

**Air Quality Control Advisory Council Meeting Notes
September 19, 2016 @ 8:15 am
MDE Headquarters
1800 Washington Boulevard
Baltimore, MD 21230**

AQCAC MEMBERS PRESENT

John Kumm, P.E. – Acting Chair
Sania Amr, M.D.
Jonathan Kays
Sara Tomlinson (on phone)
Ross Salawitch, PhD
Hon. Leta Mach
Todd Chason, Esq.
Lawrence (Larry) Schoen, P.E.

MDE-ARMA

George (Tad) Aburn
Randy Mosier
Husain Waheed, PhD
Carolyn Jones, P.E.
Joshua Shodeinde
Kathleen Wehnes
Tim Shepherd
Justin Mabrey
Megan Ulrich, Esq.
Bill Paul
Eddie Durant

AQCAC MEMBERS ABSENT

John Quinn - Chairman
Julian Levy
Lawrence Kasecamp
Sue Garonzik
Kevin Barnaba

VISITORS

Tom Weissinger – Raven Power
Joe Yost – CSPA
Heidi K. McAuliffe, Esq.- ACA
Juliana Bilowich – MD PIRG
Ali Farnoud – Ramboll Environ

This is a summary of the September 19, 2016, 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.

Available at MDE website:

<http://www.mde.state.md.us/programs/WorkwithMDE/MDEBoardsandCommissions/Pages/AQCACmeetingminutes.aspx>
[x](#)

MEETING OPENING/OPENING REMARKS

Mr. George (Tad) Aburn opened the meeting by welcoming everyone to the Air Quality Control Advisory Council (AQCAC or the Council) meeting. Mr. John Kumm was designated as acting Chair for the meeting.

Mr. Aburn updated the Council on air quality topics. The summer of 2016 yielded warmer weather than the last couple of summers and was the first summer that Maryland had to comply with the new 70 ppb ozone standard. Despite the lower standard, air monitoring data indicate that levels of ozone in many

parts of Maryland are close to or just above the new standard. Also, there are two major NO_x control efforts that will become effective in the year 2017. The first is the EPA Tier III sulfur fuel and vehicle standards, which sets new vehicle emissions standards and lowers the sulfur content of gasoline. The second is the Cross State Air Pollution Rule (CSAPR) update, which addresses pollution from power plants. EPA has additionally finalized designations for the new SO₂ standard. An area comprising of parts of Baltimore County and Anne Arundel County, near the Wagner plant power station, was the one area in Maryland designated nonattainment by EPA.

Approval of Minutes from June 6, 2016 meeting:

Acting Chairman John Kumm called for a motion on the June meeting minutes at approximately 8:42 a.m.

Motion to approve the June 6, 2016 minutes was made by Ross Salawitch and seconded by Leta Mach. Five members voted in favor, and none opposed, at approximately 8:42 a.m. (~ 12 min into recording).

ACTION ON REGULATIONS

COMAR 26.11.32 – Consumer Products

Mr. Randy Mosier presented the proposed amendments to 26.11.32 – Control of Volatile Organic Compounds (VOC) from Consumer Products, and the Department’s response to the Council’s questions, comments, and concerns from the previous AQCAC meeting at approximately 8:42 a.m. (~ 12 min. into the audio recording). *(Two board members joined the meeting at this time)*

The proposed action amends the existing Maryland consumer products regulations by establishing VOC standards for ten new consumer product (CP) categories. The proposed amendments further strengthen the VOC standards for fourteen consumer product categories based on improved reformulations of these products which are capable of achieving lower VOC emissions and demonstrating an ability to maintain performance specifications for the products. Additionally, the proposed amendments incorporate new definitions and numerous modifications to existing definitions for clarity. The updates to the requirements are based on the Ozone Transport Commission (OTC) CP model rule that were finalized in 2012 and revised in 2014. The 2014 OTC model rule reflected changes made by the 2009 California Air Resources Board (CARB) rule.

At the June 6, 2016 AQCAC meeting, the Council decided to defer any action on the proposed Consumer Products regulation. The Council requested the following from the Department: (1) a summary of the VOC benefits from the proposed rule; (2) a two-page summary on California Air Resources Board (CARB) toxic rulemaking process; (3) regulatory language from the Department linking the Consumer Products regulation to current CARB rules; and (4) additional detail regarding artist solvent/thinner exemption. A summary of the Department’s response is below:

1. The Department estimates the proposed CP regulation will result in a reduction of over 13% of VOC emissions or approximately 6.3 tons per day from this category. Consumer Products make up approximately 35% of the Maryland “Area Sources” category looking at all anthropogenic emissions.

2. On July 22, 2016, MDE provided AQCAC a summary of CARB procedures for the evaluation of health risks from toxics in consumer products to AQCAC members. Ms. Megan Ulrich explained about the federal Toxic Substance Control Act (TSCA) reform based on the June 22, 2016 law, The Frank R. Lautenberg Chemical Safety for the 21st Century Act Overview States are preempted from regulating a chemical that EPA has acted upon. This may affect future Maryland regulations but the preemption should not be applicable to Maryland's existing consumer products regulations.
3. OTC develops model rules based on CARB rules, and provide member States the opportunity to adopt the model rules. Maryland adopted the OTC CP model rule that is based on CARB rules.
4. Artist solvent and thinner exemption was provided after CARB conducted a survey and discovered that sales and emissions reported for products in the category were miniscule – partly due to the cost of artist solvent thinners. Additionally, art materials are required to meet standards to protect consumers after being reviewed by toxicologists.

Council member Larry Schoen questioned the purpose of the ASTM D 4236 requirements, noting that the requirements appeared to be only labeling regarding what users can do to protect themselves. He also asked if his NA comment from the June 6, 2016 AQCAC meeting was addressed. The Department agreed that the ASTM D 4236 requirements were about labeling, but CARB requires an additional step for artist solvent and thinner products to undergo review by toxicologists. For categories labeled 'NA' on the table, the Department specifies the change that occurred to those categories in the fact sheet.

Dr. Ross Salawitch inquired if emission reduction numbers were from CARB. Mr. John Kumm further inquired whether the quoted 6.3 tons per day (tpd) VOC emission reduction expected from the rule includes compliant products already in the market. The Department affirmed both inquires, and stated that a large percentage of the expected 6.3 tpd VOC emission reduction is expected from the revised VOC limit for the multipurpose solvent/paint thinner category.

Council member Jonathan Kays inquired whether CARB considers product performance when evaluating new products in compliance with lower VOC limits. The Department confirmed that CARB evaluates product performance as a part of their process. Mr. Joe Yost, a representative from Consumer Products Specialty Association (CSPA), added that CARB conducts extensive surveys to look at reformulated products, and ensure that VOC limits are technologically and commercially feasible. Ms. Heidi McAuliffe, a representative from the American Coatings Association, mentioned that product market share, or how many of the products are being sold, also provide a sense of product efficacy.

Motion to approve the action was made by Dr. Ross Salawitch and seconded by Dr. Sania Amr. Seven members voted in favor and no members voted against, at approximately 9:23 a.m. (~53 min into the audio recording).

AQCAC Bylaws

Ms. Megan Ulrich presented the proposed amendments to AQCAC Bylaws at approximately 9:24 a.m. (~ 54 min. into the webinar recording).

The AQCAC Bylaws were originally adopted in 1994 and the Council decided to update the Bylaws in 2007, but never voted on the updates. The proposed amendments build on the changes suggested by Council members in 2007 and further conform the Bylaws more closely to Robert's Rules of Order.

Specifically, the proposed amendments to the Bylaws outline the role of the Chairperson, Council members' attendance policy, and voting procedures.

Most Council members expressed concern with proxy voting and alternative voting options were discussed. Mr. Larry Schoen proposed a letter writing ballot that can be submitted by Council members prior to the start of meetings. Mr. Todd Chason additionally proposed giving the Chair the discretion to determine which topics Council members could use a letter writing ballot. Other Council members, however, had mixed opinions on letter writing ballot. Some members felt strongly that a vote should not be allowed without attending the meeting and hearing the deliberation.

Mr. Larry Schoen also proposed Council members designating an organization alternative to attend AQCAC meetings on behalf of Council members. Ms. Sara Tomlinson supported the idea of proxy voting, but was specifically interested with designating an organization alternative as a proxy. Dr. Ross Salawitch asked the Department to review the Standing Rules section to confirm the double negative introductory sentence.

The Council voted to move this item to the next AQCAC meeting. The Council requested that the Department draft up amendments to the proposed Bylaws and circulate the amendments to the Council for comment and feedback.

COMAR 26.11.34 – CA LEV Amendments

Mr. Justin Mabrey presented the proposed amendments to COMAR 26.11.34 California Low Emission Vehicle (CA LEV) Regulations – at approximately 9:56 a.m. (~ 1 hr 26 min. into the audio recording).

In 2007 Maryland adopted the CA LEV Program through incorporation by reference of the California Regulations. The proposed action updates the Maryland Clean Car Program to reflect recent changes made by CARB. California has updated the provisions for alternative fuel conversion kits and provides additional time for manufacturers to sell conversions as new vehicles. Additionally, CA LEV updates provide Intermediate Volume Manufacturers with greater flexibility to meet the Zero Emission Vehicle (ZEV) Program requirements. California also updated regulations to incorporate and better align the California LEV III program and greenhouse gas (GHG) emissions standards with the EPA Tier 3 program and federal Phase 1 GHG, respectively. Lastly, California updated the on-board diagnostic system to provide greater compliance flexibility and to strengthen and clarify performance requirements of the systems.

Dr. Ross Salawitch inquired if the alternative fuel conversion kits are before-market or after-market. The Department responded that the conversion kits are both. Mr. John Kumm inquired if manufacturers will be required to receive certification from the EPA and California for an extended period of time or whether the distinction will eventually disappear. The Department believes that the distinction between the certification process is narrowing between the EPA and California, and the two agencies are working together to try to align their programs.

Motion to approve this action was made by Dr. Sania Amr and seconded by Mr. Jonathan Kays. Seven members voted in favor, no members voted against, and no members abstained at approximately 10:10 a.m. (~1 hr 40 min into the audio recording).

BRIEFINGS – Solid Waste and Sewage Sludge Incinerators

Dr. Husain Waheed presented a briefing on Emission Guidelines (EG) for Commercial and Industrial Solid Waste Incineration (CISWI) and Sewage Sludge Incineration (SSI) at approximately 10:12 a.m. (~1 hr 42 min into the audio recording).

In April and June 2016, the EPA published EG for both CISWI and SSI. CISWI is an incinerator that is used to burn solid waste at a commercial or industrial facility. The Department conducted a review of existing incinerators and has determined that there are no CISWI operating in Maryland. Therefore, the Department will be submitting a negative declaration letter to EPA later this year. SSI units are enclosed incinerators located at a wastewater treatment facility which combust domestic sewage sludge for the purpose of reducing the volume of material by removing the combustible matter. Maryland has one SSI facility, the Washington Suburban Sanitary Commission (WSSC), and intends to request full delegation of authority to implement the Federal Plan requirements for SSI units.

Mr. Jonathan Kays suggested that the Department research how other States/places are utilizing sewage sludge for nutrient recovery in order to reduce the need for sewage sludge incineration.

Dr. Sania Amr inquired about the location of the incinerator at WSSC and how it was being used. The Department stated the WSSC already had an incinerator since its inception. WSSC is now assessing other options for sewage sludge use such as fertilization or energy recovery.

Meeting was adjourned at 10:30 a.m.

Next meeting date:

December 12, 2016

Proposed 2017 meeting dates:

March 13, 2017

June 19, 2017

September 18, 2017

December 11, 2017