

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 February 23, 2010 MEETING

Attendance:

Members and Alternates

Tad Aburn, Maryland Department of the Environment
Tom Ballou, Virginia Department of Environmental Quality
Hon. John Britton, City of Rockville
Hon. Sharon Bulova, Fairfax County
Robert Catlin, City of College Park
Hon. Mary Cheh, District of Columbia
Hon. Jay Fisette, Arlington County
Jason Groth, Charles County
Pat Haddon, Calvert County
Saadat Khan, District Department of Transportation
Hon. Leta Mach, City of Greenbelt
Hon. Phil Mendelson, District of Columbia
Ron Peppe, City of Falls Church
Hon. Redella "Del" Pepper, City of Alexandria
Howard Simons, Maryland Department of Transportation
Hon. Linda Smyth, Fairfax County
Kanti Srikanth, Virginia Department of Transportation
Ram Tangirala, District Department of the Environment

Staff

Gary Allen, Clean Air Partners
Jeannine Altavilla, COG/DEP
Elena Constantine, COG/DTP
Maia Davis, COG/DEP
Jen Desimone, COG/DEP
Stuart Freudberg, COG/DEP
Jeff King, COG/DEP
Sunil Kumar, COG/DEP
Eulalie Lucas, COG/DTP
Erin Morrow, COG/DTP
Jane Posey, COG/DTP
Joan Rohlf, COG/DEP
Daivamani Sivasailam, COG/DTP

Others

Randy Carroll, Maryland Department of the Environment
Jessica Daniels, District Department of the Environment
Barbara Hardy, Fairfax County Health Department
Bill Orleans

Bob Owolabi, Fairfax County Department of Transportation
Matt Ward, Climate Communities

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

The meeting was called to order at 12:10pm. Chair Del Pepper welcomed new members, and referred both new and old members to the MWAQC Handbook.

Chair Pepper presented the MWAQC 2010 Annual Report, noting progress in the region, especially during record breaking summer heat.

On behalf of the Committee, Chair Pepper recognized Past Chair Leta Mach with a plaque.

The minutes from the December 2010 meeting were approved with no changes.

There were two additions made to the agenda: Greenhouse Gas Emissions Down, 2009 and a presentation of the impacts of CAFE Heavy Duty Vehicle Standards.

2. Committee Reports

Technical Advisory Committee (TAC)

Tad Aburn reported on January 11th and February 8th TAC meetings. The committee discussed whether or not the region would seek redesignation for fine particulate matter (PM) to attainment. The group heard a presentation from MWCOG Transportation (COG/DTP) staff on the transition to the MOVES model. The transition from Mobile 6.2 is going well. The issue of near-roadway monitoring has been brought to the committee's attention.

Air and Climate Public Advisory Committee (ACPAC)

Joan Rohlf reported on ACPAC. Deron Lovaas is the outgoing Committee Chair. The group met in January to discuss the role of ACPAC in advising this committee and the Climate, Energy and Environment Policy Committee. The group also heard about the budget, which will be presented later in this meeting.

Clean Air Partners (CAP)

Gary Allen, Chair of CAP, reported updates to the committee. In Loudoun and Howard Counties, CAP is working with the Maryland Department of the Environment to increase awareness of air quality issues. There is a pilot smartphone application for mobile source monitors from EPA. The visibility application was developed at the University of California and allows users to send photos of their locations to receive information on air quality.

2011 CAP sponsor commitments are estimated at \$80,000, with in-kind transit partnerships continuing and hopefully expanding into Howard County and Baltimore. CAP has replaced its standard brochure with a bookmark and magnet that can be scanned on a smartphone.

The 2011 Poster Contest is underway, with entries due March 18th; winners will be announced April 22nd. CAP is sponsoring awards at 10 science fairs.

CAP has developed two new online tools, an AirAlerts Button and an Air Quality Forecast Widget. Jen Desimone demonstrated these tools that can be placed on any internet or intranet site to communicate air quality information.

There are vacancies on the board this year. Please nominate or submit an application if you know someone who qualifies or are interested.

MWAQC Executive Committee

Chair Pepper reported on the Executive Committee's February 9th call. The committee discussed appointments to MWAQC. Four stakeholders were nominated to continue serving on the Technical Advisory Committee and all accepted. See meeting materials for a list of stakeholders and their information. Appointments to ACPAC were confirmed. See meeting materials for new members and their interest in the committee.

3. Legislation to Limit EPA's Ability to Regulate GHG Emissions

Matt Ward from Climate Communities presented the current debate in Congress on limiting Environmental Protection Agency's (EPA) ability to regulate greenhouse gas (GHG) emissions. Climate Communities is a national association of local governments that promotes innovative solutions to decrease emissions through green activities. Arlington, Loudoun and Montgomery Counties are members. See presentation online for detailed slides.

EPA's GHG rules are currently in effect. For large new sources of emissions, EPA requires that the best available control technology (BACT) is used to limit emissions. EPA gave states the opportunity to present plans to meet this requirement. States that did not submit plans will have all major new source plans reviewed by EPA. Senator Rockefeller has introduced a bill with six Democrats that would put a two-year moratorium on EPA's ability to regulate GHG emissions. If a bill such as Rockefeller's bill were passed, progress on reducing GHG emissions would be delayed because EPA's regulations are already in effect. Provisions in HR 1, the current budget bill for FY 2011, would permanently strip the EPA of the ability to enforce these rules. The bill passed on a virtually party-line vote.

Texas and Wyoming have sued EPA over the GHG emissions rules. Texas is challenging EPA's endangerment finding. Wyoming is saying that EPA did not provide ample time for states to develop their own plans before mandating that states who did not comply adhere to a federal plan.

In the case of AEP v. Connecticut, the state of Connecticut with six other states and New York City sued the five largest electric utility emitters in the US claiming GHG emissions were a nuisance under federal common law. There are many amici briefs from industry, states, and Congressmen supporting the utilities, and very few supporting the states. There is a possibility that Climate Communities could write an amicus brief for Connecticut. Mr. Britton asked about the states with Connecticut on the lawsuit against EPA. No states are in the COG region. The HR 1 bill does not challenge the AEP case, which is a case using federal common law to garner a right to claim nuisance.

Congressional action would be needed to examine the Clean Air Act and consider concerns from all sides.

4. *Conformity Scopes of Work/2010 Constrained Long Range Plan (CLRP) Amendment & 2011 CLRP

VOTE TO APPROVE

Jane Posey presented the 2010 CLRP Amendment and 2011 CLRP Plan. The Public Comments period ends March 12. For the 2010 amendment, the analysis will be redone using all of the same inputs and models as last year. For the 2011 CLRP, there are several important changes. The first year of the analysis will be 2016. There is a new area system with more traffic analysis zones, Round 2.3 of the Travel Demand Model, Cooperative Forecast Round 8a to account for recent updates from Baltimore region. Also, the analysis will no longer evaluate how regional emissions compare to the 1-hour ozone budget because that has been officially superseded by the approved 8-hour ozone SIP RFP budget for 2008. The CLRP does include the project to add 3 HOV lanes on Interstates 95/395. A description of all of the projects included in the plan is available on the website: <http://www.mwcog.org/clrp/>.

Mr. Mendelson asked how these plans work with the existing emissions budgets. The 2011 forecast seems to be very close to the budgets. The CLRP must adhere to the 2008 budgets, which is not a problem using the Mobile 6 model.

Mr. Fisette asked if the definition for regionally significant projects became broader. Ms. Posey noted that the definition was expanded and now includes more projects, but added that the inclusion of more projects was not done on purpose.

Mr. Britton asked why Mobile 6 was being used, especially when the MOVES model shows higher emissions estimates. The task force is still working on the transition to MOVES, which will not be used until March 2012.

The TAC conformity subcommittee approved a letter supporting the 2010 CLRP amendment and the 2011 CLRP on February 22. The letter was approved by the full MWAQC unanimously.

5. Mobile Emissions: MOB6.2/MOVES Preliminary Results

Elena Constantine and Eulalie Lucas, COG DTP, presented on the preliminary results for transitioning to the MOVES model. The MOVES model approaches emissions differently than the Mobile 6.2 model, so it predicts different levels of future emissions. The task force began meeting in the summer of 2009 to start transitioning to the new model. The group has discussed the inputs, some of which have changed.

Mr. Mendelson questioned why MOVES was not being used for current forecasts. DTP staff responded that there has not been final or conclusive guidance from some questions that regions around the country have identified. Specifically for COG, there are many default values that do not accurately represent the conditions in the region. For example, the region has a great deal of non-highway options for roads. Mr. Mendelson responded that this is not just a technical exercise but that the most up to date model should be used to help address public health.

Mr. Srikanth reminded the committee that the numbers from the models do not represent actual emissions, but estimated future emissions. Every time a new model is issued there is a two year lead to make sure that the model has enough accurate data for predictions. The model will not yield accurate results until it has this data.

6. *Proposed FY 2012 MWAQC Work Program and Budget

VOTE TO APPROVE

Joan Rohlfs presented the FY2012 MWAQC Work Program and Budget to the committee. The COG and state air agency budgets are the same as the past three years. The local fund contributions have declined from the previous year by \$8,800. The full work program and budget are available in the meeting materials. The State Implementation Plans (SIPs) may need to be revisited when MOVES is finalized because the budgets were created using Mobile.

The committee passed the work program and budget unanimously.

7. State and Local Air Reports

Mr. Ballou presented updates for Virginia. Permits for the natural gas fired plant in Warren County were issued last December. It was not subject to the new tailoring rule due to the timeline, but it is likely that the plant would have met the rule's requirements.

Mr. Carroll presented updates for Maryland. The state released the annual update to the Maryland Commission on Climate Change Climate Action Plan. A 2012 draft plan is required under the Greenhouse Emission Reduction Act and is due December 31st. There will be stakeholder meetings on the draft plan later this year. The state is trying to get EPA to approve a biannual examination of federal measures to reduce transport pollution, encouraging them to commit to firmer dates for releasing rules to reduce transport, which are currently listed as under consideration. EPA has received NO₂ letter, SO₂ due June 2011. EPA wants Maryland to indicate in writing whether they should work on approving the submitted SIP or whether the state will seek redesignation. The state is continuing to work with the Ozone Transport Commission (OTC) and the National Air Carrier Association (NACA), acknowledging EPA's analysis that the Bay's nitrogen problem sees a 30% contribution from upwind sources. There has been no new appointment for the Secretary of the Department of the Environment; Bob Summers continues as Acting Secretary. Maryland's legislation is session until April 11th. Mr. Britton asked if the state was party to the nuisance suit (AEP v. Connecticut). Mr. Carroll was not sure if the state had been asked to join the case.

Mr. Tangirala presented updates for the District. Proposed regulations taken from OTC's phase I model regulations to reduce VOC were released at the end of 2010. The District is in the process of reproposing these regulations after considering comments that were submitted.

8. New Business: Greenhouse Gas Emissions Down, 2009 CAFE Heavy Duty Vehicle Standards

Sunil Kumar, COG DEP, presented the results of the national Greenhouse Gas Emissions report released by EPA. There is a correlation between economic success and emissions; the downturn in the economy from 2008 to 2009 led to a reduction in emissions. Emissions per GDP and emissions per capita have decreased.

Mr. Fisette asked what fugitive emissions covered. They are not smokestack emissions, but leaks or undefined exit points in the plants.

Natural gas is assumed to be 40% less carbon intense than coal as an electricity producer.

There are improvements demonstrated from building efficiency. The EPA breaks down various categories. COG staff can look into the specific improvements for the committee.

Jeff King presented information on the CAFE standards for heavy duty vehicles. COG DTP's What Would It Take scenario examined what measures would be necessary to reach COG's emissions reductions goals and shows that heavy duty vehicle fuel efficiency improvements will provide valuable reductions in emissions towards this goal.

9. Set Date for Next Meeting, Adjourn:

The next meeting date will be April 27, 2011. The meeting was adjourned at 2:05 pm.