

**Air Quality Control Advisory Council Meeting Notes
September 8, 2014 @ 8:15 am
MDE Headquarters—Aeris Conference Room
1800 Washington Boulevard
Baltimore MD 21230**

AQCAC MEMBERS PRESENT

Sania Amr, M.D.
Kevin Barnaba
Lorne Garrettson M.D.
Sue Garonzik
Kip Keenan
John Kumm
Leta Mach
John Quinn
Ross Salawitch, PhD
Lawrence Schoen
Sara Tomlinson

AQCAC MEMBERS ABSENT

Andrea Bankoski
Donald Moore

VISITORS

Olivia Campbell, Assistant Chief of Staff – Governor’s Office
Clara Summers – Interfaith Power & Light
Barry Miller
Chris Yoder
Gregory H. Waller, Sr.
David Cramer- NRG
Steve Arabia – NRG
Rebecca Ruggles – MDEHN
Ruth White – Howard Co. Climate Change
Debbie Gousha
Danielle Musa- ERM
Todd R. Chason
Michael Soules – Earth Justice
Jon Kenney – Chesapeake Climate Action Network
David Smedick – Sierra Club
Josh Berman – Sierra Club
Doris Toles
Tim Whitehouse – CPSR
Dr. Cindy Parker – CPSR
Dr. Gwen Dubois – CPSR
Hal Siegrist – NRG
Debra Raggio – TPM

Tom Weissinger – Raven Power
Michael Powell – Raven Power
Walter Stone – NRG
Josh Tulkin – Sierra Club
Larry Mullin – Baltimore City Resident
Rev M.I. Moise – Grounds Well
Lisa Baradack – Words for a Better World
Stephanie Tsoa – ARGUS – by phone
David Deal – NRG – by phone
Crissy Simpson – Sierra Club Member – For Clean Healthy Air
Velma Skinner – Sierra Club Member – For Clean Healthy Air
Jennifer Konze – Sierra Club Member – For Clean Healthy Air
Heather Moyer – Sierra Club Member – For Clean Healthy Air
Lore Rosenthal – Sierra Club Member – For Clean Healthy Air
Seth Bosh – Sierra Club Member – For Clean Healthy Air
Charles Shafer – Sierra Club Member – For Clean Healthy Air
Gail Landy – Sierra Club Member – For Clean Healthy Air
Shan Gordon – Cool Green Schools
Andrew Garnett
John C. Hsu

MDE-ARMA

George (Tad) Aburn
Angelo Bianca
Diane Franks
Brian Hug
Randy Mosier
Roger Thunell
Susan Nash
Mario Cora
Karen Irons
John Artes
Eddie DuRant
Carolyn Jones
Husain Waheed
Kathleen Wehnes
Justin Mabrey

This is a summary of the September 8, 2014 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/ARMA. 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.

MEETING OPENING/OPENING REMARKS

Chairman John Quinn and George Aburn, ARMA Director, opened the meeting with introductions of members and visitors.

ACTION ON REGULATIONS

Approval of Minutes from May 19, 2014 meeting:

Mr. Quinn called for a motion on the May meeting minutes.

Motion to approve the May 19, 2014 minutes was made by Kevin Barnaba and seconded by Kip Keenan. Four members abstained from voting (Leta Mach, Larry Schoen, John Kumm, and Sania Amr, M.D.), all others voted in favor at approximately 8:40am.

COMAR 26.11.34 Low Emission Vehicle Program

Justin Mabrey presented this action, which incorporates by reference the changes made to the California Low Emission Vehicle regulations since their last update. Maryland adopted the California Clean Cars Program as allowed under the CAA 1990 Amendments Section 177. The California Clean Car Program is also referred to as the California Low Emissions Vehicle Program – CAL LEV. As the CAL LEV program is updated, any state using this program standard must also reflect and adopt all the California updates.

The proposed amendment affects all vehicle types that have a gross vehicle weight of 14,000 lbs. or less. The biggest change that will affect Maryland is the elimination of the use of certain credits to meet the OCP spell out requirements. Manufacturers will only be allowed to meet the requirements from credits generated by vehicles registered in the state, which was the original intent of the OCP as negotiated with the manufacturers.

The changes to the ZEV portion of the regulation may have a small positive impact on the benefits, as it is designed to ensure more ZEVs are actually delivered to the Section 177 States in order to comply with the OCP. The emissions impact is expected to be minimal though, as the manufacturer fleet average emission requirement remains the same.

Motion to approve this action was made by John Kumm and seconded by Sania Amr, M.D. All members present (11) voted in favor, no members voted against at approximately 8:45 a.m.

COMAR 26.11.30 Control of Portland Cement Manufacturing Plants - DELETED

Ms. Diane Franks announced that this regulation would not be presented today. Control of Portland Cement Manufacturing Plants, COMAR 26.11.30; with Continuous Opacity Monitoring Requirements, COMAR 26.11.01.10; and Control of NO_x Emissions for Major Stationary Sources, COMAR 26.11.09.08 will be proposed at another date.

COMAR 26.11.19.26-1 Fiberglass Boat Manufacturing CTG

Mr. Randy Mosier presented a proposal to add a new Regulation .26-1 to existing COMAR 26.11.19 Volatile Organic Compounds from Specific Processes. The new regulation COMAR 26.11.19.26-1, Control of Volatile Organic Compounds from Fiberglass Boat Manufacturing, adopts the requirements of the EPA's Control Techniques Guidelines (CTG) for this category. EPA develops CTGs as guidance on control requirements for source categories. States can follow the CTGs or adopt more restrictive standards. MDE proposes to adopt new volatile organic compound (VOC) limits, standards for application methods, and work practice requirements which are consistent with the most recent CTG recommendations applicable to fiberglass boat manufacturing. The new regulation affects manufacturers of fiberglass boats. COMAR 26.11.19.26, Control of Volatile Organic Compounds from Reinforced Plastic Manufacturing, is amended to exempt fiberglass boat manufacturing.

This regulation applies to any fiberglass boat manufacturing facility where the total actual VOC emissions, before add-on controls, from all fiberglass boat manufacturing is 15 pounds or more per day as determined on a monthly average. The manufacturing of one boat would be sufficient to trigger applicability. The resins and gel coats are the main contributors of VOC emissions from fiberglass boat manufacturing facilities. The proposed monomer content limits are the same as those in the 2001 NESHAP. The regulation also provides an alternative option of emission rates for monomers and non monomers and exemptions for certain specific applications. The work practice requirements establish standards and record keeping requirements for the usage of all VOC containing materials. The economic impact on Maryland sources is expected to be minimal. Only one source was identified through the stakeholder process. The compliant resin and gel coat materials that will be required by the proposed regulation are readily available products on the market.

Motion to approve this action was made by Larry Schoen and seconded by John Kumm. All members present (11) voted in favor, no members voted against at approximately 8:45 a.m.

COMAR 26.11.38 Control of NOx Emissions from Coal-Fired Electric Generating Units

Mr. Aburn presented the proposal to amend existing COMAR 26.11.09 and add new COMAR 26.11.38.01-.06 for control of NOx emissions from coal-fired electric generating units in Maryland. The presentation began at approximately 9 a.m. (~38 min. into the audio recording).

Mr. Aburn reviewed the history of the ozone standard and the Maryland designation as nonattainment under the 2008 ozone standard. He reviewed some history of previous regulations and pollutant controls that have achieved great reductions in several pollutant emissions. Mr. Aburn noted there is good news to be celebrated as Maryland is experiencing very few exceedances in the past two summers. However, Maryland still needs reductions in Nitrogen Oxides (NOx) emissions to reduce the formation of ozone. Previous regulations have achieved significant ozone reductions during the ozone season. Recent research has shown that peak energy demand days still have very high NOx emissions often resulting in ozone exceedances. Older units with less effective controls often run on these days increasing NOx emissions substantially.

At approximately 9:30 a.m. Mr. Aburn reviewed the two phases of the new regulatory requirements.

The following is a list of speakers in order of speaking: Chris Yoder, Clara Summers, Michael Powell, Gregory Waller, Rebecca Ruggles, Michael Soules, Jon Kenney, David Smedick, Josh Berman, Doris Toles, Dr. Cindy Parker, Dr. Gwen Dubois, Walter Stone, Josh Tulkin, Larry Mullin and Lisa Bardack. (Speakers were asked to present at approximately 10 :10am)

Several speakers spoke in favor of the regulations being adopted as presented. Representatives from the community and environmental groups were included.

Several speakers spoke on behalf of the private sector, stating disagreement with the regulation and requested more time to review and analyze the recently released numeric requirements. The utility representatives concerns were mostly focused on the 2018 requirements and they requested more time to review the proposal. The utility representatives requested postponing action on the regulation until the December AQCAC meeting. Engineering analysis will need to be performed under many different scenarios to determine if compliance is possible under the allowable options.

Questions were asked about the limits Maryland has presented in the regulation and how much time the utilities had to review. The Department has had several discussions with major stakeholders but industry representatives felt more stringent limits were proposed. The Department did agree that the 0.07 rate specifically may not have been seen by stakeholders. But the Department still felt the regulatory format and similarly stringent numbers were presented previously. The alternative flexibility option has been added. Feedback during the stakeholder meetings dwindled and the Department took this as an expression of no concerns. The utility representatives were surprised that this rule came to the September meeting and not the December meeting, as a summer study is still being analyzed. The Sierra Club commented that the original proposal schedule has already been extended and they participated in previous stakeholder meetings where similar numbers were presented.

The Council commented that economic factors as well as other regulations by EPA may affect the ability of the affected units to continue to operate. The utilities commented this is true but separate from the decisions they are making in the next few years.

The Department commented that submission of the ozone RACT SIP is already late. Council members expressed interest in acting on this regulation so as to proceed and gain benefits by the 2015 ozone season. A new meeting date of October 6th was proposed to meet most member's schedule.

Motion to have another meeting on October 6th at 8:15 was made by John Kumm and seconded by Leta Mach. All members present (11) voted in favor at approximately 11:55 a.m. Three members had to leave the meeting and exited at approximately 12 p.m. (Dr. Salawitch, Dr. Amr and Mr. Keenan)

Additional discussion summarized that some additional time should be granted for the affected sources to meet with the Department. Mr. Aburn expressed a desire for the Council to approve the regulation and allow the Department to move forward with the formal publication and adoption process. The Department will be meeting with small groups of stakeholders over the next three weeks to consider potential minor amendments to the regulation as proposed by stakeholders and will report back to the Council at the October 6th meeting.

Motion to move forward with the adoption process and proposed schedule, with the condition of reporting back to the Council with-in one month after meeting with stakeholders was made by Larry

Schoen and seconded by John Kumm. All members present (8) voted in favor at approximately 12:05 a.m. Chairman Mr. Quinn noted that three members, Ross Salawitch, PhD, Mr. Kip Keenan and Sania Amr, M.D., were not present but left word with the Chairman that they supported allowing additional time for stakeholders to explore refinements to the regulation so long as the ultimate implementation date for the rule remained on track.

The Council requested that if changes occur, all changes to the regulation be mailed out prior to the next meeting.

Confirmation of Next meeting dates:

The Council's next meeting dates were confirmed for:

October 6, 2014

December 8, 2014

New dates for next year will be circulated next month.

Tad Aburn asked that the next small group meeting be set for September 10th from 10 am -12 pm and that folks coordinate with Randy Mosier.

A motion to adjourn the meeting was made by Leta Mach and second by Kevin Barnaba. The meeting adjourned at approximately 12:10 p.m. (~3hours and 44 min into the audio recording)