

Air Quality Control Advisory Council Meeting Minutes
June 15, 2020 @ 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.
Ben Hobbs, PhD
Tom Killeen
Julian Levy
Hon. Leta Mach
Lawrence (Larry) Schoen, P.E.
Sara Tomlinson
Robert Wright
Weston Young, P.E.

MDE-ARA

George (Tad) Aburn
Randy Mosier
Peggy Courtright
Karl Munder
Marcia Ways
Kathleen Field
Daniel Newell
Brian Hug
Carolyn Jones, P.E.
Eddie Durant
Megan Ulrich, Esq
Joshua Shodeinde
Lisa Nissley
Husain Waheed, PhD
Roberta James, Esq
Chris Beck
Kim Drake
Erick Thunell
Michael Woodman
Susan Nash

AQCAC MEMBERS ABSENT

Ross Salawitch, PhD
Jonathan Kays

VISITORS

Kirk McCauley – WMDA SSA
Rasto Brezny, PhD – MECA
Thomas Weissinger
Kevin Brown
David Cramer
Paul Fiore, Auto Care Association
Leah Kelly
Henry Hippert
Raymond Surprenant
Ryan Maher

This is a summary of the June 15, 2020, 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. 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 9:05 a.m. Council members in attendance were introduced. Mr. John Quinn served as the Chair for the webinar meeting.

MEETING MINUTES

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

Chairman Mr. John Quinn requested a review of the Dec. 16, 2019 and March 16, 2020 meeting minutes for approval. Mr. Randy Mosier explained that some questions pertaining to the Dec. 16, 2020 meeting minutes were reviewed and the final minutes were distributed to the Council.

Motion to approve the December 2019 minutes was made by Mr. Larry Schoen and seconded by Mr. Bob Wright. All members voted in favor (12).

Motion to approve the March 2020 minutes was made by Dr. Sania Amr and seconded by Mr. Julian Levy. All members voted in favor (12).

ACTION ITEM

Aftermarket Catalytic Converter (AMCC) Update

Mr. Karl Munder presented on the proposed action for “COMAR 26.11.20.07 - Aftermarket Catalytic Converters for Motor Vehicles”

Mr. Munder provided a background of the EPA process pertaining to aftermarket catalysts and why it has failed to keep up with technology to properly control vehicle emissions thus far. Mr. Munder mentioned that several states have adopted an AMCC rule (based on the California Air Resources Board (CARB) rule). The Department has also incorporated the NY implementation elements. Maryland is very close to meeting the 2015 ozone standard, and adoption of this regulation will help with additional NOx reductions. Mr. Munder explained the requirements of the regulation noting that the proposed regulation will provide vehicle owners with a guarantee that vehicles would function properly after a converter replacement, as well as a performance warranty. Mr. Munder also explained the enforcement effective date “trigger” in the proposed regulation, which would require two of five surrounding States to adopt a similar regulation at which time the Maryland regulation would become effective twenty-four (24) months thereafter. Mr. Munder also explained the proposal by AMCC manufacturers that would allow for the installation of CARB-approved AMCCs on vehicles only having a federal emission certification.

Dr. Sania Amr (council member) inquired about the applicability language pertaining to non-CARB AMCCs being shipped to other states and expressed concern that the regulation could encourage this action. The Department explained that this provision is added for clarity. The Department does not want to inhibit any Maryland-based automotive parts distribution businesses from stocking or transporting products that can be sold out of state. There were concerns from industry in the past that the regulation may prohibit such actions, thus impacting their business.

The Council discussed the enforcement applicability trigger being linked to the effective date. Two actions were proposed as noted below. Most Council members did not support the link to, or trigger by, other States' actions and felt the regulation should not have this language included. The Council also suggested that the effective date should be twenty-four (24) months after the adoption date, rather than a set date. The Council felt that flexibility with the adoption date would accommodate potential schedule and procedural date adjustments. The Department responded that the regulation language could be proposed as suggested by the Council. However, the Department advised that a permanent enforcement date would likely be required to be added through an amendment to the regulation, which would require an additional adoption process. The Department proposed an effective date of January 1, 2024 to accommodate a twenty-four (24) month period to publish a notice for action, as well as a few months for possible schedule adjustments. One Council member suggested the date be tied to an ozone attainment date requirement.

Dr. Rasto Brezny of the Manufacturers of Emission Controls Association (MECA) stated support of the regulation and described it as an important step toward getting the best AMCCs out into the marketplace. In addition, he indicated that the two-year period until the regulation is effective is needed not only to allow the stock of replacement parts to be switched, but also for outreach to stakeholders.

Mr. Kirk McCauley of the Washington, Maryland, Delaware Service Station and Automotive Repair Association (WMDA SSA) indicated that he would prefer that the regulation not be amended to remove the other states trigger. He noted that removal of this wording could result in a detrimental impact on automotive repair shops located along Maryland's border by state residents going across state lines to have cheaper repairs.

Chairman Quinn requested a motion to approve the proposed regulatory amendment to the "trigger date" language which would remove the requirement for two other states adoption before Maryland's compliance date would apply.

Motion to approve as stated was made by Mr. Julian Levy and seconded by Mr. Larry Schoen. Eleven members voted in favor (11), one (1) member opposed, and no one abstained at approximately 10:16 a.m.

Additionally, a motion to amend the effective date language to 24 months after adoption was proposed by Mr. Bob Wright. The motion was seconded by Mr. Larry Schoen. All members voted in favor (12), none opposed, and none abstained at approximately 10:30 a.m.

Motion to approve the overall proposed action, with the amendments stated above, was made by Mr. Todd Chason and seconded by Ms. Leta Mach. All members voted in favor (12), none opposed, and none abstained at approximately 10:33 a.m.

BRIEFING

Clean Air Progress in Maryland Briefing

Mr. Tad Aburn presented a briefing on Clean Air Progress in Maryland. The presentation covered Maryland's progress in addressing and reducing air pollutants such as ozone, particle sulfur dioxide and toxics. State and federal regulations were also highlighted that had a dramatic impact upon emissions from coal-fired power plants. The presentation also focused upon measures to address pollution from the transportation sector and addressing greenhouse gas emissions. Legal actions, such as CAA 126 and 184

petitions, to address transported air pollution were covered as well as preliminary studies and outcomes upon air quality from the COVID 19 pandemic.

The meeting was adjourned at 11.11 a.m.