



Joint Metropolitan Washington Air Quality Committee (MWAQC) and Climate, Energy and Environment Policy Committee (CEEPC) Meeting

MEETING SUMMARY: SEPTEMBER 26, 2018

MWAQC/CEEPC MEMBERS IN ATTENDANCE:

*Indicates participation by phone

- Hon. Hans Riemer, Montgomery County (MWAQC Chair)
- Hon. Mary Lehman, Prince George's County (CEEPC Chair)
- Hon. Dan Sze, City of Falls Church (CEEPC Vice Chair)
- Hon. Sharon Bulova, Fairfax County *
- Hon. Cindy Dyballa, City of Takoma Park
- Hon. Erik Gutshall, Arlington County
- Hon. Leta Mach, City of Greenbelt *
- Hon. Ron Meyer, Loudoun County
- Hon. Del Pepper, City of Alexandria *
- Hon. Kathy Smith, Fairfax County *
- Hon. Linda Smyth, Fairfax County *
- Dr. Kambiz Agazi, Fairfax County
- Tom Ballou, VA DEQ *
- Erica Bannerman, Prince George's County*
- Nicholas Bonard, NCPCC
- Alex Brun, MDE *
- Austina Casey, DDOT
- Ira Dorfman, GWRCCC
- Michal Freedman, MD Sierra Club
- John Friedman, WGL
- Gary Greening, MDOT *
- Rachel Healy, WMATA
- Brian Hug, MDE *
- Joseph Jakuta representing Cecily Beall, DOEE
- Matthew Krupp, WMATA
- Gina Mathias, City of Takoma Park *
- Amanda McCollough, EPA *
- Andrea Nunez representing Tom Hucker, Montgomery County
- Scott Pomeroy, Scalable Strategies

- Jim Ponticello, VDOT *
- Koran Saines, Loudoun County *
- Pamela Sebesky, City of Manassas
- Dann Sklarew, George Mason University*
- Kari Snyder, MDOT
- Tim Stevens, VA Sierra Club
- Ram Tangirala, DC Air Program *
- Colleen Turner, MDOT *

ADDITIONAL ATTENDEES

- Joshua Fleitman, representing Brandon Todd, District of Columbia Vice Chair
- Mike Lake, Fairfax County *
- Deron Lovaas, NRDC
- Chris Sommers, Arlington County *
- Jean Synodinos, Synodinos Consulting *
- Ellen Wang, GWRCCC

COG STAFF IN ATTENDANCE:

- Leah Boggs, COG Environmental Programs
- Amanda Campbell, COG Environmental Programs
- Tim Canan, COG Transportation Planning
- Maia Davis, COG Environmental Programs
- Jeff King, COG Environmental Programs
- Sunil Kumar, COG Environmental Programs
- James Li, COG Transportation Planning *
- Tim Masters, COG Environmental Programs
- Erin Morrow, COG Transportation Planning
- Jane Posey, COG Transportation Planning
- Steve Walz, COG Environmental Programs (Director)
- Dusan Vuksan, COG Transportation Planning

1. CALL TO ORDER, INTRODUCTIONS, APPROVE MINUTES, CHAIRS' REMARKS

Mary Lehman, CEEPC Chair

Chair Hans Riemer (MWAQC) and Chair Mary Lehman (CEEPC) called the meeting to order. The MWAQC July 25 meeting summary was approved with amendments to the attendance. The May and July CEEPC meeting summaries were approved with amendments.

2. 2018 AIR AND CLIMATE REGULATORY UPDATE

Deron Lovaas, Natural Resources Defense Council

The federal authority for setting fuel economy and greenhouse gas (GHG) standards is clear in current law. The National Highway Traffic Safety Administration (NHTSA) authority to set fuel economy standards derives from the Energy Independence and Security Act of 2007. The Obama Administration used these authorities to establish vehicle performance standards that rise to a fleetwide average of 51.4 miles-per-gallon by model year 2025. The current EPA proposal would freeze clean car and fuel economy standards for all passenger vehicles at model year 2020 levels through model year 2026.

Freezing the standards after 2020 would mean that in 2030, Americans would pay \$36 billion more for vehicle fuel, consume 250 million additional barrels of oil and emit 120 million more metric tons of carbon pollution. Regulated automakers prefer the current policy and public opinion surveys also show strong support for the current clean car standards. There have been studies affirming the feasibility of these standards, although a new analysis by the Environmental Protection Agency (EPA) claims otherwise.

The EPA's authority to regulate GHG emissions is derived from the 1970 Clean Air Act and was affirmed by the Supreme Court in 2007, 2011 and 2014. Last month, the EPA proposed a replacement to the previous administration's Clean Power Plan (CPP), called the Affordable Clean Energy Act (ACE). It consists of heat-rate improvement measures that provide marginal improvement, leaving performance standards up to individual states, and amending New Source Review provisions to allow plants that make improvements to increase annual emissions. The CPP had two CO₂ emissions limits—one for coal plants and one for gas plants. Each plant would be allowed to meet its applicable limit by reducing its emission rate either by installing emission control equipment, using cleaner fuels, or by using CO₂ emission reduction credits created by ramping up operations at other, cleaner plants. The ACE sets source-specific standards that are more rigid. The CPP included a proposed Clean Energy Incentive Program to boost investments in residential energy efficiency. The new plan scraps this, leaving no role for increased residential energy efficiency for compliance.

The Regional Greenhouse Gas Initiative (RGGI) includes Maryland, and Virginia will likely soon participate. RGGI is a cap-and-invest program. As energy efficiency and renewable energy have increased throughout the region, carbon pollution from power plants is down 51 percent. While electricity prices in the region have fallen – saving customers at least \$773 million – they have increased in states outside of RGGI. RGGI has lowered air pollution, with an estimated \$5.7 billion in health benefits, and has grown the economy by \$4.3 billion and provided 44,700 years of full-time employment. The current proposed plan poses an additional administrative burden to RGGI states by requiring them to set source-specific standards as opposed to the more flexible approach of both RGGI and the CPP, which reduce the aggregate pollution from many sources.

Tom Ballou, Virginia Department of Environmental Quality

- Last year, Virginia proposed a CO₂ emissions trading program rule. One of the potential outcomes is that it will be linked to RGGI.

- Virginia has just joined the Georgetown Climate Center’s Transportation and Climate Initiative to find ways to reduce GHG emissions from the mobile sector, which is becoming a larger portion of total GHG emissions in Virginia and elsewhere.
- Virginia is also participating in the Volkswagen Mitigation Trust Fund. Virginia received nearly \$100 million. DEQ just awarded a contract for about \$15 million for electric vehicle infrastructure to EVgo to be implemented in the next two to three years. The remainder of the VW settlement funds will be allocated according to DEQ’s [Mitigation Plan](#).
- DEQ may look at regulating methane from various sources within the state—not only stationary sources, but also landfills and possibly gas pipelines.
- VA DEQ agrees that the ACE rule should allow alternate compliance pathways such as participation in a trading program such as RGGI. Virginia’s actions already go above and beyond the Clean Power Plan.
- Regarding the SAFE Vehicle rule, VA DEQ has had some discussion of adopting California's standards. This may be a bigger challenge, as it would most likely require legislative authority.

Joseph Jakuta representing Cecily Beall, Department of Energy and Environment

- The District has taken proactive measures to reduce GHG emissions, including the recent release of the draft [Sustainable DC 2.0 Plan](#).
- In 2016, the District raised its renewable portfolio standard to 50 percent by 2032. The District is concerned about the rollbacks being proposed in the SAFE Rule and ACE Rule.
- Although DC does not have any emission-generating units that would have been subject to the CPP, there is concern that the rollback will increase pollution from upwind states.
- The District is taking steps to adopt regulations under the California Low Emission Vehicle program (the Section 177 program) in response to the proposed SAFE vehicle rule.
- DC is also a beneficiary of the Volkswagen settlement. One of the major programs is to electrify buses that travel in wards five, seven and eight.

Brian Hug, Maryland Department of the Environment

- Maryland has been a member of RGGI, which they currently chair, for many years. Maryland is still reviewing the ACE rule, but is opposed to CPP repeal and any weakening of RGGI.
- Maryland’s Greenhouse Gas Reduction Act set two goals: 25 percent below 2006 emission levels by 2020 and 40 percent below 2006 levels by 2030.
- Maryland’s Climate Change Commission (MCCC) is an active effort that MDE manages involving stakeholders, advocates, business community and state agencies. MCCC produces an annual progress report. Maryland is a member of the Climate Alliance.
- In 2019 MDE will be developing regulations to limit hydrofluorocarbons (HFCs) use.
- Maryland has also been petitioning neighbor states within their airshed that are impacting their air quality, using the Clean Air Act 126 petition process, which allows Maryland to petition EPA to mandate controls on power plants in other states.

Discussion:

CEEP member actions, along with federal actions, are critical to achieving the region’s climate and energy goals. It’s important that new technologies have a level playing field with traditional fuel sources. When there are strong regulations, it forces innovation, such as in power generation and alternative fuels sectors.

3. JOINT LETTERS TO EPA ON PROPOSED SAFE AND ACE RULES

SAFE Rule Comment Letter

Sunil Kumar, COG Environmental Programs

The Safer, Affordable Fuel-Efficient (SAFE) Vehicle rule comment letter, written on the behalf of MWAQC, CEEPC, and TPB (Transportation Planning Board), supports the existing emissions standards to improve air quality, help meet regional greenhouse gas goals, and support the regional economy. The comment letter challenges several arguments that were raised in the administration's proposal, for example, that fuel-efficient vehicle costs are higher and lead to fewer vehicle purchases which would increase the number of older, more polluting vehicles on the road. The letter was discussed with several MWAQC and CEEPC subcommittees.

Discussion:

Several members noted that since the DC region is an international destination, the SAFE Vehicle rule rollback would not only affect those who live in this region, but millions of visitors. Air quality is a national issue: poor air quality days usually occur when air pollution is blown into the region. The letter should also define how the increased emissions affect the average citizen.

There was discussion around the possibility that higher standards would raise costs for new vehicles to the level that would encourage vehicle owners to keep their old vehicles, which are less efficient, instead of investing in new products that have lower emissions. There was also discussion about more efficient vehicles being lighter and less-safe and would result in more crashes and more fatalities each year. Others on the committee emphasized that these claims have been shown to be overstated according to multiple economic and traffic safety research analyses.

Proposed amendments to the comment letter were accepted. The SAFE Vehicle rule comment letter was approved with the proposed amendments. All members approved the letter, except for one opposed and one abstention. COG staff will present the letter as amended to the respective executive committees for final approval. The final letter will be posted to the various committee meeting websites.

ACE Rule Comment Letter

Tim Masters, COG Environmental Programs

The Affordable Clean Energy (ACE) rule comment letter, written on behalf of MWAQC and CEEPC, states that the ACE rule does not go far enough to support regional climate goals or sufficiently protect the region's air quality. The letter does not refer to the Clean Power Plan, as this is a separate administrative decision. The letter notes the numerous efforts to curb GHGs and other emissions on the part of states and local communities in our region. Additionally, the letter articulates the need to reduce emissions from upwind states that impacts air quality in the region.

Discussion:

Members feel that the proposed ACE rule should allow for other forms of emission controls (i.e., carbon trading programs like RGGI), as an alternative method for meeting the rule's requirements. The committee agreed to amend the letter to account for this notion.

All present approved the ACE rule comment letter with proposed amendments except for two abstentions. The final letter will be posted to the CEEPC and MWAQC meeting websites.

4. MWAQC LETTER TO TPB ON TRANSPORTATION CONFORMITY

Steve Walz, COG Environmental Programs (Director)

MWAQC will reconvene to approve the conformity comment letter via conference call, since Chair Riemer could not stay for this agenda item. There has not been consensus regarding the bottom paragraph on page one and top paragraph of page two. It deals with the buffers that were built into the process of determining the motor vehicle emissions budgets (MVEBs) (the conformity report is posted [online](#)). The letter states that the reason the maintenance plan included these buffers is because changes were projected regarding air quality conformity determination. The plan moving forward is to achieve 100 percent in compliance with the Tier 1 MVEBs. When the maintenance plan, including these MVEBs, was put forward, there was discussion about the buffers and their use. The expectation was that if the buffers needed to be used, the region would look at additional types of activities that might be needed to help keep the region below Tier 2 buffers.

Jane Posey, COG Transportation Planning

Over the last year, the Transportation Planning Board (TPB) has been working on a new long range transportation plan – [Visualize 2045](#). The conformity analysis is conducted annually to show that forecasted mobile emissions remain below mobile budgets. The region set mobile budgets in the 2008 Ozone Maintenance Plan – approved in August to be used for conformity analysis. The region is in non-attainment for ozone. Volatile organic compounds (VOCs) and nitrogen oxides combine in the air to form ozone, so they are the two pollutants analyzed. The tier 1 budgets match the emissions level that COG forecasted when the MVEBs were set in the Ozone Maintenance Plan. The tier 2 MVEBs are set 20 percent above that to allow for changes in planning assumptions over time. In this analysis, 2025 and 2030 emissions are slightly above the tier 1 levels and all of the emissions are below the appropriate tier 2 MVEBs. The maintenance plan states that if different assumptions are used for the conformity analysis than were used when the MVEBs were set then the tier 2 MVEBs can be used.

Several changes led to the slight increase in projected emissions, including COG's new round of cooperative forecasts show projections for households, population and jobs and updated vehicle fleet data. There was a slight change to COG's travel demand model to make adjustments regarding airport trips and many new projects. New project inputs have been added, as well as the Metrorail transit constraint changes reflecting increased ridership due to metro rail funding agreements put in place. Since the last report, there has been a slight increase in cars, but a larger increase in SUVs and heavy trucks compared to when mobile budgets were set.

Vehicle Miles Travelled (VMT) is slightly down for 2030 and 2040 compared to the 2008 ozone NAAQS maintenance plan. VMT per capita is down three percent between now and 2045. It was at one percent below for the old conformity plan. The new Visualize plan shows much less congestion than in the past. More activity centers are connected to high capacity transit and more transit trips are accounted for in this plan than in previous plans. The region is below the tier 1 levels for NO_x, so what that shows is that the vehicle fleet data showing the new vehicle fleet has had the primary impact on tier 1 budgets. COG looks at greenhouse gas (GHG) emissions over time and GHG emissions per capita – Both are decreasing through 2040, but this begins to increase slightly between 2040 and 2045. TPB is scheduled to approve this plan and air quality conformity analysis at its meeting in October. The comment period closes on October 7.

Discussion:

- VDOT and MDOT are both uncomfortable with the last paragraph of the letter. It appears to imply that the Transportation Planning Board should have known about some changes in the data and incorporated that into the analysis.

- DOEE is concerned about delay on this. Need enough time to allow for any independent actions on the letter from individual agencies. The ozone design value has increased from 70 parts per billion in 2015 to 72 this year. Most of the emissions that are leading to unhealthy air quality in the District are being brought in from elsewhere or generated through on-road mobile sources. There are no mechanisms for reducing pollution from on-road mobile sources with the proposed SAFE Vehicle regulation. The budgets are one of the few mechanisms to reduce pollution that causes increased ozone.
- Loudoun County takes issue with the last paragraph in the letter.
- Staff will schedule a separate call with MWAQC to discuss the comment letter.

5. MEMBER AND STAFF UPDATES

Koran Saines, Loudoun County

Loudoun County is researching what efforts could prevent the pollution from a manufacturing plant that's being proposed in West Virginia from spilling over into the County. COG staff will follow up regarding commenting in opposition to this proposal. The air permit for that plant has been issued.

Jeff King, COG Environmental Programs

- COG and NVRC were awarded a U.S. Department of Energy grant through the Maryland Energy Administration to support local members and the region in their efforts to address conversions to LED streetlights. This will be a three-year program.
- COG has had great success over the last 10 years as part of the Mid-Atlantic Diesel Collaborative and the EPA Region 3 Diesel Emission Reduction Act program. COG is an eligible entity to partner with equipment owners and submit proposals to receive funding to change out old, high-polluting engines. COG is proceeding with a new locomotive engine at Union Station. COG has completed five at the Union Station and DOEE will use their VW funds to do the remaining five. COG has also focused on the marine fleet on the Potomac River, in Old Town Alexandria and the SW DC waterfront. COG was just awarded a competitive grant to repower the two propulsion engines and the two diesel generators on both the Odyssey and the Spirit of Washington. COG is exploring additional partnerships to swap out older diesel engines, especially in light of the new VW State Mitigation funds.

6. ADJOURN

The meeting was adjourned. The next MWAQC meeting on Wednesday, December 19, will be a strategic planning session. MWAQC members will receive a survey in November in preparation for the meeting.

The next CEEPC meeting is Wednesday, November 14. CEEPC will be celebrating the 10-year anniversary of the National Capital Region Climate Change Report that established regional GHG emission reduction goals and provided the foundation of the regional Climate Action Plan.