

Metropolitan Washington Air Quality Committee
Suite 300, 777 North Capitol Street, N.E., Washington, D.C. 20002-4239
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DRAFT MINUTES OF JULY 23, 2008 MEETING

Attendance:

Members and Alternates

Tad Aburn, Maryland Department of Environment
Cecily Beall, District of Columbia Department of Environment
Hon. John Britton, City of Rockville
Hon. Sharon Bulova, Fairfax County
Hon. Mary Cook, City of College Park
Mike Dowd, Virginia Department of Environmental Quality
Hon. Cathy Drzyzgula, City of Gaithersburg
Hon. Jay Fisette, Arlington County
Hon. Nancy Floreen, Montgomery County, MWAQC Chair
Hon. Alan Imhoff, City of Frederick
Maurice Keys, District Department of Transportation
Deron Lovaas, Air Quality Public Advisory Committee
Hon. Leta Mach, City of Greenbelt
Hon. Phil Mendelson, District of Columbia
Pam Parker, Montgomery County Department of Environment
Hon. Redella Pepper, City of Alexandria
Howard Simons, Maryland Department of Transportation
Hon. Dave Snyder, City of Falls Church
Hon. Linda Smyth, Fairfax County
JoAnne Sorenson, Virginia Department of Transportation
Beverly Warfield, Prince George's County

Others Present:

Tom Ballou, Virginia Department of Environmental Quality
Randy Carroll, Maryland Department of the Environment
Bhesh Dhamala, Fairfax County Department of Health
Barbara Hardy, Fairfax County Department of Health
Jeff Harn, Arlington County Department of Environmental Services
Bob Owolabi, Fairfax County Department of Transportation
Debra Raggio, Mirant
Bill Skrabak, City of Alexandria Office of Environmental Quality
Kanti Srikanth, Virginia Department of Transportation
Didian Tsongwain, Prince George's County Department of Environmental Services
Flint Webb, Fairfax Federation of Citizens Associations

Staff:

Mike Clifford, COG/DTP
Stuart Freudberg, COG/DEP

Jeff King, COG/DEP
Sunil Kumar, COG/DEP
Eulalie Lucas, COG/DTP
Erin Morrow, COG/DTP
Dave Robertson, COG Executive Director
Joan Rohlfs, COG/DEP
Lee Ruck, COG Counsel
Daivamani Sivasailam, COG/DTP

1. Call to Order, Public Comment Period, Approval of Minutes, Announcements

Chair Snyder called the meeting to order at 12:05 p.m.

Ms. Raggio provided public comments, applauding the City of Alexandria staff and City Council for the recent agreement with Mirant regarding the Potomac River Generating Station. She said that the Mirant facility will meet more stringent emission limitations, and will place \$34 million into an escrow account to fund further emission controls at the facility. The Mirant facilities in Maryland will also comply with the requirements of the Healthy Air Act.

The meeting minutes were approved with no changes.

There were several announcements. The region has experienced its first Code Red days in a while, due to the new tougher ozone standard. Some significant actions affecting air quality plans were taken in the past 30 days. The DC Circuit Court vacated the Clean Air Interstate Rule on July 11. The implications of the decision are still uncertain. EPA issued an Advanced Notice of Proposed Rulemaking (ANPR) inviting public comment on the benefits and implications of regulations greenhouse gases under the Clean Air Act. EPA will take public comments for 120 days after publication in the Federal Register. On July 1 the City of Alexandria announced a settlement with Mirant, which will be discussed on today's agenda. Earlier this month the TAC and the MWAQC Executive Committee approved a comment letter on transportation conformity. The letter was sent to TPB by the July 16 deadline for comments.

In May the MWAQC Executive Committee began a process to renew and revitalize the Air Quality Public Advisory Committee. AQPAC members recently reviewed a draft bylaws revision that would establish a process for recruiting new members and would define terms and a schedule for appointments. Mr. Snyder appointed the MWAQC Vice Chairs, Leta Mach, Phil Mendelson and Jay Fisette, to serve on a Review Committee with two representatives from AQPAC. There were no objections.

Mr. Snyder said that a memorandum from Lee Ruck, COG's Legal Counsel, is included in the packet for members, and discusses MWAQC's legal authority and the basis of the authority. Mr. Ruck prepared this memorandum in response to a request from Supervisor Jay Fisette of the Arlington County Board.

Mr. Skrabak has been named Director of the Office of Environmental Quality in Alexandria.

2. Committee Reports

A. Report of the Technical Advisory Committee (TAC)

Mr. Aburn reported on the recent meeting of the TAC. Members began to consider a process for seeking redesignation to attainment of the 1997 fine particle standard. Last year, MWAQC agreed to develop an Attainment SIP for this standard rather than seek redesignation, but now that the SIP has been submitted, the TAC is discussing the possibility of a redesignation request again. The TAC also prepared and approved for recommendation to MWAQC a comment letter on this year's conformity determination; began discussing new measure to meet the new ozone standard; received a briefing on the impact of climate change on air pollution; and discussed the recent settlement agreement between Mirant and the City of Alexandria.

B. Report of the Air Quality Public Advisory Committee (AQPAC)

Mr. Lovaas reported on the recent meeting of AQPAC. AQPAC is interested in reviewing and commenting on climate action plans being developed in the region. AQPAC is also working to revitalize its membership, is working to revise the bylaws, and will begin the process of soliciting new members.

C. Report of the Clean Air Partners

Linda Smyth reported on activities of Clean Air Partners. The 2008 public awareness campaign is underway. This year's campaign includes radio ads that will air over a five-week period (6/30/08-7/28/08) on seven top stations in the Baltimore and Washington markets. The Environmental Education coordinator continues to disseminate the curriculum and outreach materials to schools throughout the region. Clean Air Partners participated in two EPA auto body "crash course" workshops in early June. The workshops were held at COG (6/4/08) and MDE (6/5/08). Both workshops were well attended, with 46 participants in DC and 34 in MD. Three rebate applications have been received and approved – one for an auto repair facility in Woodbridge, VA and two for a large commercial printer in Rockville, MD. The rebate program will continue in FY 2009 and the program will be marketed through various means including direct mail, presentations at meetings, and outreach to trade associations and equipment vendors. Five focus group sessions were conducted with Prince George's County employees in mid-June, the purpose of which was to identify specific messages that will inspire behaviors to reduce air pollution among County staff. The Telework Tool Kit materials have been completed and will be made available on the Clean Air Partners web site. The Managing Director is working with COG, BMC, and MDOT to continue work on the Clean Air Teleworking pilots in FY 2009.

3. Federal Court Decision on Clean Air Interstate Rule (CAIR)

Ms. Rohlfs reported on the recent court decision to vacate the Clean Air Interstate Rule (CAIR). The decision is important because both of the recently submitted SIPs included CAIR as a control measure to reduce emissions for both attainment and contingency purposes. EPA may not be able to approve the SIPs due to this issue. A state air agency call was held to discuss the implications of the vacatur. It is not known yet whether EPA will appeal the decision. Unfortunately EPA has not yet provided guidance to the states.

The rule was vacated for a number of reasons. The most significant court decision was that the emissions trading program in CAIR doesn't prevent significant contribution to nonattainment or

interference with maintenance in downwind states. Further, the allocation of allowances was arbitrary and was not related to upwind state's contribution to pollution in a downwind state.

Ms. Rohlf's said that CAIR was used as a control measure to provide reductions of NO_x and SO₂ in the SIPs for this region. Staff need to conduct further research into the credits taken in both the attainment and contingency plans. Fallback positions could include the existing on-the-books NO_x SIP call and Acid Rain programs, which if still in-force could provide the authority to control NO_x and SO₂, assuming allowance allocations can be made for 2009. The Healthy Air Act in Maryland didn't refer to CAIR, so the Maryland credits are likely unaffected. The Virginia CAIR regulation did refer to CAIR so must be addressed. The District has not yet adopted its CAIR regulation.

In terms of next steps, there is significant uncertainty. EPA could appeal the decision, however, because the decision was unanimous such an action may be unlikely. Congress could provide a legislative solution. It may be possible that the SIPs will need to be revised. Given the region is showing attainment of the 1997 PM standard it may also be possible to seek redesignation.

Ms. Floreen said that based on her review of the court decision, the main issue relates to how EPA considered upwind state emission contribution to downwind state air pollution in setting the state emission allocations and the trading program. In response to a question from Ms. Floreen, Mr. Aburn said that it is incumbent on EPA to provide guidance. Mr. Aburn and Ms. Rohlf's said that the states are also considering filing Section 126 petitions.

Mr. Aburn said that even though the rule was vacated, significant investments are being made to install new controls so significant air quality benefits will still be realized.

Mr. Snyder asked that updates be provided at future meetings.

4. New Ozone Standard: Strategies to Meet the New Standard

After reviewing the implementation timeline for the new standard, Mr. Dowd discussed strategies being considered to meet the new ozone standard. Some of the measures included as voluntary initiatives in the SIP for the existing 8-hour ozone standard may be more developed further to provide additional reductions, including high electric demand day initiatives, tree canopy improvement, wind power purchases, purchase of low-emitting vehicles, and energy efficiency programs.

The Ozone Transport Commission (OTC) is discussing programs such as additional controls on EGUs, controls on ICI boilers, and new California VOC controls. Some of the new VOC controls include an auto refinishing model rule; phase II for architectural and industrial maintenance (AIM) coatings; reactivity based aim coating requirements; controlled use of 2-cycle engines; further (phase III) consumer products controls; and further solvent degreasing controls. Some OTC strategies being developed may also provide upwind benefits, including refinery heater NO_x controls; controls on lightering (i.e., fuel transfer) for petroleum products; and low sulfur distillate fuel for ships/ocean going vessels. The OTC ICI boiler strategy will provide NO_x and SO₂ reductions from large and small boilers. The OTC and LADCO are requesting that EPA create a national control program.

Other potential or expected control programs that may provide future benefits include tightening caps on emissions from power plants; conversion of the Bremo Bluff power plant to natural gas; area source controls for portable fuel containers, consumer products, & industrial adhesives, and adoption of the California low-emission vehicle standards (CAL LEV II). States are also working to address emissions from distributed generation.

Mr. Aburn said that more reductions may be needed from power plants so the states and OTC are working to strengthen regulations governing emissions from power plants. To meet the new standard, additional controls will be needed in upwind states. He said that there will also be a need to develop better future emission projections, especially in light of rising energy prices and the potential impact on consumer behavior.

In response to a question from Ms. Bulova, Mr. Dowd said that small distributed generating units are found in both rural and urban areas, and the number in the region has grown in the last five years.

In response to a question from Mr. Freudberg, Mr. Aburn said that while it is possible that the region designated as nonattainment with the new ozone standard will be larger, given some challenges such as coordination of transportation planning, the designated areas will likely be similar to the current boundaries.

5. City of Alexandria/Mirant Settlement

Ms. Pepper and Mr. Skrabak reviewed the recent settlement agreement between the City of Alexandria and Mirant. On Tuesday, July 1, the Alexandria City Council approved a settlement agreement between the City and Mirant regarding its Potomac River Generating Station (PRGS). The approval followed a unanimous recommendation from the City's Mirant Community Monitoring Group, which met on June 30 to review the potential settlement and recommended that the City approve the terms of the settlement agreement. The agreement requires the investment of \$34 million by Mirant on new pollution control technology for PM_{2.5} and PM₁₀ emissions, including baghouses, enhanced pollution-control equipment, or a combination of modern technologies. It also gives the City control over selection and implementation of these new technology controls. The agreement imposes a PM_{2.5} emission limit that complies with the National Ambient Air Quality Standards and requires Mirant to drop its legal challenge to the sulfur dioxide (SO₂) emissions limit of 3,813 tons per year, thereby locking in this limit. It also requires installation of carbon monoxide (CO) and particulate matter (PM) continuous emissions monitors, on a defined schedule, allowing enforcement of applicable limits. The agreement also specifies immediate installation of additional fugitive dust controls. Mr. Skrabak said that under the agreement, Mirant will now be able to proceed with the stack merge, which will increase dispersion thereby providing air quality benefits. He credited Bruce Buckheit with effective facilitation of the settlement agreement. The agreement is consistent with the City's position throughout the negotiations. Emission controls under the agreement will be more stringent than what was proposed by DEQ in a recent draft permit. The Virginia State Air Pollution Control Board is scheduled to act on a new permit for the facility on July 30.

Mr. Fisette questioned whether the stack merge would actually provide regional air quality benefits. Mr. Skrabak said that increased dispersion reduces the local impact of the emissions, but likely doesn't provide regional benefits. The overall reductions in emissions of SO₂ and direct PM

under the new agreement will provide regional benefits. The terms and conditions of the permit are enforced by Virginia DEQ or the Attorney General's office.

6. Comment Letters:

Mr. King presented two draft MWAQC comment letters. The first letter was prepared in response to the MWAQC resolution approving the PM_{2.5} SIP which called for MWAQC to request that Virginia lower the opacity standard from 20% to 10%. The letter will initiate a process in Virginia to potentially revise the regulation and would be subject to public comment.

The second is a letter to TPB regarding the conformity determination for the current transportation plan. The letter recognizes that conformity is demonstrated for both the interim tests as well as the proposed new motor vehicle emission budgets. The letter also refers to the need for additional emission reductions in the future to meet the new lower ozone standard. The TPB will need to reevaluate conformity later this year due to issues with transportation funding in Northern Virginia.

Both letters were approved unanimously.

7. Ozone Season Update

Mr. Kumar provided the ozone season update. There have been 31 code yellow, 8 code orange, and three code red days so far this season. Significant air pollution episodes occurred during the second week of June and the third week of July. The highest 8-hour ozone concentration (104 ppb) occurred on July 17 at the Arlington monitor. A total of 15 monitors exceeded the standard on July 17. There would have been no code red days under the old 8-hour ozone standard of 85 ppb. There were two exceedances of the new daily fine particle standard on June 14 and July 12, which may have been influenced by the forest fires in North Carolina.

8. Climate Change Report: Overview

Ms. Floreen provided an overview of the COG Climate Change report. The report reviews the global and regional evidence for climate change, includes an emission inventory, sets regional reduction targets, and provides a series of recommendations for action.

The greenhouse gas emissions inventory is for a base year of 2005, chosen because of the excellent underlying database and consistency with other local and state efforts. The inventory covers CO₂ as well as several other greenhouse gases. The largest sources of emissions are electricity usage (41%), transportation (33%), fuel use such as natural gas for heating and industrial uses (25%) and other sources (4%). The vast majority of greenhouse gas emissions are due to burning fossil fuels. Emission projections, assuming Business as Usual projection, are provided for 2020, 2030, and 2050. Without further steps to reduce emissions, emissions are expected to increase by 35% by 2030 and 43% by 2050.

The Committee spent a great deal of time discussing appropriate regional reduction goals. After examining the science, the work of the states, and local initiatives such as Cool Counties, the CCSC concluded that short-term, mid-term and longer term goals are necessary. Science indicates that a 50-90% reduction in global emissions by 2050 is needed. Early reductions are critical. The committee recommends the following reduction goals: 10% below business as usual by 2012; 20% below 2005 levels by 2020; and 80% below 2005 levels by 2050.

Ms. Floreen provided a brief overview of the report recommendations. The report recommendations are divided into several major categories including energy, transportation and land use. The energy recommendations involve three fundamental options – improve energy efficiency, reduce energy demand, or find clean energy alternatives. The report recognizes that there are three ways to reduce transportation emissions: increase fuel efficiency, reduce vehicle miles travelled, or use fuels that result in few emissions per gallon.

Recommendations also cover financing and economic development, outreach and education, adapting to climate changes, and COG's Climate program going forward. The report recommends a standing COG Board Climate and Energy Committee. Throughout the report, recommendations include Local Government Leading By Example. There is a need to develop a detailed climate action work program that includes a plan for meeting the 2012 goal, further analysis, tracking progress, joining with partners, and continuing advocacy efforts.

The CCSC is accepting public comments through September 30. The CCSC will meet on October 22 to approve the final report. The COG Board is scheduled to act on the final report on November 12.

Mr. Snyder said that MWAQC should consider submitting comments on the report. Ms. Pepper said that the committee recognized that solutions are still being developed to respond to the challenge, and that aggressive goals are needed to spur action. Mr. Fisette recommended that the climate change effort include focus on sustainability, and that a climate change impact assessment tool be developed to assist with decisionmaking. He also recommended more transparency, such as real time energy use display monitors in building lobbies and energy efficiency data during home sales. Ms. Sorenson recommended focus on cost effectiveness during evaluation of strategies to reduce emissions.

9. Prince George's County Clean Air Initiative

Mr. Tsongwain reported on the Prince George's County Clean Air Initiative. The county's air quality plan seeks to increase County employee awareness and participation in air quality improvements, promote municipality awareness & participation, improve public awareness and participation in air quality improvements, increase business community awareness and participation, and increase awareness in county schools.

Recent activities include determining a baseline on which to measure future progress (online survey/focus group), developing customized messaging (focus group), and developing a County employee participation program.

The county recently completed an Online Survey. Approximately 6,000 employees were invited to participate in online survey. Responses were received from 1,565 employees for a response rate of 26%. Focus group meetings were held with key agencies. The goal was to gather input from employees regarding attitudes toward air quality, Air Quality Action Day procedures, barriers and motivators for following Air Quality Action Day procedures, communication preferences for receiving air quality forecasts, and preferences for air quality messages

The results identified that a key motivator for change is providing information on the health benefits of improving air quality. Preferred messages include short, direct, positive, and realistic, emphasis on the health benefits to individuals, their families and future generations. Next steps include preparation of an employee outreach plan as well as short and long term goals, strategies and tactics. A final report is pending.

Ms. Mach asked for information on how the plan will address public schools. Mr. Tsongwain said that a pilot project could be developed with Clean Air Partners. The first goal focuses just on county employees. Mr. Snyder said that the preferred message finding is important and should be highlighted.

10. State and Local Air Agency Reports

Mr. Aburn reported for Maryland. The Maryland Climate Change report has been finalized and should be released in the next week. The report includes measures to achieve a 40-55 percent reduction by 2020 with a net economic benefit. The first Regional Greenhouse Gas initiative (RGGI) auction is scheduled for September. Maryland is also working on three new regulations, including distributed generation, outdoor wood boilers, and an update to the opacity regulation.

Mr. Dowd reported for Virginia. The State Air Pollution Control Board approved the permit for the Wise County coal plant in June. The permit includes stringent limits for mercury and SO₂.

Cecily Beall reported for the District of Columbia. The District is hiring a consultant to prepare a greenhouse gas inventory and action plan. The PM infrastructure SIP is being finalized and the District is working with Clean Air Partners on the autobody initiative.

11. Other Business

There was no other business.

12. Date for Next Meeting and Adjourn

The next meeting will be held on September 24, from 12 - 2 pm. The meeting was adjourned at 2:15pm.