

**Air Quality Control Advisory Council Meeting Notes
June 19, 2017 @ 8:15 am
MDE Headquarters
1800 Washington Boulevard
Baltimore, MD 21230**

AQCAC MEMBERS PRESENT

John Kumm, P.E. – Vice Chairman
Sania Amr, M.D.
Jonathan Kays – by phone
Sara Tomlinson – by phone
Todd Chason, Esq.
Lawrence (Larry) Schoen, P.E.
Lawrence Kasecamp
Julian Levy
Ross Salawitch, PhD
Sue Garonzik – by phone
Hon. Leta Mach
Rebecca Rehr

MDE-ARMA

George (Tad) Aburn
Brian Hug
Carolyn Jones, P.E.
Eddie Durant
Husain Waheed, PhD
Joshua Shodeinde
Kathleen Wehnes
Megan Ulrich, Esq.
Randy Mosier
Wendy Sollohub
Peggy Courtright
Marcia Ways
Karen Irons
Ryan Buckley
Hannah Ashenafi (via webinar)
Bobbie James, Esq. (via webinar)
Emily Bull (via webinar)
Daniel Newell
Tim Shepherd
Justin Mabrey

Kathy Daristotle
Kathleen Field

AQCAC MEMBERS ABSENT

John Quinn - Chairman

VISITORS

Lauren Shen – Schoen Engineering
David Cramer – NRG
Chris Rice – MEA
Andy Bodnarik – Ozone Transport Commission (OTC)
(via webinar)
Justin Godin – KBE (via webinar)
John Schott (via webinar)
Caitlin King – Trinity Consultants (via webinar)
Weston Young – Wicomico County (via webinar)
Chandra Chithaluru – Marland Ports (via webinar)
Anne Lindner – Constellation (via webinar)

This is a summary of the June 19, 2017, 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.

Available at MDE website:

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

MEETING OPENING/OPENING REMARKS

Vice Chair Mr. John Kumm opened the meeting by welcoming everyone to the Air Quality Control Advisory Council (AQCAC or the Council) meeting.

Mr. George (Tad) Aburn updated the Council on two topics. Maryland is continuing to work with other Regional Greenhouse Gas Initiative (RGGI) states to strengthen the RGGI program. Also, Maryland has experienced higher temperatures so far this ozone season which has led to more ozone exceedances.

Approval of Minutes from March 13, 2017 meeting:

Vice Chair Mr. John Kumm called for a motion on the March 13, 2017 meeting minutes at approximately 8:29 a.m.

Council member Mr. Julian Levy proposed specifying MDE spokesperson in future minutes.

Motion to approve the March 13, 2017 minutes was made by Dr. Sania Amr and seconded by Julian Levy. All members voted in favor, and none opposed, at approximately 8:32a.m. (~ 12 min into recording).

ACTION ON REGULATIONS

COMAR 26.11.17.04 – Interprecursor Trading

Ms. Karen Irons, manager of MDE’s Air Quality Permits Program, presented the proposed amendments to COMAR 26.11.17.04 – Nonattainment Provisions for Major New Sources and Major Modifications – Interprecursor Trading at approximately 8:33 a.m. (~ 13 min. into the webinar recording).

The purpose of the amendments is to allow Interprecursor Trading for ozone precursor. Major new sources of air emissions in the Baltimore ozone nonattainment area must obtain Emission Reduction Credits (ERCs) to offset emission increases of ozone precursors. The Baltimore metropolitan area is classified as a moderate ozone nonattainment area. As a result, any new major source of VOC or NOx emissions in the Baltimore moderate nonattainment area can only obtain ERCs from the Baltimore metropolitan area. All new major sources in other areas of MD can obtain ERCs from either marginal ozone nonattainment areas or some areas that are part of the Ozone Transport Region. The amendments to the ERC regulations are being proposed in accordance with EPA guidance, which encourages States to allow interpollutant trading by establishing offset substitution provisions. MDE proposes to allow sources to substitute NOx ERCs for VOC ERCs upon sources meeting specific provisions.

Council member Larry Schoen inquired about which facilities needed VOC ERCs and if MDE considered regulation/legislation to force companies to retire unused VOC ERCs. Karen Irons responded that a facility seeking to expand their current operations is what prompted the amendments being proposed to the Council. Ms. Irons also added that MDE regulations state that ERCs retire after a period

of time. Additional discussions surrounded the equivalent emission offset for one pollutant versus another. The final outcome of a ratio will be determined by the proposed regulation demonstration.

Council members Rebecca Rehr and Ross Salawitch inquired about the public health impact of NO_x vs. VOCs emissions and its consideration in the regulatory amendment. Mr. Aburn and Ms. Irons responded that sources are subject to the State's rigorous air toxics program – a program that requires sources to conduct an ambient air impact analysis of various pollutants. Additionally, sources are subject to lowest achievable emission rate (LAER), which requires sources to control emissions using state of the art control technologies to achieve the lowest possible emission levels.

Council member Ross Salawitch recommended that MDE specify in the regulation which air model potential sources should be using. The Council agreed and recommended that MDE add language that an EPA-approved model should be used and also suggested inserting language that would refer to a NO_x to VOC trading ratio in the proposed amendments.

The Council decided to table approving the regulation until MDE included the recommended changes in the regulation at approximately 9:27 a.m.

The Council resumed discussion of the proposed amendments at approximately 10:05 a.m. *Motion to approve the regulation was made by Julian Levy and seconded by Todd Chason. The motion includes approval of any non-substantive change made by the EPA or MDE Attorney General's office. Ten members voted in favor and one member voted against, at approximately 10:10 a.m. (~1 hr and 49 min into the webinar recording).*

COMAR 11.14.08 – Vehicle Emissions Inspection Program (VEIP)

Mr. Tad Aburn presented the proposed amendments to COMAR 11.14.08 – Vehicles Emissions Inspection Program (VEIP) at approximately 9:29 a.m. (*~1 hr and 9 min into the webinar recording*).

The purpose of these amendments is to modernize and greatly enhance the VEIP to improve motorist convenience while minimizing the impact on air quality. The amendments make a few key changes: delaying the initial VEIP test date and exempting pre-on board diagnostics (OBD) light duty vehicles. Specifically, the inspection date would be delayed by one year – so instead of the initial inspection of a new vehicle occurring after two years, the proposed amendments would delay the initial inspection until after three years of ownership. The second key change is that pre-1996 light duty vehicles will be exempt from VEIP inspections. These common sense enhancements improve customer service, and allow Marylanders to benefit from the significant air quality progress in Maryland.

Council member Julian Levy inquired as to why the exemption for pre-1996 vehicles. Council member Larry Kasecamp inquired as to the reason MDE chose three years of age for the initial test for new vehicles. Ms. Marcia Ways, manager of MDE's Mobile Sources Control Program, stated that on-board diagnostics phased-in in the year 1996. Mr. Aburn responded that MDE believed that delaying the first test to three years was a step in the right direction and the age of initial testing will be revisited in the future for consideration.

Some Council members expressed their concern and disagreement with the pre-1996 vehicle exemption. Council members generally supported delaying the initial test to 3 years for new vehicles.

Council member Larry Schoen proposed MDE consider technologies that monitor real-time emissions on highways in regulatory development. Council member Jonathan Kays proposed MDE consider exempting rural areas from the VEIP program.

Motion to approve the amendments was made by Larry Kasecamp and seconded by Julian Levy. Eight members voted in favor and three members voted against, at approximately 10:04 a.m. (~1 hr and 43 min into the webinar recording).

BRIEFINGS

Maryland's Section 126 Petition

Mr. Tad Aburn presented a briefing on Maryland's petition to the EPA to reduce air pollution from upwind states at approximately 10:14 a.m. (~1 hr and 54 min into the webinar recording).

Maryland filed a petition on November 16, 2016, with EPA to require 36 power plants in five upwind states to reduce pollution that significantly affects the quality of the air that Marylanders breathe. The petition, filed by MDE under Section 126 of the federal Clean Air Act, asks that the EPA require the 36 power plants to run their already installed air pollution controls to reduce emissions. The EPA has a deadline to respond by July 15 or MDE would have the ability to sue the federal agency for inaction.

Volkswagen Settlement

Mr. Justin Mabrey, with MDE's Mobile Sources Control Program, presented a briefing on the Volkswagen Settlement at approximately 10:21 a.m. (~2 hr into the webinar recording).

From 2009 through 2015, Volkswagen (VW) sold vehicles equipped with illegal "defeat devices" that allowed vehicles to emit ten to forty times above the established NOx standard. As a result of this violation, VW was required to spend a total of \$2.7 billion on emission reduction strategies/programs in the U.S. – Maryland is eligible to receive \$75.7 million and has ten years to spend the funds. There are ten categories of eligible projects for which states can use VW funds. Maryland is working with other state agencies, local governments, private businesses and communities to identify and develop potential projects. MDE will open a comment period for anyone to submit comments on the Draft Mitigation Plan. Additionally, VW must invest \$2 billion in electric vehicle infrastructure and brand neutral outreach (funding for zero emission vehicle (ZEV) infrastructure, education/outreach efforts).

Council member Sania Amr inquired if people would have to apply for grants for fund spending. Mr. Julian Levy asked if there was a spending schedule. Mr. Aburn responded that MDE is still planning how money will be spent – creating grant opportunities is a possible option. Mr. Mabrey stated that States can spend a third of the money each year for the first three years.

Council members Leta Mach and Ross Salawitch recommended that MDE consider replacing old school buses and pairing replacement with an idling rule. Mr. Aburn stated that MDE has worked with local

school districts to replace old school buses and will continue to do so. MDE will also work to address idling issues.

The meeting was adjourned at approximately 10:47 A.M.

Next meeting dates:

September 18, 2017

December 11, 2017