

**Metropolitan Washington Air Quality Committee**  
**Suite 300, 777 North Capitol Street, N.E., Washington, D.C. 20002-4239**  
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**DRAFT MINUTES OF September 27, 2012 MEETING**

**Attendance:**

**Members and Alternates**

Hon. Phil Mendelson, DC Council  
Hon. Karen Young, City of Frederick  
Hon. Leta Mach, Greenbelt  
Hon. Konrad Herling, Greenbelt  
Hon. Robert Day, College Park  
Hon. Hans Riemer, Montgomery County  
Hon. Jay Fisette, Arlington County  
Hon. Linda Smyth, Fairfax County  
Hon. Sharon Bulova, Fairfax County  
Hon. David Snyder, Falls Church  
Monica Backmon, Prince William County  
Cecily Beall, District of Columbia, Dept. of Environment  
Sam Moki, Prince George's County  
George (Tad) Aburn, Maryland Department of the Environment (MDE)  
Tom Ballou, Virginia Department of Environmental Quality (VDEQ)  
Lyn Erickson, Maryland Department of Transportation (MDOT)  
Maurice Keys, District of Columbia Department of Transportation (DDOT)

**Other Attendees:**

Reuben Collins, Charles County  
Scott St. Onge, Clean Air Partners  
Randy Carroll, Maryland Department of the Environment (MDE)  
Beverly Fourier, Vice Chair, Air and Climate Public Advisory Committee  
Mike Lake, Fairfax County  
Kambiz Agazi, Fairfax County  
Alden Hathaway  
Rachele Treger, District of Columbia  
Will Handsfield, staff to DC Council Member Mary Cheh  
David Wiley  
Liza Hodskins, Arlington County  
Gwen Kennedy, Loudoun County  
Jessica Daniels, District of Columbia Department of the Environment

**Staff**

Julia Allman, COG/DEP  
Amanda Campbell, COG/DEP  
Anant Choudhary, COG/DTP  
Jennifer Desimone, COG/DEP  
Stuart Freudberg, COG/DEP  
Jeff King, COG/DEP  
Sunil Kumar, COG/DEP  
Jane Posey, COG/DTP  
Joan Rohlf, COG/DEP

## **1. Public Comment Period, Approval of Minutes, Chair's Remarks**

Chair Mendelson called the meeting to order at 12:12 pm. The minutes from the June 28, 2012 meeting were approved with this change: adding Kanti Srikanth and Ron Kirby to the list of attendees.

Alden Hathaway, Sterling Planet, commented on energy efficiency during the public comment period. Mr. Hathaway spoke about EPA's new guidance for taking State Implementation Plan (SIP) credit for energy efficiency measures. Energy efficiency credit is similar to renewable energy credits.

Jeff King clarified that the current SIP contains a green building commitment as a part of a voluntary bundle. If it receives credit, it is relatively small. Tad Aburn concurred. Cecily Beall inquired as to how an energy efficiency credit would assist in growing businesses. Chair Mendelson suggested having a presentation on the topic at a future meeting.

## **2. Committee Reports**

### *Air and Climate Public Advisory Committee, Beverly Fourier, Vice Chair*

ACPAC met on September 10<sup>th</sup>. The group received a presentation of the ozone season summary, new CAFE standards, and the regional greenhouse gas initiative (RGGI). The group discussed the improving air quality trends, and the work that is needed in other areas such as reducing the impacts of generators and fabric softeners.

### *Clean Air Partners, Scott St. Onge, Managing Director*

Clean Air Partners' (CAP) Social Media Task Force is up and running. Clean Air Partners sent a comment letter to the National Weather Service regarding the need to announce Code Orange Alerts. The group is promoting partner activities such as DC SUN and pertinent short courses at George Washington University. Now the website will highlight local business's efforts as well. CAP participated in a roundtable on News Channel 8, and Mr. Onge thanked MDE for Kathy Kinsey's participation. The summer outreach program was presented to 1,520 area youths. CAP plans to launch the fall slogan contest again this year. The Board Meeting was well-attended; by-laws were amended.

### *Technical Advisory Committee, Tom Ballou, VDEQ*

Tom Ballou reported that the main highlight of the Technical Advisory Committee meeting on September 11<sup>th</sup> was the PM2.5 Redesignation Request and Maintenance Plan mobile emissions budget proposal.

## **Discussion**

Regarding the regional power outage in July, Jay Fisette noted that critical facilities such as hospitals require back-up generators to support services during outages. He asked about the impact of homeowner generators on air quality, since many are being installed? Is there a need for homeowner education regarding generator emissions?

Tad Aburn responded that there are two aspects worth exploring: homeowner emergency generators, and private companies that agree to run their generators on high-demand days, which also happen to be the worst ozone air quality days. The second is also known as distributed generation. Mr. Aburn expressed interest in the idea of a homeowner education program.

Mr. King added that diesel generators can be retrofitted to run on natural gas. Generators that run on natural gas are also available to homeowners.

### **3. Air Quality Forecasting, Ozone Season Update**

Sunil Kumar, COG/DEP, presented the ozone season summary. There have been 3 code red and 16 code orange days this year. Meteorological conditions along with long range transport of ozone and its precursors from outside the region caused ozone exceedances. Winds came into the Washington region from the Ohio River Valley and beyond, adding to local emissions. Yet there is an overall downward trend in ozone exceedances since 1997. After 2006, ozone levels are not as strongly influenced by temperatures over 90°F, likely due to lowered emissions from the implementation of control programs.

The region's 8-hour ozone Design Value, which is a three-year average of the fourth highest monitor reading in a year, rose for 2012. The higher 2012 Design Value is because the average for the three years no longer includes the data from 2009, which was a cool year with very few air quality problems. The region's preliminary 2012 design value is 0.087 ppm, higher than the previous ozone standards set in 1997 (0.084 ppm) and 2008 (0.075 ppm).

For fine particles, there were 59 code yellow days since April 1, 2012. The region has been below the design standard for fine particles since 2006, and is working on maintenance since we have achieved the standard.

Mr. Kumar said that summer of 2012 brought exceptionally high temperatures. Data from the National Climatic Data Center (NCDC) show that July and January-July 2012 averages are among the warmest on record in the Washington region.

### **4. EPA Update: CAFE Standards Finalized for 2017-2025; Court Action on Transport Rule A. EPA/NHTSA rulemaking on greenhouse gas & fuel efficiency (CAFE) standards for cars and light-duty trucks for model years 2017-2025**

The new CAFE standards will achieve an average industry fleet-wide emissions level of 163 grams/mile CO<sub>2</sub> in model year 2025 equivalent to 54.5 miles per gallon (mpg). For consumers, lower fuel costs will compensate for higher vehicle costs in less than 3.5 years. Over the lifetime of the vehicles sold during 2017-2025, this rule is projected to save 4 billion barrels of oil and reduce greenhouse gases (GHGs) by 2 billion metric tons.

Mr. King noted issues raised by stakeholders: the rule allows lower efficiency for SUVs and light trucks, removes the fuel energy density advantage for diesel, and may result in a loss of revenue for the Highway Trust Fund. The rule does not cover NO<sub>x</sub> or fine particle standards, or include new

Heavy Duty Truck standards. Mr. King presented the region's GHG analysis from COG's What Would It Take report, which illustrated the projected reductions created by 55 mpg CAFE standards.

In response to member's questions, Mr. King added that each manufacturer has different ways of achieving the standard. Some manufacturers will change the weight of the chassis, others focus on combustion, and there is also the option of counting electric vehicles two for one towards the standard. Mr. Freudberg added that the new standards were agreeable to automobile manufacturers since the standards are imposed by vehicle class rather than fleet wide.

### ***B. Recent action taken by the U.S. Court of Appeals for the D.C. Circuit regarding the Cross-State Air Pollution Rule (CSAPR)***

The US Court of Appeals, DC Circuit, vacated the CSAPR in August 2012, retaining the Clean Air Interstate Rule (CAIR) rule while EPA develops a replacement rule. The court concluded that the CSAPR rule might have required upwind states to reduce emissions by more than their contribution. Secondly, the court concluded that the rule's implementation requirements overreached by not allowing states the opportunity to reduce their own emissions initially. Overall, compared to CSAPR, CAIR has higher allowances for SO<sub>2</sub> and NO<sub>x</sub> emissions. Also, CAIR contains banked allowances which CSAPR would have discontinued. Maryland and Virginia are prepared to meet CAIR Phase II requirements in 2015.

### ***Discussion***

Mr. Aburn said that there will probably be NO<sub>x</sub> reduction benefits to the CAFE standards. Tier 3 low sulfur fuel standards offer an additional opportunity for NO<sub>x</sub> reductions within the existing fleet.

Mr. Ballou noted that the EPA will be under more pressure to accurately evaluate upwind contributions. A number of efforts are underway to help EPA calculate states' contributions.

## **5. Mobile Vehicle Emissions Budgets in PM<sub>2.5</sub> Maintenance Plan**

Leta Mach presented the emissions budgets plan developed by the transportation and air quality agency task force. After seven conference calls and a lot of hard work, the team forged a good faith compromise. The plan provides for two budget tiers. The next step is EPA review.

Mr. Ballou expressed optimism that EPA would respond quickly and affirmatively to the plan. Mr. Ballou explained the five items in the compromise. Item 1 in the plan sets two tiers that would be used as appropriate. If the need arose, the higher tier would be used to allow for changes in data and models. In Item 2, the agencies agreed to submit a revised budget in 2015, since some uncertainties may be resolved by that time, although models are always changing. In Item 3, the agencies commit to begin planning to identify appropriate strategies to achieve compliance in the event the region is bumped-up to a moderate classification for the 2008 ozone standard. Item 4 is a commitment to work with EPA to demonstrate the feasibility of receiving credit for regulations that are implemented only in part of the region (i.e. Maryland and the District of Columbia). Finally, Item 5 reinforces the District of Columbia and Maryland's commitment to implement measures ensuring that there is no environmental degradation if the buffers are triggered. Virginia representatives did not list specific measures, but agreed to plan and adopt measures when needed. Mr. Ballou acknowledged the dedication of all members of the task force, especially the task force chair, Leta Mach, for her leadership and patience.

Ms. Rohlf's added that during the teleconference the day prior, EPA Region 3 representatives appeared receptive to the compromise but they are awaiting a response from national headquarters.

Ms. Rohlfs hopes the draft maintenance plan will be ready to present to MWAQC at either the October, November or December meeting.

Mr. Snyder asked Virginia DEQ staff to expand on the language in Item 5 to include more details about what Virginia will do moving forward.

Mr. Aburn noted that MDE received a letter from several environmental groups in April regarding the margin of safety. After hearing about the latest compromise proposal, the environmental groups still had lingering concerns.

## **6. Briefing on “Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21)”**

Ms. Rohlfs briefed the members about the new transportation bill called “Moving Ahead for Progress in the 21st Century (MAP-21)”, which was signed into law in July 2012 and becomes effective in October 2012. This bill has several changes, some of which are potentially beneficial to air quality, although funding levels are about the same. The changes include:

1-A performance-based approach to support seven national goals relating to safety, infrastructure condition, congestion reduction, system reliability, environmental sustainability, freight movement, and reduced project delivery delays. Several industry standard organizations will work to develop the performance measures. COG/DTP staff is working within the process to ensure that the performance measures are similar to the ones Metropolitan Planning Organizations (MPOs), including COG, are already using.

2-An expanded scope for Congestion Mitigation and Air Quality (CMAQ) fund use. Areas in nonattainment or maintenance for PM<sub>2.5</sub> are required to use CMAQ funds to reduce fine particle pollution through programs which now include diesel retrofits, EV battery exchange stations, and compressed natural gas vehicle infrastructure.

3-A performance plan for MPOs with population over 1 million. MPOs are required to develop a performance plan and set targets. MPOs must establish a baseline for congestion and mobile source emissions, describe progress made on performance targets, and identify projects for funding that go toward meeting traffic congestion targets. Annual and biennial progress reports may be required.

## **7. Ozone Transport Commission (OTC) Update**

Mr. Kumar explained that the OTC is a multi-state organization created under the Clean Air Act to develop and implement regional solutions to ozone problems in eleven Northeast and Mid-Atlantic states including the District of Columbia. All of the non-attainment areas are in marginal status for ozone except Baltimore, which is moderate. As the region’s ozone trends indicate, it is not certain that the region will achieve the 2015 standard, depending on emissions and meteorological conditions, so the region may need to adopt additional measures to reduce the precursor emissions to ozone. The OTC is developing new control measures to address point sources, onroad mobile sources, and nonroad mobile sources. Once the OTC adopts a model rule, states may adopt the rule on their own schedule. The draft model rule on nonroad idling is now ready for states to adopt if they wish.

Mr. Aburn commented that MDE believes that the region is not on a trend to meet the 75ppm ozone standard. It is not necessary to wait until the region is bumped up to ‘moderate’ nonattainment to act, first by reducing mobile source NO<sub>x</sub> emissions, then by reducing transported emissions. Five or six OTC states are planning to sue EPA in early 2013 over their failure to address transported emissions. The Clean Air Act has six tools for states to deal with upwind states.

Ms. Bulova and Mr. Aburn clarified that emissions travel to our region from other states, but then in

turn our region creates emissions that are transported to downwind states. Chair Mendelson requested a presentation on the work being done regarding transported emissions at a future meeting.

## **8. State and Local Air Reports**

### ***District of Columbia***

Ms. Beall reported that the District of Columbia is hard at work finalizing the Sustainable DC plan, which includes a climate action plan. The EPA is holding a public hearing on a Plantwide Applicability Limit for particulate matter, NO<sub>2</sub> and greenhouse gases for the Capitol Power Plant on Monday, October 1, from 5 to 7pm at the MWCOG training center.

### ***Maryland***

Mr. Aburn reported that Maryland's Air Quality Control Advisory Council moved forward with approval of the CAL Lev 3 standards. MDE is looking into strengthening the Healthy Air Act for NO<sub>x</sub>, SO<sub>2</sub> and mercury from waste to energy plants, and on smaller diesel generators. The region is seeing an increase in generators due to power reliability issues.

### ***Virginia***

Mr. Ballou reported that Virginia DEQ is revising its emissions inspection program, and evaluating and possibly expanding the use of remote sensing.

## **9. Set Date for Next Meeting, Adjourn**

The next meeting date is October 24, 2012. The meeting was adjourned at 1:48pm.