

Metropolitan Washington Air Quality Committee
Suite 300, 777 North Capitol Street, N.E., Washington, D.C. 20002-4239
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MINUTES OF September 22, 2004 MEETING

Attendance:

Members and Alternates

Tad Aburn, Maryland Department of the Environment
Larry Bohn, Frederick County
Hon. Sharon Bulova, Fairfax County
Jim Caldwell, Montgomery County
Rick Canizales, Prince William County
Howard Chang, Tri-County Council for Southern Maryland
James Collier, District of Columbia. Department of Health
Julie Crenshaw, Chair, AQPAC
Hon. Redella S. Del Pepper, Alexandria
Hon. Thomas Dernoga, Prince George's County; MWAQC Chair
Hon. Paul Ferguson, Arlington County
Hon. Nancy Floreen, Montgomery County
Hon. Dana Kauffman, Fairfax County
Maurice Keys, District of Columbia Department of Transportation
Hon. Leta Mach, City of Greenbelt
Hon. Phil Mendelson, District of Columbia Council
Hon. Linda Smyth, Fairfax County
Kanathur Srikanth, Virginia Department of Transportation
Jim Sydnor, Virginia Department of Environmental Quality
Don Wambsgans, District of Columbia Department of Health
Hon. Patrice Winter, City of Fairfax

Others Present:

Randy Carroll, Maryland Department of the Environment
Amy Costello, Virginia Department of Transportation
Alex Hekimian, Montgomery County M-NCPPC
Pierce Homer, Virginia Department of Transportation
Sandra Jackson, Federal Highway Administration
Matthew Jalali, District of Columbia Department of Transportation
Mitchell Millon, WTOP News
Tim Nutter, Northern Virginia Transportation Alliance
Andrea Putman, P2 Consulting
Mary Richmond, Montgomery County Department of Environmental Programs
Howard Simons, Maryland Department of Transportation
Ram Tangirala, District of Columbia Department of Health
Stan Tracey, District of Columbia Department of Health
Karen Waterman, Potomac and Rappahannock Transportation Commission

Staff:

Joan Rohlf, COG/DEP
Jennifer Desimone, COG/DEP
Rich Denbow, for COG/DEP
Stuart Freudberg, COG/DEP
Jeff King, COG/DEP

Mike Clifford, COG/TPB
Eulalie Lucas, COG/TPB
Sunil Kumar, COG/DEP
Lee Ruck, COG General Counsel

1. Call to Order, Public Comment Period

Vice-Chair Kauffman called the meeting to order at 12:15 p.m.

Mr. Tim Nutter, Northern Virginia Transportation Alliance, spoke during the public comment period. He commented that air quality during the 2004 ozone season was improved over previous years and the last several years have also shown improvement air quality. He urged MWAQC to do more to publicize this news. Ms. Floreen stated that MWAQC should issue a press release.

2. Approval of Minutes, Announcements, Chairman's Report

Mr. Kauffman called for a motion to approve the draft minutes of the July 28, 2004 meeting. A motion was made and seconded. The minutes were approved as written.

Mr. Dernoga delivered the following Chair report: He welcomed Beverly Warfield, a new member from Prince George's County (Ms. Warfield was not present). On the legal front, Sierra Club filed a petition on July 14 in the U.S. District Court for the District of Columbia to have the Court order EPA to approve or disapprove the Washington region SIPs submitted in 1997 and 1998. The Court denied the petition on September 7. On September 16 Sierra Club filed a 60 day notice of intent to sue the EPA Administrator for failing to perform certain nondiscretionary duties under the Clean Air Act including failure to take timely approval and disapproval action on Washington area SIPs submitted in 1997 and 1998. These SIPs were withdrawn by the States early this year. TPB Chair Chris Zimmerman sent a letter asking MWAQC to comment on TPB's scope of work for performing the 8-hour conformity assessment and a listing of 2010 project elements. Today the MWAQC Bylaws Drafting Committee will present revised bylaws to consider under Agenda Item 6. MWAQC will vote today to place the revised bylaws on the October agenda for consideration and authorization.

3. Committee Reports**A. Report of the Technical Advisory Committee**

Mr. Kauffman, Chair of the Technical Advisory Committee (TAC) reported on the September 10 TAC meeting. TAC received an ozone season update, the mid course review status report, the attainment model status report, the TPB conformity schedule, reviewed PM2.5 health effects and sources, reviewed EPA guidance for taking credit for renewable energy resources, and monitored progress toward estimating reductions from voluntary measures.

B. Report of the Air Quality Public Advisory Committee

Ms. Crenshaw, Chair of the Air Quality Public Advisory Committee (AQPAC), reported three items of business. The first was an application for membership on AQPAC representing Urban Virginia. Ms. Crenshaw asked MWAQC to approve a membership application. A motion was made and seconded to appoint this individual to AQPAC. The motion was approved

unanimously. Secondly, Ms. Crenshaw reported on a discussion at the recent AQPAC meeting regarding Maryland's failure to approve a Section 185 fee program for the severe area SIP. She presented a draft letter addressed to Maryland's Governor, legislature, and appropriate secretaries and asked for MWAQC approval to send the letter. A motion to have AQPAC send the letter was made and seconded. During discussion, minor word changes were suggested. The motion was approved with the changes. Lastly, Ms. Crenshaw discussed a draft AQPAC letter regarding safety of portable fuel containers used to meet the OTC rule requirements. Mr. Kauffman requested that the letter be referred to TAC.

C. Report of the Clean Air Partners

Hon. Patrice Winter reported for Clean Air Partners (CAP). CAP has received payment from all sponsors except PEPCO. The marketing committee will meet in October to discuss the marketing program for 2005. CAP is waiting for membership payment from local governments, and is now exploring aligning payment schedules with COG. Additional CAP issues for 2005 were presented.

4. Ozone Season Update

Ms. Desimone provided a report on the status of the 2004 ozone season. In the period of May 1 to September 15, which is the entire ozone season, there have been seven exceedance days of the 8-hour ozone standard and two exceedance days of the 1-hour ozone standard. Ms. Desimone reviewed the monitor data for each exceedance. There has been one Code Orange day for PM2.5.

Mr. Mendelson asked if there is one monitor in the region that has exceeded three times in the past two years. Staff replied that Mt. Vernon has exceeded twice and Prince George's Equestrian Center has exceeded twice. [Note, staff later issued data and clarified that there were three exceedances at Mt. Vernon in the 2003 to 2004 period.]

5. 8-Hour SIP Planning: Status Report

Ms. Rohlfs summarized the status of planning for the 8-hour ozone SIP. She stated that the region's attainment date is 2010 and SIPs and attainment demonstrations are due in 2007. The second phase of EPA's implementation guidance has not been released yet – it is expected in November 2004. This guidance will tell us what milestone dates are important to the region. Regarding conformity, Ms. Rohlfs discussed a letter that was sent to Chair Dernoga from the Chairman of TPB. The letter states a number of things that TPB and the COG board are doing to prepare for 8-hour conformity. Conformity to the 8-hour standard is due by June 15, 2005. There will be no conformity budget until the first SIP is completed. Ms. Rohlfs described the two options for meeting conformity in the meantime. TPB is requesting comment from MWAQC on its approach in light of the two options.

Mr. Mendelson urged MWAQC to not wait until 2007 to submit a SIP because the attainment date is 2010 and we will need to know if we have three years of good air quality data before 2010 and take action if we do not. Ms. Rohlfs responded that a process is being developed to select control measures now and move forward with the process. Mr. Srikanth requested that the MWAQC Executive Committee meet soon in order to respond to TPB's letter. Ms. Rohlfs said the Executive Committee would meet on October 6 and get a response to TPB by October 20.

6. MWAQC Bylaws: Proposed Revisions & Discussion

Mr. Dernoga stated that today MWAQC will now hear an overview of the proposed MWAQC Bylaw revisions and will vote today to place the revisions on the October meeting agenda for consideration and adoption. Amendments can be made between today and the vote at the October meeting. Staff provided an overview of the proposed amendments. A drafting committee was formed consisting of Virginia Deputy Transportation Secretary Pierce Homer, Jim Sydnor, Stuart Freudberg, and Lee Ruck. Mr. Homer provided a background on the equity issues raised by some MWAQC members and how they got to this point with the proposed revisions. Mr. Ruck then reviewed the proposed text changes and summarized the reasons for those changes.

Ms. Bulova asked if the changes would require a jurisdiction to be involved if they did not want to be, with respect to some sort of new standard. Mr. Ruck said the jurisdiction would have to take internal action to relieve themselves of the burden if they chose.

Mr. Keys made several comments that he would like addressed regarding quorum requirements and the mechanism for a funding agreement. He also noted that the District DOT has no membership on the Executive Committee, although they do have a funding responsibility.

Mr. Dernoga stated that comments and amendments can be proposed and accepted at the next meeting. He asked that comments be sent to staff by October 20.

Mr. Chang raised a concern about language that would require a contribution by MWAQC members who are not COG members. Mr. Freudberg replied that the amount is small and symbolic and addresses the equity issue, because everyone else is picking up the tab for Charles and Calvert counties. Mr. Chang proposed deleting this language. Mr. Dernoga suggested that Mr. Chang draft a formal response for consideration at the next meeting and MWAQC will respond to it and the other comments.

Mr. Mendelson said that the changes would result in the TAC chair being a state agency representative rather than an elected official. He noted that the TAC chair position has been used as training for the incoming MWAQC chair and that would be lost under this arrangement. Mr. Freudberg stated that the incoming chair is welcome to attend TAC meetings, and staff can also provide briefings and they can participate in the Executive Committee meetings. Mr. Mendelson proposed that changes be made so the incoming MWAQC chair is a member of TAC. Mr. Ferguson stated he supports that suggestion.

Mr. Mendelson stated he had concerns about the language discussing the relationship with the Interstate Air Quality Council. Mr. Homer provided more detail on the language. Ms. Floreen suggested that this language be rewritten to provide more formality than by-laws usually include and that she would be happy to provide some language.

It was moved and seconded to include these changes as an agenda item for the October meeting. The motion was unanimously approved.

7. Briefing on PM2.5 Health Effects and Sources

Ms. Desimone provided a briefing on health effects and sources of PM2.5. Mr. Kumar discussed the sources that are prominent in the Washington, D.C. region. He stated that fine particles primarily are a problem in the eastern part of the country, and regional sources include power plants, mobile sources, and others. He said a reasonable guess is that 50% to 70% of the local PM2.5 problem is due to transport. Ms. Desimone finished by presenting details of the health effects of PM2.5.

8. State Air Agency Reports

Mr. Sydnor reported for Virginia. He stated that a settlement has been reached with the Mirant power plant in Alexandria that will have great air quality benefits. More details will be announced soon. Virginia, Maryland, and EPA were involved in the settlement.

Maryland and the District had no report.

9. Date for Next Meeting and Adjourn

The next meeting of MWAQC is scheduled for October 27, 2004. The meeting was adjourned at 2:13 p.m.