

MWAQC Technical Advisory Committee
Meeting Summary
February 9, 2021, 10:00 AM to 11:00 AM

Present:

Kelly Crawford, District Department of Energy & Environment
Alex Brun, Maryland Department of the Environment
Chris Voigt, Virginia Department of Transportation
Dan Goldberg, George Washington University
Doris McLeod, Virginia Department of Environmental Quality
Jim Ponticello, Virginia Department of Transportation
John Kinsman, Edison Electric Institute
Joseph Jakuta, District Department of Energy & Environment
Kari Snyder, Maryland Department of Transportation
Malcolm Watson, Fairfax County Department of Transportation
Mathew Gaskin, District Department of Transportation
Nicole Hebert, Baltimore Metropolitan Council
Ram Tangirala District Department of Energy & Environment,
Sonya Lewis-Cheatham, Virginia Department of Environmental Quality
Tom Ballou, Virginia Department of Environmental Quality
Virginia Burke, Maryland Department of Transportation

Staff:

Sunil Kumar, COG/DEP
Jen Desimone, COG/DEP
Dusan Vuksan, COG/DTP
Jane Posey, COG/DTP
Jeff King, COG/DEP
Jinchul Park, COG/DTP
Mark Moran, COG/DTP
Tim Masters, COGDEP
Wanda Owens, COG/DTP
Sarah Bonds, COG/DTP

1. Call to Order and Review of Meeting Summary

Kelly Crawford called the meeting to order at 10 am. The January 12th meeting summary was approved without any changes.

2. 2008 Ozone Planning Options

Since the Washington region missed the attainment deadline for the 2015 ozone NAAQS, the region now needs to decide on the next course of action. Sunil Kumar discussed a memorandum describing three potential planning options moving forward. Those options are:

1. Voluntary Reclassification (Bump Up) - If the region voluntarily requests for a reclassification (bump up), EPA will bump it up to a Moderate ozone NAA. This will extend the attainment date for the 2015 ozone NAAQS to August 3, 2024. Following bump up, Moderate ozone NAA requirements would apply immediately, which include submittal of RFP and Attainment SIPs.
2. 1-Year Extension - This will extend the attainment date to August 3, 2022. However,

if the region does not start developing SIPs for the Moderate ozone NAA on its own and fails to attain by October 2021, it will have a relatively short amount of time (about a year) left to develop and submit those SIPs (likely due by January 2023) even if it does not wait for a formal EPA reclassification action. Waiting any further to develop SIPs until after a formal EPA reclassification (likely after May 1, 2022) will not allow sufficient time to do so. Therefore, it is advisable that states start developing SIPs now even as they request a 1-year extension of the attainment deadline. This will allow timely development and submittal of SIPs in case the region fails to attain by the extended deadline and needs to submit those SIPs at a short notice following EPA's bump up action.

3. No Regional Action - In this scenario, EPA may reclassify the region to a Moderate ozone NAA any time after May 1, 2021. Depending on the timeline of EPA's action on reclassification, the region will likely have 1.5 years or less to submit SIPs if it chooses to wait for the EPA action. If the region waits for the EPA bump up action to develop SIPs and EPA delays its action until October 2021 (probably to consider draft 2019-2021 Design Value data) and the draft DV data does not indicate attainment, then the region will have only about a year to submit SIPs, which may not be sufficient. Therefore, it is advisable that the region starts developing SIPs now even if it does not opt for the first two options. This will allow timely development and submittal of SIPs in case the region fails to attain by the end of 2021, gets bumped up to a Moderate ozone NAA, and as a result needs to submit SIPs at a short notice.

Ram asked if RACT submittal is required for the 1-year extension. Sunil said only a letter requesting extension along with QA/QC'd data submittal certification, which has a statement saying that all the state has completed all requirements and commitments for the applicable SIP should be sufficient.

Ram asked COG staff to develop a list of preliminary control measures. Staff agreed to present the list in the March TAC meeting.

There was a general consensus among members that process to develop RFP and attainment SIPs should be started now.

3. Joint MWAQC/TPB After-Market Catalytic Converter Comment Letter

Sunil Kumar discussed a draft joint MWAQC and TPB comment letter in response to comments sought by EPA on the 1986 After-Market Catalyst. The letter included following aspects:

MWAQC and TPB specifically support the following provisions to be part of an update of the 1986 Catalyst Policy:

- Establish a consistent, robust, nationwide enforcement policy for all types of replacement after-treatment systems for vehicles and engines.

After-treatment systems that treat exhaust from the engine, including gasoline and diesel products for the on-road and nonroad sectors, vary in their applications and technologies. As such, a consistent and stringent enforcement policy supporting section 203(a)(3) of the Clean Air Act, which prohibits the tampering with or removal of federally required emissions control devices, is necessary.

- Develop more stringent emission performance and durability requirements for new after-

market converters to reflect the significant advances that have been made for catalytic converters since EPA first published its after-market policy in 1986. These advances have also made the improved technology readily available and affordable for after-market converters.

- Establish a clear certification process for Federal Aftermarket Converters compliant with the updated policy.
- Address the compatibility of after-market converters with the vehicle's Onboard Diagnostics (OBD) system for Model Year 1996 and newer vehicles.
- Eliminate the provisions permitting the sale of used converters for pre-ODB II vehicles (Model Year 1995 and older vehicles) and requesting EPA to study the appropriateness of allowing the reuse of OBD II era (Model Year 1996 and newer vehicles) catalytic converters.
- Implement the updated Catalyst Policy as expeditiously as possible.
- Continue to assist states in their introduction and implementation of Inspection/Maintenance programs.

A. Final Science Transparency Rule

On December 30, 2020, EPA finalized the Science Transparency rule. This rule establishes how EPA will consider the availability of underlying dose-response data that it relies upon to promulgate significant regulatory actions and develop influential scientific information. EPA shall give greater consideration to pivotal science where the underlying dose-response data are available in a manner sufficient for independent validation. The rule requires the following:

1. Determination of studies that constitute pivotal science
2. Identification of all science informing significant regulatory actions
3. Independent peer review of pivotal science
4. Administrator's case-by-case exemptions to the rule

The U.S. District Court for the District of Montana vacated the rule on February 1, 2021.

B. Court Decision: ACE Rule

On June 19, 2019 - EPA issued the Affordable Clean Energy rule (ACE). The rule was an effort to provide existing coal-fired electric utility generating units (EGUs) with achievable and realistic standards for reducing greenhouse gas (GHG) emissions. As part of this rule, EPA repealed the Clean Power Plan (CPP) for reducing GHG emissions from existing EGUs. On January 19, 2021 - The U.S. Court of Appeals for the DC Circuit vacated this rule and its associated implementation timeline. The Court ruled that the ACE rule and its embedded repeal of the CPP hinged on a fundamental misconstruction of Section 111(d) of the Clean Air Act. EPA misinterpreted that the statutory text in the above section expressly foreclosed consideration of GHG reduction measures other than those that apply at and to individual power plants. While developing CPP, EPA did not consider more cost-effective measures such as, power generation using the cleanest sources that plants have already adopted and that have been demonstrated to work. Instead, it only chose add-ons or retrofits confined to the level of the individual fossil-fuel-fired power plant.

4. Announcement of 2021 Stakeholder

Kelly Crawford announced the appointment of Dr. Dan Goldberg (George Washington university) for the MWAQC-TAC stakeholder position for 2021. Dr. Susan Anenberg (George Washington university) will join as a participant in MWAQC-TAC meetings.

5. State & Local Updates

There were no updates.

The conference call ended at 11:00 am.