11.20.02

Mr. Tad Aburn and Mr. Randy Mosier presented on the proposed regulation amendments to COMAR 26.11.20.02. Mr. Aburn gave an overview on current tampering practices that are going on in Maryland and across the United States. EPA's research is showing that excess emissions from tampered vehicle emission controls can be significant. Motor vehicles contribute to nearly half of the air pollution in the United States. Tampering with the emission controls of a motor vehicle can allow a vehicle to emit hundreds to thousands of times more pollution than when properly controlled.

The purpose of this action is to repeal existing Regulation .02 Sections A-C and propose new Regulation .02 Sections A-F under COMAR 26.11.20.02 pertaining to Motor Vehicle Emission Control Devices. This action clarifies and expands Maryland's regulations prohibiting (1) the removal or alteration of a motor vehicle's air pollution control systems, and (2) the operation of motor vehicles with removed, altered, or inoperative air pollution control systems. The proposed Regulation prohibits the manufacture, sale, installation, and use of any device that prevents a motor vehicle's air pollution control system from operating as originally designed. The proposed Regulation also prohibits the offering for sale, lease, auction or transfer of any motor vehicle with removed, altered, or inoperative air pollution control systems. The proposed Regulation requires a vehicle dealer or business that sells, auctions or transfers a motor vehicle to maintain records confirming all air pollution control systems are in operating conditions at the time of sale. The proposed regulation also codifies the Department's rights to conduct inspections of new and used motor vehicles for the purposes of determining compliance with the requirements of this Regulation.

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The Department has reached out to dealerships, autobody shops, auto auction houses and other States informing them of Maryland's proposed amendments to the existing tampering regulations. NJ has recently adopted more stringent tampering regulations and DE, DC and other surrounding States are considering similar requirements. The Department noted that MDE maintains a website with detailed information for consumers and affected industry regarding the use and ban of illegal emission control devices.

(<https://mde.maryland.gov/programs/Air/MobileSources/Pages/Anti-Tampering.aspx>)

The Council discussed the record keeping requirements and duration of maintaining records. One Council member thought 5 years was an excessive amount of time to keep records. The Department explained that 5 years is useful in assessing historic behaviors and that inspections would be random on a large group of auto dealers so the longer duration is helpful to ensure adherence. The Department confirmed that MDE compliance staff have attended training to identify emission control and defeat devices.

The Department confirmed that there will not be any on-road inspections performed. Motorcycles are exempt from this regulation, but if additional data comes forth indicating that tampering of emission controls is resulting in significant excess emissions the Department will consider expanding the regulation.

A Motion to approve the regulation as presented was made by Mr. Larry Schoen and seconded by Mr. Todd Chason. (~2 hr 30 min into webinar recording) Mr. Jonathan Kays suggested an amendment to the motion to change record keeping from 5 years to 3 years, however no other Council member supported this so amendment was dropped. The vote to approve the regulation as proposed was twelve members voted in favor, none opposed, and none abstained.

The meeting was adjourned at 11:41 a.m.

Next meetings are scheduled for September 13, 2021 and December 13, 2021, 9 am webinar.