

Status and Next Steps in the Regional Air Quality Planning Process

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Presentation Outline

- A brief history of MWAQC
- Legal analysis of Section 174 of the Clean Air Act Amendments of 1990
- Background leading to reexamination of MWAQC process
- Status of Dialogue on revisions to the MWAQC process

Brief History of MWAQC

- ❑ COG Board was designated air quality planning body for Washington area dating back to 1970's
- ❑ Clean Air Act Amendments of 1990 led to revised planning procedures and required examination of new planning body
- ❑ MWAQC certified as regional air quality planning body for Washington region in late 1991 and early 1992 by then Mayor Kelly and Governors Schaeffer and Wilder
 - Independent committee staffed by COG was certified
 - Certification in response to COG Board proposal developed after period of local-state dialogue
 - Certification pursuant to Section 174 of the Clean Air Act Amendments of 1990

MWAQC Mission and Membership

- Mission – prepare ozone and carbon monoxide air quality plans for Washington region pursuant to Clean Air Act Amendments of 1990
 - These “State Implementation Plans” are submitted to the states then to EPA
- Membership
 - Local elected officials from all COG member jurisdictions plus Charles, Calvert, Stafford Cos.
 - State Air Management Directors
 - State Transportation Directors
 - TPB Chair

MWAQC Accomplishments

- MWAQC has prepared all required air quality plans and plan elements for the past 12 years
 - 1 hour ozone standard: “15% plan”, rate of progress plan, attainment plan, severe area plan
 - Carbon monoxide attainment plan and 2 maintenance plans

Legal Analysis of Section 174 of the Clean Air Act Amendments of 1990

- Section 174 “clearly sets forth the Congressional intent that air quality planning is a process which requires joint action of state and local government officials.”
 - For developing new planning procedures at the outset of the planning process in 1990.
 - Preparing regional air quality plans requires an organization certified by the state in consultation with local elected officials.
 - AQ planning entity shall include elected officials of local governments, state air and transportation agencies, and others.
- Section 174 does not specify the extent of participation, however, it must be “consultative, accordant, and joint.”

Background Leading to Re-examination of MWAQC process

- ❑ Mayor Williams, Governor Ehrlich, and Governor Warner have been meeting since 2002 on a range of regional issues in the National Capital Region
- ❑ One topic has been the air quality planning process
- ❑ In February, 2004, a formal dialogue with MWAQC began with a letter from the Mayor and Governors to MWAQC

Feb. 19, 2004 Letter

- Letter from Mayor/Governors to MWAQC
 - Recognized MWAQC's 12-year effort to prepare regional air quality plans for 1 hour ozone std.
 - Noted directive to state air and transportation agencies to find ways to improve the process for the new 8 hour ozone standard and small particle standard

March 3, 2004 Response

- MWAQC offers to work together with Mayor and Governors on cooperative planning process to address new standards and requests a formal meeting.

April 5, 2004 Secretaries Letter

- Environmental and Transportation Secretaries respond on behalf of Mayor and Governors
 - Agree to dialogue with MWAQC Leadership
 - Outline principles and goals to better recognize and enhance state role in regional air quality planning process
 - Propose adding additional stakeholders to MWAQC
 - Indicate intent to re-certify new MWAQC process

April 21, 2004 Secretaries-MWAQC Leadership Meeting

- Meeting Participants
 - MWAQC Leadership
 - State Secretary Delegation led by Virginia Natural Resources Secretary Tayloe Murphy
- Proposal presented for discussion that would revise MWAQC from current decision-making role to advisory committee to state secretaries
 - Significant local concerns expressed
 - COG's General Counsel and Environmental Director charged to negotiate enhancements to MWAQC process with state secretary staff guided by April 21 dialogue

Status of Dialogue

- COG staff has held several discussions with state representatives
 - Several proposals exchanged
 - Dialogue guided by:
 - MWAQC remains the major state-local collaborative entity for regional air quality planning.
 - Role of States in both governance and technical direction and oversight will be enhanced.
 - COG will continue to have the lead staff role for the regional air quality planning process.
 - Major proposed change – establishment of State Secretaries “Steering Committee”

Next Steps

- ❑ COG and state staff complete negotiations on proposal for circulation to MWAQC Leadership and State Secretaries with 7 to 10 days
- ❑ State Secretaries to present status report to Mayor/Governors on June 25th
- ❑ Meeting(s) prior to June 25th likely between MWAQC Leadership and State Secretaries