

Air Quality Public Advisory Committee

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<http://www.mwcoq.org/environment/committee/>

The Air Quality Public Advisory Committee (AQPAC) is an advisory body to the
Metropolitan Washington Air Quality Committee (MWAQC).

Meeting Minutes

Monday, February 9, 2004

Rooms 4&5

5:00 P.M.-7:00 P.M.

In attendance:

Members:

Bill Butler, Mirant

Julie Crenshaw, Stewardship of
Creation, Chair

Jill Engel-Cox, Battelle

Deborah DeYoung, AAA MidAtlantic

Brian Holmes, MD Highway Contractors
Assn.

Rodney Livingston, District Interracial Com.
Environmental Equity (DICEE)

Tom Mann, WANADA

Lee Schoenecker, Amer. Planning Assn.

Larry Zaragoza

Staff: Joan Rohlfs, MWCOG
Sunil Kumar, MWCOG

Other:

Bill Orthwein, consultant

1. Call to Order, Adoption of Agenda, Approval of Minutes

Julie Crenshaw, Chair, called the meeting to order at 5:16 pm.

2. Approval of Minutes

The December minutes were approved as submitted. Ms. Crenshaw asked if there were any changes to the agenda. Mr. Livingston proposed adding a discussion of Jet Blue to the March agenda as part of New Business. Ms. Rohlfs said she wished to discuss the Energy and Air Quality conference as part of Agenda Item 9, New Business.

3. AQPAC Membership

Ms. Crenshaw announced that Jeremy **Kranowitz** is resigning his position on AQPAC due to concerns of his employer than he remain neutral on issues discussed by AQPAC. She asked members to suggest candidates for AQPAC membership. Ms. Crenshaw said some members have not met the attendance requirements. She will be sending letters to those not meeting the attendance requirements. She asked for nominations for the Business category and suggested that the transportation category has enough representation, and that new businesses be considered.

Julie Crenshaw said the bylaws are available in the meeting materials. Rodney Livingston said the

by-laws should show the original by-law language as strike-outs along with the new revised language. Julie Crenshaw asked that the members review the by-laws for possible revisions. Deborah commented that Mirant and the Washington Board of Trade, both of whom are members of AQPAC, are not transportation organizations.

Ms. Crenshaw suggested that those present introduce themselves, as there is a visitor in attendance. Introductions were made and the guest, Bill Orthwien, said he owns a company that consults in the field of energy efficiency and pollution prevention.

4. U. S. Court of Appeals Decision

Ms. Rohlf's summarized the U.S. Court of Appeals decision, rendered on February 3, 2004, in the case of Sierra Club vs. EPA. The case is the third Sierra Club suit against EPA regarding EPA Region 3 actions on the Washington Metropolitan region's SIP. The most recent decision involved a challenge to EPA's conditional approval of the Washington region's SIP. The Court remanded EPA's conditional approval, published in the Federal Register on January 29, 2003. Ms. Rohlf's said the decision appears to affect the old SIP submitted in February 2000. There were four issues in the case, and the Sierra Club won one of the four issues. The Court's decision on the other three issues was in favor of EPA. In particular, the Court upheld EPA's approval of the region's attainment modeling and the weight of evidence in the SIP. EPA is still considering how to respond. It may be possible for EPA to disapprove the SIP with a protective finding for the mobile budgets. EPA Region 3 is still considering its next step. The Court also upheld the region's date to implement measures to meet the 2002 Rate of Progress, which is January 2005, as the most expeditious date to meet the 2002 ROP requirements.

Rodney Livingston asked about the MWAQC meeting on February 19 and what actions will be taken. Ms. Rohlf's said that MWAQC will act on the draft Severe Area SIP and recommend to the states that they submit the SIP by March 1, 2004. She said that all Clean Air Act requirements for Severe Nonattainment areas have been met, except for one, the Section 185 fee penalty for failure to attain. The District of Columbia is planning to adopt a regulation enacting the fee penalty. The states of Maryland and Virginia plan to introduce legislation for enact the fee penalty provision. The legislation has been introduced in Virginia, but not in Maryland. Bill Butler said the Section 185 requirement is an additional 20% reduction in emissions below the level required by the NOX SIP call.

4. Report on Technical Advisory Committee (TAC)

The TAC recommended that MWAQC approve the Severe Area SIP at its meeting on February 19, 2004.

5. Air Quality Legislation: Moran Amendment, Barton Amendment, States' General Assemblies.

a) Interstate Air Quality Rule

Ms. Crenshaw said a summary of the Interstate Air Quality Rule is included in the meeting materials, and further information is available on the EPA website listed there. The TAC will recommend comments to MWAQC on the Interstate Air Quality Rule. There will be public hearings on both the Interstate Air Quality Rule and the Mercury Rule in Philadelphia, Chicago and Research Triangle Park in North Carolina. If you wish to speak at a public hearing, you can contact EPA. You may also send your comments on both of these issues to EPA as listed on their

website by March 30. Ms. Crenshaw said she would like AQPAC to comment on the Interstate Air Quality Rule and the mercury rule to MWAQC. She asked the members to look at the two rules and be prepared at the next meeting to make comments.

Ms. Rohlfs said the Energy Bill appears not be to be going anywhere, so the Barton Amendment, which is part of the Energy Bill, is also not going anywhere at the moment. The Barton Amendment would have reversed EPA's bump-up of the Washington region, and reinstated the region's "serious area" classification for the one-hour ozone standard. Ms. Crenshaw said members received a copy of the Barton amendment previously, but she asked staff to send it again.

Ms. Crenshaw said the Moran bill, which proposes to prohibit stationary sources in nonattainment areas from buying emissions credits will be taken up in the spring.

Lee Schoenecker said the SAFETEA reauthorization is moving ahead quickly. He suggested that AQPAC recommend that MWAQC endorse the Barton amendment if it appears to be going anywhere. Deborah DeYoung said the committee could endorse the concept that regions should not be penalized for transported pollution. Lee Schoenecker moved that AQPAC recommend that MWAQC endorse the Barton amendment should it appear in legislation such as the Energy bill or SAFETEA. The motion was seconded. Deborah DeYoung said AQPAC could endorse the concept that regions should not be penalized for transport. Brian Holmes said the Barton amendment is a response to Houston's power plant problems. It was agreed to discuss the issue again in March. Lee Schoenecker moved to table his motion, seconded by Tom Mann.

b) State legislatures

Ms. Crenshaw reported on the Virginia bill introduced regarding Mirant, by Delegate Van Landingham. Mirant's Potomac River plant has significantly exceeded permit levels for NOx. Virginia DEQ has sent the matter to the Attorney General who has notified that Mirant's creditors that Mirant's bankruptcy problem will not prevent him from litigation. The legislature will hold over the issue until 2005 and will act if the issue is not in litigation. The Virginia legislature requested DEQ to do a study of 2.5 particulate matter.

8. Joint Technical Working Group (JTWG)

There was no JTWG meeting in January; the next meeting will be on February 13, 2004. Meeting materials will be sent later this week. They are usually available late. Ms. Crenshaw reviewed the data and maps that VDOT and some of the Virginia jurisdictions have sent for future projects. There is no consistency with the plans. There needs to be a consensus on future planning before the modeling is done. She said the three jurisdictions, VA, MD, DC differ about how to handle hot lanes

Lee Schoenecker said the process is slow. He is concerned that it will be bogged down with technical detail. The group is into its third year. Lee said the JTWG allows transportation planners to look at options beyond those in the Constrained Long Range Plan. Considering options without these constraints is very useful.

9. New Business

The Energy and Air Quality Conference will be held on April 5. There is a website and registration

can be done online. The registration fee is \$75 per person. Ms. Crenshaw asked if there would be a discount for AQPAC members. Ms. Rohlf said she would ask about a discount for AQPAC.

10. Next Meeting Date

The next meeting was set for March 15 at 5 p.m. There being no further business, the meeting was adjourned at 7 p.m.