

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 JANUARY 28, 2009 MEETING

Attendance:

Members and Alternates

Monica Backmon, Prince William County
Tom Ballou, Virginia Department of Environmental Quality (by teleconference)
Cecily Beall, District of Columbia Department of Environment
Hon. John Britton, City of Rockville
Hon. Mary Cook, City of College Park
Hon. Jay Fisette, Arlington County
Hon. Nancy Floreen, Montgomery County
Diane Franks, Maryland Department of the Environment
Hon. Alan Imhoff, City of Frederick (by teleconference)
Hon. Leta Mach, City of Greenbelt
Hon. Phil Mendelson, District of Columbia
Pam Parker, Montgomery County Department of Environment
Mark Rawlings, District Department of Transportation
Hon. Redella Pepper, City of Alexandria
Howard Simons, Maryland Department of Transportation
Hon. Linda Smyth, Fairfax County
Hon. Dave Snyder, City of Falls Church
JoAnne Sorenson, Virginia Department of Transportation

Others Present:

Randy Carroll, Maryland Department of the Environment
Jessica Daniels, District of Columbia Department of Environment
Molla Sarros, Maryland Department of the Environment
Bill Skrabak, City of Alexandria
Kanti Srikanth, Virginia Department of Transportation
Todd Turner, City of Bowie/TPB
Bill Orleans, Prince George's County resident
Flint Webb, Fairfax County Federation of Citizens Associations
Helen Webb, Fairfax County resident

Staff:

Mike Clifford, COG/DTP
Stuart Freudberg, COG/DEP
Steve Kania, COG Office of Public Affairs
Jeff King, COG/DEP
Sunil Kumar, COG/DEP
Eulalie Lucas, COG/DTP
Jane Posey, COG/DTP

Lee Ruck, COG Counsel
Joan Rohlfs, COG/DEP
Jeanne Saddler, COG Office of Public Affairs
Daivamani Sivasailam, COG/DTP
Tanisha Williams, COG/DEP

1. Call to Order, Public Comment Period, Approval of Minutes, Announcements

Chair Mendelson called the meeting to order at 12:20pm. The meeting minutes were approved with no changes.

There were several announcements. Mr. Mendelson recognized David Snyder with a plaque and expressed appreciation for his leadership of MWAQC during 2008. Mr. Snyder played a significant role in getting the fine particle SIP approved last March by negotiating an agreement with the City of Alexandria and Virginia DEQ to improve monitoring in Alexandria and convening a DEQ group to discuss methods for doing local scale modeling analysis. Mr. Snyder also led on several other issues and you actively participated on the Climate Change Steering Committee.

Mr. Mendelson recognized Flint Webb with a plaque and expressed appreciation for his interest and dedication to improving air quality in the Washington region through his significant participation as a stakeholder member of the MWAQC Technical Advisory Committee (TAC). Mr. Webb represented the Fairfax County Federation of Citizens Associations and served four years on the TAC.

MWAQC received some good news this week. The Washington Post published an article on a study linking longer life to clean air. Because fine particle air pollution declined in this region, Washington area residents are living three years longer in 2000 than in 1980.

2. Committee Reports

A. Report of the Technical Advisory Committee (TAC)

Mr. Ballou reported on the recent meeting of the TAC. The primary focus of the January 12 meeting was to discuss with EPA representatives the December 5 EPA proposal to include Montgomery and Prince George's County in the Baltimore Nonattainment Area for the 2006 PM_{2.5} 24-hour NAAQS. With the exception of stakeholder appointments, all other agenda items were tabled due to time constraints. Mr. Ballou said that Ana Prados, representing the Fairfax County Federation of Citizens Associations, has been appointed as a new stakeholder representative on the TAC. Candice Gay (DoD Regional Environmental Coordinators Office Region III), John Kinsman (Edison Electric Institute), and Walt Seedlock (Metropolitan Washington Airports Authority) were all reappointed as stakeholders.

B. Report of the Air Quality Public Advisory Committee (AQPAC)

Ms. Rohlfs reported on the recent meeting of AQPAC, which held an open house for potential new members on January 26. Applications were received from twenty six interested individuals from across the region (approval of the appointments is on the agenda for today's meeting). AQPAC supported a joint MWAQC/TPB/COG Board letter to EPA Region III expressing opposition to EPA's proposal.

C. Report of the Clean Air Partners

Linda Smyth reported on activities of Clean Air Partners. The Clean Air Partners e-newsletter was distributed to more than 2,600 AirAlert's subscribers in early January and included articles on the 2008 ozone season, parts washer rebate program, radon action month, and teleworking. The e-newsletter also included links to the Maryland Climate Action Report, National Capital Region Climate Change Report, Telework!VA, and EPA's National Radon Action Month web site.

Sponsorship commitments to date are projected at \$132,500 and include contributions from Washington Gas, Montgomery County, Commuter Connections, Mirant, Lockheed Martin, Prince George's County, and Constellation Energy. An additional \$30,000 in sponsorships from Fairfax County and the Telework!VA program are pending. In-kind sponsorship commitments for the placement of transit ads have been received from WMATA, Maryland Transit Authority, Frederick County TransIT, Montgomery County Ride On (new), City of Fairfax (new), and City of Alexandria (new).

There have been few requests for the curriculum and outreach materials over the winter months; however, the Education Program Manager has already received several requests for presentations in the spring and summer. One new application for the aqueous parts washer rebate program was received from an auto dealership in Rockville, MD (VOB Nissan/Saab) in January. The application has been approved.

The Managing Director, Chair, and Co-Chair met with the Executive Director and key staff from the Baltimore Metropolitan Council (BMC) on January 26, 2009 to discuss a presentation to the BMC Board of Directors in April 2009. Clean Air Partners will conduct an all-day strategic planning meeting on February 5, 2009 at MDOT headquarters. All Board members, staff, and consultants have been invited to participate.

D. Report of the IAQC

Cecily Beall reported on a recent meeting of the IAQC held on January 13. The call agenda included a review of the 2008 activities and accomplishments and the key elements of the 2009 work program. The December 5 EPA proposal to include Montgomery and Prince George's County in the Baltimore Nonattainment Area for the 2006 PM2.5 24-hour NAAQS was also discussed. In response to a question from Mr. Mendelson, Ms. Beall said that IAQC met twice in 2008 as required under the bylaws. The most recent meeting included representatives from all the agencies, but not all of the secretaries were present.

3. Appointment of Members to AQPAC

Ms. Rohlfs presented staff recommendations on the slate of new AQPAC members. The slate represents an attempt to secure good representation across disciplines, interests, and jurisdictions. There are a total of 18 openings, six for each state (DC/MD/VA). Only five applications were received from Maryland. The recommended slate of AQPAC members was approved unanimously.

4. Comment Letter to EPA Re Proposed Designation of Montgomery County and Prince George's County as part of Baltimore Nonattainment Area for 2006 Daily PM2.5 Standard

Ms. Rohlfs presented a draft comment letter for MWAQC consideration and approval. She provided background information on EPA's proposal to designate Montgomery County and Prince George's County as part of the Baltimore Nonattainment Area for the 2006 Daily PM2.5 Standard. Environmental groups commented on EPA's initial proposal to designate the entire Washington, DC/MD/VA area as attaining the 2006 Daily PM2.5 Standard arguing that the entire region contributes to violations of the standard in Baltimore so should be included in the nonattainment area. In response, EPA reevaluated its proposal and decided that Montgomery and Prince George's Counties do contribute to air pollution in Baltimore. When asked, EPA could not provide a good response as to why only one ring of counties to the south was analyzed and ultimately included in the proposal. Ms. Franks said that EPA's decision to only look at one ring of counties to the south was scientifically arbitrary and was unresponsive to the commenter's request. She said there is a power plant in Northern Virginia that is actually closer to Baltimore than the plant in Montgomery County. EPA also didn't consider the impact of the Healthy Air Act on air quality in the region.

Ms. Floreen said that the letter should include more details on the implications of the proposal on the region's transportation planning process. Members discussed using the word convolute instead of complicate when referring to the impact on the planning process.

In response to a question from Mr. Fisette, Ms. Rohlfs said that the designation process is interpretive. While the Clean Air Act does specify the designation process, it does not mandate specific approaches to designation.

A motion was made and seconded to approve the letter as written and presented to MWAQC. The letter was approved unanimously. Members agreed that if the COG Board and TPB Chair agree to changing the word complicate to convolute, such a modification would be acceptable.

5. CAIR Remand: Implications for Region's SIPs

Mr. King provided a report on the recent remand of the Clean Air Interstate Rule (CAIR). CAIR was initially promulgated on March 10, 2005, building on the NOx SIP Call and Acid Rain Programs. The rule caps NOx and SO2 emissions from power plants in 28 states and was included in both ozone and fine particle SIPs for the region. Under the program, states issue emission allowances to utilities. Reductions in the number of available allowances occur in two phases. Phase I reductions occur in 2009/2010. Phase II reductions occur in 2015.

In 2006, petitions for judicial review of the regulation were received by the U.S. Court of Appeals. On July 11, 2008 the U.S. Court of Appeals released its vacatur decision, stating that the rule is fatally flawed. The main issues noted by the court were that the allowance allocation was arbitrary and that trading doesn't prevent significant contribution to downwind states.

On November 17, 2008 EPA requested a rehearing. On December 23, 2008 the court remanded the rule without vacatur to preserve the environmental benefits. Mr. King read an excerpt from the court decision: "allowing CAIR to remain in effect until it is replaced by a rule consistent

with our opinion would at least temporarily preserve the environmental values covered by CAIR. Accordingly, a remand without vacatur is appropriate in this case.”

Mr. King was also asked to briefly discuss the recent decision related to the CAL LEV waiver request. He said that the Obama Administration has instructed EPA to reevaluate its denial of the California request for a waiver to implement the CAL LEV II program. If EPA grants the waiver request, states that have opted into the program (including Maryland and the District) will be able to begin implementation. Auto manufacturers will have two years to comply.

6. State and Local Air Reports

Ms. Franks reported for Maryland. Maryland is working to revise its CTG Guidelines, including changes to six regulations. The regulations will be considered by the Advisory Council on February 18.

Mr. Ballou reported for Virginia. Virginia received a failure to submit notice from EPA for its Regional Haze SIP. One of the key missing SIP components is resolution of issues related to Best Available Retrofit Technology (BART) permits. Virginia is also revising its CTG guidelines. The Air Board considered the petition to revise the opacity standard in December but deferred a decision until the next meeting. Members asked that the MWAQC chair send a letter to the Governor (with cc's to the legislature and local officials) asking for follow up on the request.

Ms. Beall reported for the District of Columbia. The District is working on its OTC VOC regulations and CTG guidance documents, as well as the CAIR implementation rule.

7. Date for Next Meeting and Adjourn: The next meeting will be held on February 25, from 12:00 - 2:00pm. The meeting was adjourned at 1:25pm. Chair Mendelson asked for a presentation on the Gold Book Measures at the next meeting.