

Air Quality Control Advisory Council Meeting Minutes
June 17, 2019 @ 8:15 am
MDE Headquarters
1800 Washington Boulevard
Baltimore, MD 21230

AQCAC MEMBERS PRESENT

John Quinn - Chairman
John Kumm, P.E., BCEE – Vice Chairman
Sania Amr, M.D.
Stephen Bunker
Jonathan Kays
Ross Salawitch, PhD
Robert Wright
Julian Levy
Lawrence (Larry) Schoen, P.E.
Thomas Killeen
Hon. Leta Mach
Weston Young, P.E. – phone / webinar
Russ Ulrich (stand in for Sara Tomlinson)

AQCAC MEMBERS ABSENT

Todd Chason, Esq.
Ben Hobbs

VISITORS

David Cramer - Green Energy
Leah Kelly - Env. Integrity Project
Shawn Kiernan - MPA
Chris Skaggs - Northeast MD Waste Disposal Auth.
Lou Corio - Power Engineers, Inc.
Bradley Keller – Wheelabrator
Tim Porter - Wheelabrator

MDE-ARA

George (Tad) Aburn
Karen Irons
Randy Mosier
Carolyn Jones, P.E.
Husain Waheed, PhD
Megan Ulrich, Esq.
Wendy Sollohub
Eddie Durant
Kathleen Wehnes
Bill Paul
Susan Nash
Ryan Buckley

This is a summary of the June 17, 2019, Air Quality Control Advisory Council Meeting and serves as a record of the Council's vote on regulatory action items. The meeting minutes are available at:

MDE website:

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

Mr. John Quinn opened the meeting by welcoming everyone to the Air Quality Control Advisory Council (AQCAC or the Council) meeting at approximately 8:25 a.m. A roundtable introduction proceeded.

Mr. Tad Aburn Updates

Mr. Tad Aburn, MDE Air Director, discussed recent activity with-in the Air and Radiation Administration including the clean air progress Maryland has seen over the year, the coordination between MDE and the Port Authority to reduce pollutant emissions, the focus on methane reduction through three categories, the adoption of the Clean Cars regulation and the status of the VEIP regulation proposal. Maryland may challenge EPA on mobile sources regarding the relaxation through CAFÉ standards and the basic Clean Air Act 177 program allowance. Maryland vehicle emission testing kiosks will expand throughout Maryland. The Climate Commission has prepared an updated Greenhouse Gas (GHG) report, and there is a June 20th meeting for the preview of the plan for 40% by 2030. Maryland will exceed that goal.

Council member Jonathan Kays commented that he would like to see more use of biomass in the GHG plan. Recently, Maryland has lost 60% of forestry business with the closing of the Luke Paper Mill and the Eastern Correctional Facility switching to natural gas power.

For the 126 Petition status update, EPA denied Maryland's petition and MDE will go to court in the fall to argue that coal fired power plants (19 in total) should run their existing controls optimally during the ozone season, in all States, especially those upwind of Maryland. Also, two weeks ago Maryland petitioned the OTC under section 184c of the Clean Air Act. The 184c petition focused on all PA coal fired power plants that are not optimally running their controls. Maryland will also be challenging EPA's CASPR Close-Out, in which EPA is allowing CASPR's cap and trade to satisfy a State's Good Neighbor – transport- requirements.

Director Aburn also mentioned the Peak Day Partnership program taking place this ozone season. The Peak Day Partnership includes approximately 30 participants that receive notice of a forecast ozone exceedance day and take voluntary actions to reduce emissions on that day.

Approval of Minutes from Dec. 10, 2019 meeting:

Chairman John Quinn called for a motion on the December 10, 2018 meeting minutes.

Motion to approve the minutes was made by Mr. John Kumm and seconded by Mr. Tom Killeen. All members voted in favor, and none opposed, at approximately 8:48 a.m.

ACTION ON REGULATIONS

Interprecursor Trading Amendments COMAR 26.11.17.04

Ms. Karen Irons presented the proposed amendments to COMAR 26.11.17.04 - Interprecursor Trading (IPT). The purpose of these amendments is to remove a provision that requires EPA to approve the trade ratio of VOC to NOx. Therefore, MDE is removing the text "and EPA" from the approval requirement.

The regulation amendments are under Chapter 17 Nonattainment Provisions for Major New Sources and Major Modifications, Regulation .04 Creating Emission Reduction Credits (ERCs), Subtitle - Interprecursor Trading. Maryland's IPT regulations were presented to AQCAC on June 19, 2017 and adopted through process on April 9, 2018. MDE sent a State Implementation Plan to EPA to approve the regulations and EPA requested the amendment of today.

On December 6, 2018, EPA finalized their nonattainment area and ozone transport region (OTR) implementation requirements for the 2015 ozone NAAQS that were promulgated on October 1, 2015. In response to comments, EPA amended the final rule to include the following statement: "air agencies will not be required to obtain EPA approval of IPT ratios when implementing a case-specific IPT program". The EPA acknowledges, based on comments received, that the requirement of EPA approval of IPT ratios could impose additional burdens and result in permit delays. Hence, in the final rule, the EPA is eliminating this approval requirement for the case-specific ratios. Finally, the EPA, will, of course, also have an opportunity to review and comment on the application of any IPT ratio (default or case-specific) to a particular source or location during the public comment period afforded as part of the NNSR [Nonattainment New Source Review] permitting process.

Ms. Irons explained why IPT is necessary stating major new sources of air emissions in Maryland must obtain Emission Reduction Credits (ERCs) to offset emission increases of ozone precursors. All of Maryland is either a moderate ozone non-attainment (Baltimore area), marginal ozone non-attainment (Washington DC area) or in the Ozone Transport Region. EPA's rule allows for States to make it easier for new or modified major sources to satisfy the offset requirements in an area by establishing interpollutant offset substitution provisions. Such provisions create additional flexibility in meeting offset requirements by allowing NOx emission reductions to satisfy VOC offset requirements and vice versa.

The Council asked if this amendment had any disadvantages and MDE responded that this would be helpful to the timing of approvals and that EPA would still have a role in the overall permit review. Ms. Irons explained that EPA Region 3 has always been helpful and responsive to work with.

Motion to approve the proposed action was made by Mr. Julian Levy and seconded by Dr. Sania Amr. All members voted in favor, and none opposed, at approximately 8:58 a.m.

Chairman John Quinn requested new attendees to announce themselves.

Municipal Waste Combustor Amendments COMAR 26.11.08.01 and .10

Mr. Randy Mosier presented the proposed amendments to COMAR 26.11.08 to add minor amendments to municipal waste combustors NOx limits. *(approximately 35 min in the recording)*

Maryland's MWC RACT regulations were presented to AQCAC on December 11, 2017 and adopted through process on December 6, 2018. The MWC regulation established a NOx 24-hour

block average, a NO_x 30-day rolling average, a facility-wide mass NO_x emissions limit during periods of start-up and shut-down, and required a feasibility analysis for Wheelabrator Baltimore. There are two large MWCs in Maryland; Wheelabrator Baltimore, Inc. and Montgomery County Resource Recovery Facility (MCRRF).

Two minor amendments are proposed with this action. The first being that the existing definition for “30-day rolling average emission rate” under COMAR 26.11.08.01 inadvertently required the summation of the total hourly ppmv NO_x in a 30-day period and then dividing by 30 days to determine the 30-day rolling average emission rate. The proposed amendment now clarifies that the 30-day rolling average emission rate is to be calculated by summing the total hourly ppmv of NO_x averages for the 30-day period and then dividing by the total number of hourly averages in the 30 day period. The facility operators suggested this amendment and MDE agrees this change is necessary.

The second piece of the proposed amendment is to add a NO_x warm-up period mass limit. EPA policy requires a pollutant standard to apply at all times. EPA has requested the NO_x warm-up addition to the regulation. The warm-up period mass emission limits are based upon the 24-hour block average NO_x RACT rates applicable to each Large MWC (incorporating the NO_x 24-hour block average emission rates of COMAR 26.11.08.10B into the calculation) and provide equivalent stringency to the concentration limits that apply at all other times. During periods of warm-up: (1) the Montgomery County Resource Recovery Facility shall meet a facility wide NO_x emission limit of 202 lbs/hr timed average mass loading averaged over the hours operated in warm-up mode and (2) the Wheelabrator Baltimore, Inc. facility shall meet a unit specific NO_x emission limit of 84 lbs/hr timed average mass loading averaged over the hours operated in warm-up period.

With the two amendments today and the previous approved and adopted NO_x standards, MDE will have strict emission limits that apply during all modes of operation including startup and shutdown and will request EPA State Implementation Plan (SIP) approval. A Council member inquired on why the mass limits were different for the facilities. MDE explained that the boiler configuration and technologies are different for the two facilities which were built 10 years apart.

A Council member asked if the facilities agree with the amendment proposal. Mr. Mosier explained that there were no objections, however a suggestion to require the warm-up mass rate to be applied on a per-unit basis was provided for Wheelabrator. MDE has reviewed this request and supports the unit-specific limit for Wheelabrator.

Mr. Mosier explained that this amendment will be linked to the Maryland RACT requirement and would be sent to EPA for approval. He confirmed that the NO_x rate is not federally enforceable until EPA approves our SIP. MDE plans to have the amendments adopted by December of this year. The Council inquired about the Baltimore City Clean Air Act and MDE explained that their action includes proposed limits covering multiple pollutants.

The Council asked to review the corrected text as suggested by Wheelabrator and Mr. Mosier placed a copy on the screen for review.

Motion to approve the proposed action as amended with stakeholder feedback with unit-specific limit was made by Mr. Julian Levy and seconded by Mr. Jonathan Kays. All members voted in favor, and none opposed, at approximately 9:40 a.m.

BRIEFINGS

Maryland Port Partnership - Success Stories

Mr. Shawn Kiernan presented a briefing on the Maryland Port Administration (MPA) and the initiatives that are reducing emissions. The Port of Baltimore is a mix of public and private marine terminals. The port moves international cargo reaching global markets. The Port has a large economic impact to Maryland and the region and supplies jobs and revenue. Emission Sources are tenant cargo handling equipment (CHE), MDOT MPA-owned maintenance equipment/vehicles and yard vehicles, Heavy-duty Diesel Trucks (HDDVs) Rail (Switch and Line-haul), and automobile and RoRo cargo.

There have been joint MDE/MPA discussions with Port stakeholders and community groups on air quality. MDE is participating in the Baltimore Port Alliance (BPA) Air Quality Stakeholder Tours held twice a year and at the first ever International Greenport Congress held in North America. MDE has coordinated letters of support for highly competitive Diesel Emissions Reduction Act (DERA) grants. MDE has provided technical assistance and guidance for projects eligible for Volkswagen settlement funding.

The Port is addressing air quality issues through equipment replacement, leverage of funds through DERA, partnering with private terminals and increased efficiency. PM and NOx emissions have decreased even with continued modernization and growth.

Mr. Kiernan offered to have the Council tour the Port. The Port typically offers a stakeholder tour 2- 3 times per year. Many Council members stated they were interested in this offer.

2018 Good News Report

Mr. Tad Aburn, MDE Air Director, presented a briefing on the 2018 Good News Report. Director Aburn announced that Maryland's air quality continues to improve. Regulations, that the Council helped approve, for power plants and large industrial sources have established decreasing PM, NOx and SO2 emissions. Climate change and reducing GHG emissions is on track to achieve the 25% emission reduction from 2006 levels by 2020. MDE is involved with a collaborative effort to study the air pollution over the bay. The study was designed to help figure out why Maryland's and other eastern states' most problematic ozone monitors are located close to water bodies, why ozone is high over water bodies, how bay breezes push high ozone over the bay inland and what sources contribute to the high ozone readings over the bay. Idle Free MD program kicked off in 2018 and MDE/MEA/MDOT has been working with schools to promote the toolkit.

Director Aburn mentioned the 184c OTC Petition directed at PA coal-fired power plants to run their controls optimally during the ozone season. Maryland has modeled a large NO_x benefit available if PA plants were to run optimally. Maryland is continuing to address the struggle to address upwind transport. Director Aburn noted that a NG compression station and transmission sector stakeholder meeting is coming up at the end of June. He also discussed the commitment by Maryland to propose HFC control regulations. Through the VW settlement, there is \$76 million dollars to invest in transportation green initiatives.

The Council made some additional comments: Mr. Kays stated that biomass should be considered in the States GHG initiatives. Chairman Quinn explained that a law went into effect in 2013 that required utilities to replace aging infrastructure for natural gas distribution lines. Dr. Salawitch noted that ethane reductions have been recorded in the Baltimore area.

Motion to adjourn the meeting was made by Ms. Leta Mach and seconded by Chairman John Quinn. (*approximately 2 hours and 20 min in the recording*)

The meeting was adjourned at 10:50 a.m.

Next meeting dates proposed:

September 16, 2019

December 16, 2019