

FINAL

**Air Quality Control Advisory Council Meeting Minutes
March 14, 2022 @ 9:00 am
Webinar held by MDE**

AQCAC MEMBERS PRESENT

John Quinn – Chairman
John Kumm, P.E., BCEE – Vice Chairman
Sania Amr, M.D.
Stephen Bunker
Todd Chason, Esq.
Nicole Cook
Tom Dernoga
Nicole Hebert
Ben Hobbs, PhD
Tom Killeen
Lawrence (Larry) Schoen, P.E.
Robert Wright
Weston Young, P.E.

MDE-ARA

George (Tad) Aburn
Randy Mosier
Kelsey Sisko
Megan Ulrich
John Artes
Carolyn A. Jones
Pars Ramnarain
Scott Thompson
Marcia Ways
Eddie Durant
Emily Bull
Kim Drake
Kathleen Wehnes
Daniel Newell
Kara Dorr
Molla Sarros
Roger Thunell
Ryan Buckley
Steve Lang

AQCAC MEMBERS ABSENT

Megan Latshaw, PhD
Ross Salawitch, PhD

VISITORS

Karen Wrye
Mark Binder
Anne Havemann
David Cramer
Ed Much
Frank Boston
Hugo C
Jim Valerio
Jason Freeman
Kathleen Dotzeva
Leah Kelly
Melissa Sampson
Tom Weissinger
2 telephone callers

This is a summary of the March 14, 2022, 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>

FINAL

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 the previous meeting minutes shared with the Council through email.

Motion to approve the March 15, 2021 minutes was made by Larry Schoen and seconded by Dr. Sania Amr. Nine members voted in favor, two new members (Ms. Nicole Cook and Mr. Tom Dernoga) abstained from voting as they were not on the Council in 2021 at approximately 9:16a.m.

There was additional conversation concerning the register of the vote for future actions. The Council agreed it was important to note roll call on contentious regulatory proposals. It was agreed that all future votes that are not unanimous will be recorded in the minutes by showing each member and their corresponding vote. It was stated that this aligns with the requirements in the open meetings act.

ACTION ON REGULATIONS

Motor Vehicle Anti-Tampering Amendments - COMAR 26.11.20.02

Mr. Randy Mosier presented on the proposed regulation amendments to COMAR 26.11.20.02 motor vehicle emissions controls. In February 2022, regulations for the motor vehicle emissions control became effective. Record keeping, reporting and clarification on the Department's inspection role were included. During the final stages of that regulation development, stakeholders informed the Department of concerns that would impact their business. The proposed amendments address the regulatory requirements for wholesale vehicle dealers selling through auction to be exempt as they do not sell directly to the public. Mr. John Artes explained the methods and equipment used to tamper with a diesel vehicle to delete (or remove) the emission controls. The Department has issued a compliance advisory and compliance alert to auto dealers, auctions and trade organizations.

Mr. Artes explained about the hardware and software that might be tampered with on a vehicle. MDE inspectors have been attending training on the subject. This regulation enforces the existing federal rules. EPA has active enforcements against auto shops engaging in vehicle tampering and business that sell parts used for tampering.

Mr. Tom Kileen and other Council members were concerned about the wholesale dealer definition and that it might create a loophole for all dealers to call themselves wholesale. This is a licensing issue that the Department and stakeholders can verify. Wholesale dealers have a significant volume and do not typically sell to retailers. The vehicles are sold dealer to dealer through the auction and can be tens of thousands per year.

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At approximately 10:15 a.m. Mr. Tom Dernoga suggested the Department could edit the regulation to clarify that retail sales are not exempt, even under a wholesale auction dealer, and there could be a penalty applied. Mr. Mosier pointed out the existing language in regulation COMAR 26.11.20.02.D(4) states a person may not offer for sale, lease, auction a tampered vehicle should a wholesaler sell to retail. Mr. Artes explained that the MVA website lists vehicle business licenses and wholesale dealer description says “may not sell to the retail public”.

The Council discussed various options to edit the proposed regulations to not allow exemptions for wholesale auctions (or dealers to call themselves wholesalers) when selling to the public (retail sales). At approximately 10:26, draft regulation text was introduced by Ms. Karen Wrye a stakeholder and Council member Mr. Larry Schoen to exclude retail sales from the wholesaler dealer exemption. Mr. Todd Chason shared his concern about crafting regulatory language during a working meeting, rather he suggested that the Department review the draft language proposed today but take the time to craft the language as desired and allow the proper legal review and then share that draft back with the Council.

Chairman Quinn requested a vote for the regulations, with the suggested clarification to be drafted by the Department and emailed to the Council for an electronic vote, at approximately 10:35am. A Motion to approve the regulation as presented with a conceptual clarification was made by Dr Sania Amr and seconded by Mr Robert Wright (~1 hr and 25 min into webinar recording)

The vote to approve the regulation was unanimous, all twelve members voted in favor, none opposed, and none abstained.

Agricultural Installations Amendments - COMAR 26.11.18.05C

Mr. Randy Mosier presented on the proposed regulation amendments to COMAR 26.11.18.05C.

This is a record keeping amendment that the Department has proposed to align with current record keeping standards. Records will be required to be kept for 5 years versus 60 days as currently required. The Department explained that this is a regulation that is outdated. There is only one facility that is subject to the regulatory reporting requirements, Valley Protein in Lindwood, MD.

A Motion to approve the regulation as presented was made by Mr. Larry Schoen and seconded by Mr. Robert Wright at approximately 10:42 a.m. (~1 hr 35min into webinar recording) The vote to approve the regulation as proposed was unanimous, all twelve members voted in favor, none opposed, and none abstained.

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Briefings

AQCAC – A Quick Refresher History, Purpose and By-Laws

Mr. Randy Mosier and Ms. Kelsey Sisko presented on the history and By-Laws that are currently in place for the Air Quality Control Advisory Council. The presentation included a description on how the Council was formed and the By-Laws that are currently in place for the Council to provide advice and vote on the Department's proposals. Membership terms, the composition of the Council, and the selection and appointment process once a vacancy arises were also highlighted in the presentation. A reminder was given to all members about meetings, materials, and schedules.

The By-Laws sections of the presentation addressed the duties of the Chairperson and Vice-Chairperson of the Council and that all members of the Council must be appointed in by the Secretary of the Environment. The presentation also focused on meeting attendance, the voting process of the Council, public input at meetings, and amendments to the By-Laws.

Mr. Tad Aburn ended the presentation by informing the Council that the Department is working on adding members that have a focus on racial equity and environmental justice. Mr. Aburn asked members to let the Department know if they have any thoughts on adding a member with this specific background. Mr. Todd Chason recommended Sacoby Wilson to the Department. Mr. Mosier thanked Mr. Stephen Bunker for attending the meeting as he is stepping down as the General Public representative. The Department is currently looking to fill this position with an environmental justice representative.

Air Quality Progress and Community Engagement

Mr. Tad Aburn and Ms. Megan Ulrich presented on the progress the Department is making on air quality and the work being done with communities on environmental justice. Mr. Aburn began the presentation with an overview of air quality basics, which included information on ground-level ozone, particulate matter, and the improvements of air quality throughout the last several decades. Ms. Ulrich explained to the Council that Maryland's air quality has drastically improved in the last 30 years due to policies and regulations that focus on the six most common pollutants: particles, ozone, lead, carbon monoxide, nitrogen dioxide, and sulfur dioxide. Ms. Ulrich reiterated that the Department is near attainment for the 2015 ozone standard. Ms. Ulrich demonstrated graphs representing pollutant emissions in Maryland, including air toxics. A member of the Council asked why blue data was missing in 2020 on the SO₂ Air Pollution – Levels Well Below Standards graph. Mr. Randy Mosier answered by stating that this may have been when sources were not operating. Ms. Ulrich also stated some sources may not have been operating on some days and some days emissions may have been low.

Ms. Megan Ulrich explained to the Council solutions that have driven air quality progress. Mr. Robert Wright of the Council asked a question regarded The Shrinking Ozone Problem image.

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Mr. Wright was curious about the location in yellow exceeding the ozone standard and asked for a description of the area and why the area was exceeding the standard. Mr. Tad Aburn responded stating the exceedance was around the Edgewood, Maryland area. Mr. Aburn also responded by saying that transport comes to Maryland in multiple ways, meaning powerplants in the Ohio River Valley and the ground-level winds come from southwest to northeast. Additionally, Maryland receives all the mobile source related pollution from the Northern Virginia and Washington DC area. Ozone further develops over the Chesapeake Bay –later in the day, Bay breezes push the high elevated pollution back onto the land, and it often ends up influencing the Edgewood, Maryland monitor.

Mr. Tad Aburn presented efforts geared towards climate change, including greenhouse gas reduction efforts, such as the 2030 Greenhouse Gas Reduction Act (GGRA) Plan and the positive economic impacts associated with the plans. Mr. Aburn and Ms. Ulrich proceeded to demonstrate the 2022 policy priorities of the Department, which include climate change, methane from landfills, researching other states and organizations working on similar regulations, mobile sources, environmental justice, Maryland’s Port and Peak Day Partnerships, ozone, sulfur dioxide, and diesel emission reduction efforts. Mr. Aburn presented Environmental Justice Initiatives and Community Engagement Partnerships, which are one of the Department’s highest priorities.

The meeting was adjourned at 11:35 a.m.

Next meetings are scheduled as a 9 am webinar for:.

- June 13, 2022
- September 12, 2022
- December 12, 2022