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\*10/21/04 DRAFT

**BYLAWS  
of the  
Metropolitan Washington Air Quality Committee**

**Section 1: NAME**

The name of this committee is the Metropolitan Washington Air Quality Committee (MWAQC).

**Section 2: AUTHORITY**

The authority of the MWAQC is derived from the certifications made by the Governors of Maryland and Virginia and the Mayor of the District of Columbia pursuant to Title I, "Provisions for Attainment and Maintenance of National Ambient Air Quality Standards," of the Clean Air Act Amendments of 1990 (section 174, 42 U.S. Code 7504).

The principal mandates of the MWAQC are to prepare, according to the provisions of Title I of the Clean Air Act Amendments of 1990 and the implementing regulations of the U.S. Environmental Protection Agency, the following documents for transmittal to, and consideration by, the Government of the District of Columbia, the State of Maryland, and the Commonwealth of Virginia suitable for inclusion in their air quality State Implementation Plans:

1. Plans demonstrating attainment of the federal ozone standards and such other criteria pollutant standards as may be necessary to achieve compliance with the Clean Air Act Amendments of 1990 and the implementing regulations of the U.S. Environmental Protection Agency;
2. Plans demonstrating appropriate "rate of progress" reductions in criteria pollutants as required by statute and regulations;
3. Inventories and budgets of emissions as may be required by statute and regulations

**Section 3: MISSION**

The MWAQC has been established to conduct interstate air quality attainment and maintenance planning for the Washington, D.C. area on behalf of the District of Columbia, the State of Maryland and the Commonwealth of Virginia, as the area may be designated or re-designated from time to time by the U.S. Environmental Protection

Agency based on non-attainment areas for specific criteria pollutants (hereinafter referred to as a “Non-Attainment Area” for the specific criteria pollutant or pollutants under consideration).

In fulfilling its mission, the MWAQC shall:

1. Formulate, adopt and submit to the Government of the District of Columbia, the State of Maryland and the Commonwealth of Virginia a proposed regional air quality plan for criteria pollutant control suitable for incorporation into applicable air quality State Implementation Plans (SIP's).
2. Develop an air quality maintenance plan for criteria pollutant control which includes measures and implementation commitments for consideration and incorporation into SIP's and implementation by the states, local governments and the U. S. Environmental Protection Agency..
3. Fulfill any other functions and obligations necessary for the promulgation and maintenance of regional air quality policies, plans or programs as may be assigned to it by federal or state statute, policy or regulation. At the request of an appropriate state, regional or local jurisdiction, the MWAQC may perform other functions to improve regional air quality, including the evaluation and consideration of innovative and non-regulatory initiatives designed to expedite or enhance attainment and maintenance of air quality goals. The MWAQC shall develop appropriate policies and procedures to implement these requirements and functions.

In executing its policy and plan preparation functions, the MWAQC shall:

1. Periodically review interim products and progress in the plan's development, including innovative and non-regulatory initiatives designed to expedite or enhance attainment and maintenance of air quality goals.
2. Coordinate its activities with relevant planning efforts of the National Capital Region Transportation Planning Board, Metropolitan Washington Council of Governments (COG) Board of Directors and policy committees, the Tri-County Council for Southern Maryland, state air quality and transportation agencies, the region's local governments, and other relevant entities.
3. Develop and maintain a public participation and education program and collaborate with other public air quality efforts as appropriate.
4. Provide assistance and policy direction in the planning process to achieve cooperation in developing plan recommendations and facilitate the

resolution of interjurisdictional policy issues.

5. Facilitate plan implementation by fulfilling an advocacy role for plan elements in appropriate forums.
6. After adoption of an air quality plan, periodically assess whether new information, including demographic and emissions forecasts, warrants the plan's revision and, working with the appropriate jurisdictions and agencies, prepare revisions and modifications of the plan to the District of Columbia, the State of Maryland and the Commonwealth of Virginia.

**Section 4: MEMBERSHIP**

Membership of the MWAQC shall consist of representatives appointed by the governing bodies of localities in the Non-Attainment Area, their elected chief executives, state environmental agencies, state transportation agencies and the Transportation Planning Board:

<b>Member Representatives</b>	<b>Number Of</b>
<b>District of Columbia</b>	
Office of The Mayor	2
Council of the District of Columbia	2
<b>Maryland</b>	
City of Bowie	1
City of College Park	1
City of Frederick	1
Frederick County	1
City of Gaithersburg	1
City of Greenbelt	1
Montgomery County, Office of the County Executive	1
Montgomery County Council	2
Prince George's County, Office of the County Executive	1
Prince George's County Council	2
City of Rockville	1
City of Takoma Park	1
Calvert County	1
Charles County	1
Maryland General Assembly	2

**Virginia**

City of Alexandria	1
Arlington County	1
City of Fairfax	1
Fairfax County	3
City of Falls Church	1
Loudoun County1	
City of Manassas	1
City of Manassas Park	1
Prince William County	2
Stafford County (for 1 hour ozone issues only)	1
Virginia General Assembly	2

**State Environmental Agencies**

District of Columbia Dept. of Health	1
Maryland Department of the Environment	1
Virginia Department of Department of Environmental Quality	1

**State Transportation Agencies**

District of Columbia Department of Public Works	1
Maryland Department of Transportation	1
Virginia Department of Transportation	1

**National Capital Region Transportation  
Planning Board**

Chair, or the Chair's designee, of the National Capital Region Transportation Planning Board	<u>1</u>
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**TOTAL** 44

Additional local governments are eligible for membership on MWAQC provided that they have a population of 25,000 or more and are located within a Non-Attainment Area. No local government may participate in MWAQC deliberations on a specific criteria pollutant unless the local government is included in a Non-Attainment Area, or the area subject to remedial actions therefor, for that specific criteria pollutant.

**Section 5: TERM OF MEMBERSHIP, METHOD OF APPOINTMENT, AND ALTERNATES**

**5.1: Term of Membership and Method of Appointment**

Members shall serve until replaced by their respective appointing authority (or successor authority) or by resignation.

**5.2: Alternates**

Alternates to voting members may be appointed at the discretion of the original appointing authority (or successor) and will serve until replaced. Alternates to members shall, as far as practical, be elected officials with the following exceptions:

Mayor, District of Columbia  
County Executive, Montgomery County  
County Executive, Prince George's County  
State Environment and Transportation Agencies

**Section 6: OFFICERS**

**6.1: Enumeration, Terms and Election of Officers**

Election of officers shall be held at the last business meeting of the calendar year.

The office of Chair, Metropolitan Washington Air Quality Committee, shall be selected by the membership and shall serve a one year term, which may be renewed for a second year. There shall be three Vice Chairs elected by the membership who shall, likewise, serve a one year term concurrent with the Chair and whose terms may be renewed for a second year. There shall be one Vice-Chair each from the District of Columbia, Maryland and Virginia selected from the membership. The Chair shall be rotated among these jurisdictions in alphabetical order.

At the meeting preceding the election of the Chair and Vice Chairs, there shall be appointed by the Chair a Nominating Committee which shall propose a slate of officers for election by the membership. The Nominating Committee shall request a nomination from each jurisdiction's caucus for consideration as Vice Chair. There shall be a minimum of ten days notice of the list of nominees for officers transmitted to MWAQC members prior to the date of election.

The term of office for each officer shall be for one year, and shall commence as of January 1 of each year.

## **6.2: Duties of Officers**

The Chair of the MWAQC shall approve meeting agendas, preside at all meetings, appoint committees and subcommittees in accordance with Section 8 of these Bylaws and perform such other such duties that the MWAQC may assign.

A Vice Chair, designated by the Chair, shall act to discharge the duties of the Chair in the absence or inability of the Chair to act.

## **Section 7: QUORUM, VOTING PROCEDURES, MEETINGS**

### **7.1: Quorum**

A quorum shall consist of twelve (12) members or designated alternates to include at least two (2) voting members from the District of Columbia, four (4) from Maryland and four (4) from Virginia. For Matters of Major Concern (Section 7.3) a quorum shall consist of an absolute majority of the membership including at least two (2) voting members from the District of Columbia and at least four (4) from Maryland and Virginia.

### **7.2: Voting Procedures**

It is the goal of the MWAQC that all matters shall be resolved collegially through the development of consensus positions.

Simple majority vote of the members present (or designated alternates in case of absences) shall prevail on all motions, resolutions or election of officers, except in the case of matters of major concern as defined in Section 7.3.

### **7.3: Matters of Major Concern**

Matters of Major Concern shall require the majority approval of the representatives in attendance from each state's membership. The TPB Chair's vote shall be considered non-voting in cases of "Matters of Major Concern ". These matters shall include:

1. Approval or revision of a proposed regional air quality plan or components of such a plan, including contingency measures (for example, individual control measures recommended for application regionally, allocation of emission reductions by state or by source, recommendation of air quality State Implementation Plan revisions affecting the non- attainment region.)
2. Approval of MWAQC work programs and budgets.

3. Recommendations to alter membership of the MWAQC.
4. Amendments to Bylaws and Suspension of Bylaws.
5. A point of order to make a resolution or other action of the committee (other than the four items above) subject to the voting provisions of Section 7.3 "Matters of Major Concern", may be made by any member; such point of order shall be upheld if it has the majority approval of the representatives in attendance from the membership of any one of Virginia, Maryland, or the District of Columbia.
6. Any MWAQC member who has a pecuniary interest in, or an employee or contract relationship (other than the criteria for his/her membership) with, an entity, organization or issue pending before MWAQC as a matter of major concern, must disclose that interest or relationship prior to casting a vote thereon.

#### **7.4: Meetings and Parliamentary Authority**

The MWAQC shall meet at least four times per year, and more frequently as it deems necessary. The regular meeting date is established as the fourth Wednesday of the months of January, April, July and October at 12:00 Noon at the offices of COG. The meeting date, place and time may be otherwise determined by agreement.

Additional meetings may be called with ten days written notification (from the time the notice is sent) by the Chair or by written request of five members of the MWAQC.

The Rules of Procedure of the COG Board of Directors as may be modified by MWAQC shall be the parliamentary authority for the conduct of meetings of the MWAQC. If such rules are silent, the most recent edition of Roberts Rules of Order shall apply.

#### **7.5: Alternate Forms of Participation**

MWAQC may by resolution provide for meetings to be electronically attended, in whole or in part, either telephonically, by conference call, or by videoconference. If such electronic meetings are held, all participation and voting privileges shall inure to members participating electronically, and all quorum and voting requirements shall include members so participating. Under the direction of MWAQC, or with its consent, any committee or subcommittee may follow this procedure for alternate forms of meetings.

If alternate forms of meetings are so provided, authorization therefor will not apply until at least one meeting after the authorizing resolution is adopted. If alternate

forms of meeting are authorized, notices of meetings will set forth the alternate methods of participation and any technical requirements therefor.

**Section 8: COMMITTEES**

**8.1 Technical Advisory Committee (TAC)**

There shall be established a Technical Advisory Committee (TAC) to advise and assist the MWAQC in planning for and maintaining the region's air quality. The Chair and Vice Chair of the TAC shall be representatives of the state environmental agencies from jurisdictions other than that of the MWAQC Chair. Membership of the TAC shall consist of:

- The environmental agency directors of the District of Columbia, Maryland and Virginia or their designated representatives.
- The transportation agency directors of the District of Columbia, Maryland and Virginia or their designated representatives.
- A representative of each local government with membership on the Metropolitan Washington Air Quality Committee.
- A representative of the Technical Committee to the National Capital Region Transportation Planning Board
- Up to four governmental or non-governmental participants may be designated by the TAC Chair from nominations by the Air Quality Public Advisory Committee, the Greater Washington Board of Trade, and members of regulated utilities in the region.

From time to time other governmental or nongovernmental participants representing entities other than those enumerated herein may be invited at the discretion of the TAC Chair.

The Technical Advisory Committee shall:

- a. Review and advise the MWAQC on the proposed draft of the air quality plan for submittal to the governments of the District of Columbia, the State of Maryland and the Commonwealth of Virginia.
- b. Recommend to the MWAQC an air quality work program and budget.
- c. Coordinate technical committees and working groups in executing work program elements.



- d. Receive and comment upon technical products developed during the planning process.
- e. Advise the MWAQC on potential technical and policy issues related to air quality as they arise and provide periodic status reports on the work program.
- f. Provide a coordinating mechanism among the MWAQC, the Mid-Atlantic Regional Air Management Association (MARAMA), the Ozone Transport Commission (OTC), and other agencies as appropriate.
- g. Report to MWAQC and the public on the daily air quality and air quality trends.
- h. Review and advise the MWAQC on the daily air quality forecasting during the ozone season.
- i. Provide technical review and recommendations to MWAQC on the Determinations of Conformity prepared by the staff of the Transportation Planning Board for the Transportation Improvement Plan (TIP) and its amendments and the regional Long Range Transportation Plan and its amendments.
- j. Execute any other duties as assigned by the MWAQC.

**8.2: Executive Committee**

The Chair, the three Vice Chairs, the Immediate Past Chair and the three environmental agency directors (or their designees) shall constitute an Executive Committee for MWAQC. The Executive Committee shall have such powers and shall perform such duties as MWAQC may delegate by resolution to it from time to time. The Executive Committee also may transact emergency business on behalf of MWAQC provided that any emergency actions of the Executive Committee shall be presented to MWAQC for its ratification at its next regular meeting. In addition, the Executive Committee shall have authority to transact such business as is necessary from time to time in furtherance of the mission of MWAQC and which has been neither, by these Bylaws nor by action of the Board, delegated to any other officer, employee or committee, nor has been undertaken by MWAQC itself.

**8.3: Relationship with the Interstate Air Quality Council**

**Deleted:** The MWAQC will periodically receive formal air quality planning proposals or other transmittals from the Interstate Air Quality Council ("the Council"), a cabinet-level collaboration of the District of Columbia, the State of Maryland, and the Commonwealth of Virginia. Such transmittals are considered key components of state action under the certification of MWAQC under Section 174 of the Clean Air Act and, as such, will be given great weight by MWAQC as representing the current policies of the officials ultimately responsible for plan submission to the U.S. Environmental Protection Agency. Such proposals may include, inter alia, proposed schedules for air quality plan development, identification of key issues and strategies, identification of major control strategy efforts, and proposed mobile source budgets and will form an integral part of the MWAQC work plan, deliberations, and ultimate actions on plans or other documents.¶

¶ The MWAQC will transmit any proposed air quality plans, or parts thereof, to the Council to assist the Governors and the Mayor in meeting their statutory responsibilities under the Clean Air Act.¶

¶ From time to time, and at least annually, the Council and MWAQC will jointly report to the Mayor, the Governors, and the public on the state of air quality, and efforts to improve it, in the Washington, D.C. area.

### **8.3: Coordination with the Interstate Air Quality Council**

- a. The Interstate Air Quality Council (“Council”) is a cabinet level collaboration between the District of Columbia, the State of Maryland, and the Commonwealth of Virginia.
- b. Pursuant to Section 174 of the Clean Air Act, the Council may transmit formal air quality planning proposals or other materials, such as, but not limited to, schedules for air quality plan development, identification of key issues and strategies, identification of major control strategy efforts, and proposed mobile source budgets to MWAQC for its review and consideration.
- c. Such transmittals shall form an integral part of MWAQC’s work program, and their recommendations shall be given great weight.
- d. The MWAQC will transmit any proposed air quality plans or parts thereof to the Council for final approval pursuant to Section 174.
- e. The Council and MWAQC will jointly issue an annual report on the progress of their air quality efforts in the MWAQC region.
- f. The recommendations of MWAQC and the Council are submitted to the Governors and Mayor who are ultimately responsible for submitting State Implementation Plans under the Clean Air Act.

### **8.4: Relationship with Other Committees**

The Metropolitan Washington Air Quality Committee will develop and maintain supportive collegial relationships with such entities as it deems appropriate to seek information and technical input on matters within its jurisdiction. Such entities will include , but are not limited to:

- The National Capital Regional Transportation Planning Board
- Transportation Planning Board Technical Committee
- COG Board of Directors and policy committees
- Tri-County Council for Southern Maryland.

### **8.5: Creation and Appointment of Subcommittees**

The Chair, upon approval by the MWAQC, may create and appoint subcommittees as deemed necessary for conducting its business.

## **Section 9: PUBLIC PARTICIPATION AND EDUCATION**

All meetings of the MWAQC and its Technical Advisory Committee shall be open to the public. Meetings shall be closed only in the case of matters dealing with personnel or litigation or the threat thereof.

The MWAQC shall adopt a public participation and education program as part of its attainment planning and maintenance work program.

**Section 10: STAFFING, CONTRACTING, ADMINISTRATION AND FINANCE**

**10.1: Staff**

The technical and administrative staff of the Metropolitan Washington Council of Governments, as reflected in the annual work program and budget of the MWAQC, shall serve as the staff to the MWAQC in the conduct of the air quality planning process. Technical staff support to the MWAQC in support of Charles and Calvert Counties, Maryland will be provided, at their discretion, by the Tri-County Council for Southern Maryland. Technical staff support to the MWAQC will also be provided by Stafford County, VA. The MWAQC shall, from time to time, adopt work programs and budgets for the execution of its work program.

Nothing herein shall preclude the technical and administrative staff of the Metropolitan Washington Council of Governments from providing separate or independent service to the Interstate Air Quality Council.

**10.2: Contractual Authority**

The Metropolitan Washington Council of Governments, acting through its Board of Directors, shall serve as the contracting agent for obtaining consultant and other necessary contractual services requested by the MWAQC.

**10.3: Administration and Finance**

The Metropolitan Washington Council of Governments shall be the administrative mechanism for the application, receipt, expenditure, and accounting of funds supporting the work of the COG staff in the MWAQC air quality planning work program. The Tri-County Council for Southern Maryland shall be the administrative mechanism for the application, receipt, expenditure and accounting of funds supporting work of TCC staff on air quality planning on behalf of Charles and Calvert Counties, Maryland. The Rappahannock Area Development Commission shall be the administrative mechanism for the application, receipt, expenditure and accounting of funds supporting work of the Stafford County, VA staff on air quality planning on behalf of Stafford County, Virginia.

The MWAQC shall, from time to time, adopt work programs and budgets for the execution of its regional work program. Nothing shall preclude additional sub-regional efforts to be added to the work program at the request and expense of individual state agencies and local governments. Local funds required as match for federal and state funds shall be apportioned to the general purpose local government members of the MWAQC on a pro rata population basis, in the same manner as in the annual budget process of the Metropolitan Washington Council

of Governments. Contributions from local governments not members of the Metropolitan Washington Council of Governments may be provided in the form of in-kind services.

Once a budget is set for a particular year, COG shall be responsible for one-third the set amount, less contributions, if any, from local governments represented on MWAQC but not members of COG. State environmental agencies shall be responsible for one-third of the set amount. State transportation agencies shall be responsible for one-third of the set amount.

Any local government represented on MWAQC but not a member of COG shall pay a fee equal to 12.5 percent of the amount they would pay for COG membership or \$2,000 annually, whichever is greater. As a result of the in-kind contributions being provided by the Tri-County Council for Southern Maryland, this provision shall not apply to Charles County or Calvert County Maryland.

## **Section 11: AMENDMENTS**

These Bylaws may be amended pursuant to the following procedures:

- a. With the approval of the majority of those voting members of the MWAQC present and voting, a proposal to amend the Bylaws introduced at any regular meeting of the Committee shall be recorded in the minutes, and
- b. A special written notice setting forth such proposal shall be mailed to every member of the MWAQC at least ten days before the next regular meeting.
- c. The amendment shall be acted upon at the next regular meeting following the meeting at which it was proposed. A majority of those present and voting from the District of Columbia, Maryland and Virginia, (as described in Sec. 7.3 of these Bylaws) will be required for approval.

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