

Air Quality Public Advisory Committee

Suite 300, 777 North Capitol Street, N.E. Washington, DC 20002-4239 (202) 962-3360 Fax: (202) 962-3203
<http://www.mwcog.org/environment/committee/>

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

DRAFT Meeting Minutes
Monday, December 19, 2005
Room 3
5:00 P.M.-7:00 P.M.

In Attendance:

Julie Crenshaw	Episcopal Stewardship of Creation, Chairperson
Rodney Livingston	DICEE-CEC
Jill Engel-Cox	Joint Center for Earth Systems Technology
Bill Butler	Mirant
Jim Clarke	Washington Regional Network for Livable Communities
Larry Zaragoza	Northern Virginia Scientific Representative
Lee Schoenecker	American Planning Association
Brian Holmes	MD Highway Contractors Association

Staff Joan Rohlfs COG

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

Chairperson Julie Crenshaw called the meeting to order at 5:15 p.m. Without objection, the agenda was approved.

A short discussion was held on the minutes of the previous (November 21) meeting and the requirement that COG or any other official committees' minutes contain the motioner, exact wording of a motion, the seconder, and the voting results. Upon motion by Larry Zaragoza and a second by Bill Butler, the minutes were accepted.

The chair talked with Ron Kirby about the November 17 article ("Area's Air is Getting Cleaner") in the *Washington Post*. Mr. Kirby said that as he had spent a lot of time talking with the reporter before the article was written, he felt it useless to contact the reporter.

2. Report on the Metropolitan Washington Air Quality Committee (MWAQC) and Technical Advisory Committee (TAC) Activities

AQPAC discussed the four public yearly appointed seats for TAC. The entities listed from where such members are to be obtained includes AQPAC. However, the members felt that it is not really appropriate to include a COG committee, of which AQPAC is one, as a public representative and part of the mix chosen from outside COG. Instead AQPAC wishes to ask that a member of AQPAC be included as welcome to participate at TAC and not be subject to a public selection process. The MWAQC bylaws state:

Up to four governmental or non-governmental participants may be designated by TAC

Chair from nominations by the Air Quality Public Advisory Committee, the Greater Washington Board of Trade and members of regulated utilities in the region.

After discussion, it was decided that Julie will (1) talk to new TAC Chair Jim Sydnor and (2) draft a letter to MWAQC asking that AQPAC be included at the TAC without having to be designated by the TAC Chair.

MWAQC held a short meeting on December 14. EPA's guidance on ozone implementation was covered in item 4 (in AQPAC meeting packets). VDEQ's attainment modeling was covered in item 5 (in AQPAC meeting packets). Basically, attainment modeling uses weather patterns, pollutant levels, plus the chemistry and transport of pollutants to develop base cases. Historical base cases are developed and the simulations are measured against what actually did happen. Once the historical base case simulations are historically accurate, future base cases can be developed and simulated. Control measures are then factored in to yield the attainment demonstration. VDEQ's base case meets EPA's performance requirements, although it tends to underestimate peak ozone levels. In terms of timetables, the future base case model will be completed in the winter of 2005. The simulations and control measures applications will be done by spring of 2006. The control measures will come from the Ozone Transport Commission. The future control case and the attainment demonstration are due in the summer of 2006.

Larry Zaragoza pointed out that data being separately generated by different entities must be evaluated for equivalence. Joan reported that the entities involved are making a great effort to be consistent in this regard. Larry said it is important for models to be peer reviewed. A question was raised about how modeling accounts for emissions trading, particularly for purchases. Basically, if a state over controls, the emitter can sell the right to emit the difference between the actual (over controlled) emissions level and the control level for the emissions under the SIP. Nonattainment areas frequently do not permit the emissions trading purchases.

Ms. Rohlfs discussed the revised 8-hour ozone SIP planning schedule and future SIP deadlines. The 8-hour ozone SIP is due in June 2007, but MWAQC hopes to complete the SIP by the end of 2006, earlier than the deadline. Much depends on when the Ozone Transport Commission completes its modeling of future case control strategies, since the Washington region will probably adopt the strategies being used by the OTC states. A Reasonable Further Progress (RFP) requirement means that the region must achieve a 15% reduction in emissions by 2008. The attainment modeling demonstration must show that the region has reduced peak ozone concentrations to less than 85 parts per billion by September 2009. If this cannot be demonstrated, it is possible to apply for a one-year extension of the attainment date by requesting that the region be bumped up from "moderate" to "serious" category. The issue of public and public official involvement and education was discussed. A short course on the mechanics of how the Clean Air Act (and its regulations) works was useful to public officials in the past and it may be worthwhile to offer it again. Without adequate background understanding of the issues, the material is very daunting, and it is important for public officials to be actively involved.

Retrofits for off road diesel equipment is a distinct possibility for the region. It may be specified for the construction of the ICC. There is money in SAFETEA-LU to help pay for it—under the CMAQ program. Some felt CMAQ should not be used for this purpose, and it was pointed out

that CMAQ already had a wide range of programs and activities it was supporting. For those interested, there will be a meeting of the Mid-Atlantic Diesel Collaborative on February 28, 2006.

3. Nominations:

The report of the Nominating Committee was received in November. No new nominations have been received. The chair called for nominations from the floor. There were none. The nominee for AQPAC chairperson was Jill Engel-Cox. She was elected by a vote of 5-0, with one abstention, Jill Engel-Cox. The nominee for vice chairman was Brian Holmes. He was elected by a vote of 5-0.¹ The chair voted no.

At the previous meeting an order of AQPAC's attendance at MWAQC meetings should Jill be unable to attend was decided; however the committee decided to change that in lieu of a vice chair nominee. The chair asked for a motion. Lee Schoenecker moved (and Larry Zaragoza seconded) that the order of priority for representing AQPAC at MWAQC and TAC meetings when the chair is not available be changed to first, the vice chair, second, Larry Zaragoza, and third, Julie Crenshaw. A friendly amendment was offered by Bill Butler (and seconded by Larry Zaragoza) to delete TAC from the main motion. A second amendment was offered by Bill Butler (and seconded by Larry Zaragoza) to delete from the main motion all names after "vice chair," with the understanding that the chair and vice chair would handle the issue of who will attend the meeting in question. The votes were as follows: the second amendment passed by a 5-0 vote; the first amendment passed by a 5-0 vote; the main motion (as amended) passed by a vote of 5-0. It was noted for the record that other AQPAC members would be willing to attend MWAQC meetings if called upon.

The chair presented her proposed guidelines for the Nominating Committee. Some felt they were unnecessary and would only serve to complicate the working of the Nominating Committee. The chair noted that confidentiality had been breached, as evidenced by email traffic. Larry Zaragoza suggested that, because everyone might have a different notion of confidentiality, it would perhaps be best to work on a set of standards of conduct. Larry and Julie agreed to work together on a standards of conduct for the January AQPAC agenda. Jill Engel-Cox agreed, but said AQPAC should not spend much time on it, because we should instead focus on working together.

4. New Business

Upon a motion made by Larry Zaragoza, seconded by Lee Schoenecker, and unanimously adopted, Julie Crenshaw was commended for her service as chair, in terms of her hard work and her success in heightening AQPAC's role at the MWAQC and in the Metropolitan Washington community.

¹ There was a brief discussion of the power of the chair to vote. While **some in** the group **believed** that the chair could only vote to break a tie, Roberts Rules of Order states, "The chair is entitled to vote when the vote is by ballot, and in all other cases where the vote would change the result." "When there is a tie vote the motion fails, unless the chairman gives his vote for the affirmative, which he is at liberty to do, as he has a right to vote whenever his vote will affect the result. Where his vote in the negative will make a tie, he can cast it and thus defeat the measure." It has been the practice of AQPAC for all representatives to AQPAC to have a vote. AQPAC is not a membership committee, but a committee of representatives. While the group may not like the Chair's vote it would be inappropriate to only disallow a Chair's vote, as a representing person, when it is different than the majority.

5. Adjournment, Next Meeting Date

The meeting was adjourned at 7:05 p.m. The date of the next (January 2006) AQPAC meeting was changed to Monday, January 23, to avoid a conflict with Martin Luther King Day.

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Chairman **person** Julie Crenshaw called the meeting to order at 5:15 p.m. Without objection, the agenda was approved.

A short discussion was held on the minutes of the previous (November 21) meeting **and the requirement that COG or any other official committees' minutes contain the motioner, exact wording of a motion, the seconder, and the voting results. In the future, the minutes must contain (a) the name of the person making the motion, (b) the name of the seconder, (c) the exact wording of the motion, and (d) the exact results of the vote on it. COG Staff added information related to (a) to the November 21 minutes. No one could remember the information required for items (b) and (c).** Upon motion by Larry Zaragoza and a second by Bill Butler, the minutes were accepted.

The chair talked with Ron Kirby about the November 17 article (“Area’s Air is Getting Cleaner”) in the *Washington Post*. Mr. Kirby said that as he had spent a lot of time talking with the reporter before the article was written, he felt it useless to contact the reporter. ~~It was also noted that Rob Kirby said he would not contact the *Washington Post* reporter to complain about the November 17 (“Area’s Air is Getting Cleaner”) article.~~

2. Report on the Metropolitan Washington Air Quality Committee (MWAQC) and Technical Advisory Committee (TAC) Activities

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not really appropriate to include a COG committee, of which AQPAC is one, as a public representative and part of the mix chosen from outside COG. Instead AQPAC wishes to ask that a member of AQPAC be included as welcome to participate at TAC and not be subject to a public selection process. ~~It appears that TAC is interpreting MWAQC bylaws in a way that makes it difficult for AQPAC to respond. AQPAC already sends a representative to the TAC meetings; AQPAC should not be invited to submit an application or should not have to apply for a position.~~ The MWAQC bylaws state:

Up to four governmental or non-governmental participants may be designated by TAC Chair from nominations by the Air Quality Public Advisory Committee, the Greater Washington Board of Trade and members of regulated utilities in the region.

After discussion, it was decided that Julie will (1) talk to new TAC Chair Jim Sydnor and (2) ~~draft an amendment to the MWAQC bylaws that will provide for~~ a letter to MWAQC asking that AQPAC ~~to be represented on~~ be included at the TAC without having to be designated by the TAC Chair.

MWAQC held a short meeting on December 14. EPA's guidance on ozone implementation was covered in item 4 (in AQPAC meeting packets). VDEQ's attainment modeling was covered in item 5 (in AQPAC meeting packets). Basically, attainment modeling uses weather patterns, pollutant levels, plus the chemistry and transport of pollutants to develop base cases. Historical base cases are developed and the simulations are measured against what actually did happen. Once the historical base case simulations are historically accurate, future base cases can be developed and simulated. Control measures are then factored in to yield the attainment demonstration. VDEQ's base case meets EPA's performance requirements, although it tends to underestimate peak ozone levels. In terms of timetables, the future base case model will be completed in the winter of 2005. The simulations and control measures applications will be done by spring of 2006. The control measures will come from the Ozone Transport Commission. The future control case and the attainment demonstration are due in the summer of 2006.

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that the region be bumped up from “moderate” to “serious” category. The issue of public and public official involvement and education was discussed. A short course on the mechanics of how the Clean Air Act (and its regulations) ~~work~~ **works** was useful to public officials in the past and it may be worthwhile to offer it again. Without adequate background understanding of the issues, the material is very daunting, and it is important for public officials to be actively involved.

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3. Nominations:

The report of the Nominating Committee was received in November. No new nominations have been received. The chair called for nominations from the floor. There were none. The nominee for AQPAC chairman was Jill Engel-Cox. She was elected by a vote of 5-0, with one abstention, **Jill Engel-Cox**. The nominee for vice chairman was Brian Holmes. He was elected by a vote of 5-0, ~~with no abstentions~~.² **The chair voted no.**

~~At the previous meeting an order of AQPAC’s attendance at MWAQC meetings should Jill be unable to attend was decided; however the committee decided to change that in lieu of a vice chair nominee. The chair asked for a motion. In the matter of AQPAC attendance at MWAQC meetings, Lee Schoenecker moved (and Larry Zaragoza seconded) that the order of priority for who will attend representing AQPAC at MWAQC and TAC meetings when the chair is not available be changed from that set forth in the November minutes to first, the chair, second, the vice chair, ~~third~~ **second**, Larry Zaragoza, and ~~fourth~~ **third**, Julie Crenshaw. A friendly amendment was offered by Bill Butler (and seconded by Larry Zaragoza) to delete TAC from the main motion. A second amendment was offered by Bill Butler (and seconded by Larry Zaragoza) to delete from the main motion all names after “vice chair,” with the understanding that the chair and vice chair would handle the issue of who will attend the meeting in question. The votes were as follows: the second amendment passed by a 5-0 vote; the first amendment passed by a 5-0 vote; the main motion (as amended) passed by a vote of 5-0. It was noted for the record that other AQPAC members would be willing to attend MWAQC meetings if called upon.~~

² There was a brief discussion of the power of the chair to vote. While ~~some in the group determined~~ **believed** that the chair could only vote to break a tie, Roberts Rules of Order ~~seem to indicate that (1) there is no need to break a tie because a tie is a failed motion (i.e., no majority) and (2) the chair votes when that vote will be outcome determinative, i.e., to make or deny a majority or supermajority. states, “The chair is entitled to vote when the vote is by ballot, and in all other cases where the vote would change the result.” “When there is a tie vote the motion fails, unless the chairman gives his vote for the affirmative, which he is at liberty to do, as he has a right to vote whenever his vote will affect the result. Where his vote in the negative will make a tie, he can cast it and thus defeat the measure.”~~ ~~instance, the vote of the chair was not outcome determinative. Thus, it appears that the chair may but is not required to vote in case of a tie. It has been the practice of AQPAC for all representatives to AQPAC to have a vote. AQPAC is not a membership committee, but a committee of representatives. While the group may not like the Chair’s vote it would be inappropriate to only disallow a Chair’s vote when it is different than the majority.~~

The chair presented her proposed guidelines for the Nominating Committee. Some felt they were unnecessary and would only serve to complicate the working of the Nominating Committee. The chair noted that confidentiality had been breached, as evidenced by email traffic. Larry Zaragoza suggested that, because everyone might have a different notion of confidentiality, it would perhaps be best to work on a set of standards of conduct. **Larry and Julie agreed to work together on a standards of conduct for** ~~Consideration of a set of standards of conduct was proposed for inclusion in~~ the January AQPAC agenda. Jill Engel-Cox agreed, but said AQPAC should not spend much time on it, because we should instead focus ~~of~~ **on** working together.

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