

# 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, March 15, 2004  
Room 3  
5:00 P.M.-7:00 P.M.

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In attendance:

Members:

Sam Black, Washington Board of Trade, for

Bob Grow

Bill Butler, Mirant

Julie Crenshaw, Stewardship of  
Creation, Chair

Jill Engel-Cox, Battelle

Charlie Grymes

Rodney Livingston, District Interracial Com.

Environmental Equity (DICEE)

Lee Schoenecker, Amer. Planning Assn.

Staff: Joan Rohlf, MWCOG

Beth Lowe, MWCOG

## 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

Ms. Crenshaw asked for comments on the minutes of February 16, 2004. Lee Shoenecker moved approval and the minutes were approved as submitted.

## 3. Report on MWAQC Activities

MWAQC approved the Severe Area SIP on February 19, 2004. Ms. Rohlf reported that the State air agencies submitted the Severe Area SIP to EPA on February 24 and February 25, in time for the March 1 deadline. EPA has 60 days to issue a finding of completeness for the SIP. There are Clean Air Act severe area requirements that need to be completed, such as the OTC regulations and the fee penalties for failure to attain. The states have yet to finalize a few of the OTC regulations, and Maryland and Virginia have proposed legislation to enact the fee penalty for failure to attain. The Virginia legislation passed both houses and is awaiting the Governor's signature. The Maryland legislation, HB1441, is before the House Environmental Matters Committee and will be discussed on March 24, 2004.

The FY2005 MWAQC Work Program and Budget has been proposed and MWAQC will be briefed at the March meeting. The reason it is not being voted on yet is that the State Secretaries of

Transportation and Environment seek to restructure MWAQC. They sent a letter signed by the two Governors and the Mayor of the District to Tom Dernoga, Chair, MWAQC. They say they would like to make the MWAQC process work better to address the new standards for ozone and particulates.

#### **4. Comments on the Interstate Air Quality Rule and the Mercury Rule to MWAQC for EPA**

Beth Lowe discussed a draft comment letter to EPA regarding the proposed Interstate Air Quality Rule. The draft letter was approved by the Technical Advisory Committee with some revisions. Ms. Lowe reviewed the comment letter. The concern is that the IAQ Rule which will be implemented in two phases, is implemented too late to help the region meet its attainment deadlines for the 8-hour ozone standard. And the caps for the pollutants are not low enough to help the region attain the standard. The Ozone Transport Commission proposes greater reductions that are implemented earlier. In the comment letter, MWAQC urges EPA to adopt the OTC proposal, saying it is better for the Washington nonattainment area.

Jill Engel-Cox asked why PM<sub>2.5</sub> is not covered in the letter. Julie Crenshaw expressed concern that more needs to be done in Virginia. She asked if AQPAC wishes to advise MWAQC about the issue.

Rodney Livingston said PM<sub>2.5</sub> should be included in the letter and given more weight. He suggested that the University of Maryland work be cited, then he saw the footnote. He said there is no reduction of stationary sources. Not everything possible has been done to reduce stationary sources. Beth Lowe said that sulfur dioxide is regulated by the IAQ Rule and sulfur dioxide affect particulate matter. Julie suggested that the letter could have three sections: nitrogen oxides, particulates and the mercury rule.

Bill Butler said the sulfur dioxide rule hasn't been too controversial. Mostly the nitrogen oxide part of the rule is a concern because of the timing, of the Clean Air Act, and because the OTC modeling showed that the CSI won't get there. That is why the states want to discuss the proposal and how it deals with nitrogen oxides.

Julie Crenshaw asked staff to make fact sheets about EPA's mercury cap and trade program available to MWAQC. She said the public is concerned about mercury. Jill Engel-Cox said now is the time to address the PM<sub>2.5</sub> issue. PM<sub>2.5</sub> information is available on several websites. Julie suggested that the PM<sub>2.5</sub> issue be added to the letter.

Ms. Lowe discussed EPA's mercury proposals. The first proposal issued in January 2004 includes the MACT Section 112 of the Clean Air Act, and Section 111, a standard of performance rule. The second proposal is a cap and trade program for mercury that is modeled on the sulfur dioxide program. Mercury does not travel long distances like NO<sub>x</sub>, but settles near where its created. It is an environmental justice issues because hot spots are created. Julie said the Alliance for the Chesapeake Bay found that there were high levels of mercury in fish from the Anacostia last year. She said she is opposed to cap and trade. The Washington area should comment on the issue because water bodies are affected by run-off.

Bill Butler said the government proposal is in two phases. To look at the co-benefit controls of sulfur dioxide and nitrogen oxides to 2010; and by 2018 to have another cap set to put specific

controls to achieve the MACT rule for mercury. From the viewpoint of the utilities, it is uncertain how soon the technology can be implemented to achieve these reductions. Sam Black said the Washington Board of Trade would be concerned about the dislocation of electrical generation but the Chesapeake Bay is also a major basis of the regional economy. Rodney Livingston said to put the hammer on utilities and businesses because they will respond.

Jill Engel-Cox asked Bill Butler which one is preventing pollution rather than controlling it? Which will create energy and diversity of energy sources? Mr. Butler said both will have the same effect. Timing is the major issue. At the EPA public hearing in Philadelphia, no one thought the mercury bill was good enough. There is uncertainty about the controls for mercury. The Dept. of Energy projects that 90% reductions aren't there 100% of the time. Even if you run them 24 hours a day, 7 days a week, the 90% mercury reductions won't be reached.

Julie concluded that AQPAC wants MWAQC to say something about mercury but the committee is undecided which option is the best. Lee suggested that AQPAC alert MWAQC about the mercury issues and suggest they look into it. Jill Engel-Cox suggested that mercury should not be added to the letter, but she said it is an issue the public is very concerned about. Julie again requested that the fact sheets on mercury be distributed to MWAQC. Bill Butler said the comment period on cap and trade for mercury may have been extended. There is an additional hearing in Denver on the issue.

#### **5. Discussion of Updating the Bylaws**

Julie suggested that the committee update the bylaws by discussing them in pieces over several meetings. She suggested that four meetings could cover the sections in the following manner: Sections 1-3; Section 4; Sections 5 & 6; and Sections 7,8,9,10. The committee would start at the next meeting to review Sections 1-3 of the bylaws. She asked members to submit changes in writing so we can see the proposals. Jill suggested that if there are several comments, Joan could circulate them showing the suggested changes.

Julie said the committee missed elections for officers in November. There are two options, to wait until this coming November to have elections or to have an election in the next couple of months. She said she would consult the membership on this issue by email.

#### **6. The Moran Amendment and the Barton Amendment**

Lee Schoenecker tabled the motion from the last meeting on the Barton amendment.

#### **7. Report on Joint Technical Working Group (JTWG)**

Julie Crenshaw reported on the Joint Technical Working Group. The JTWG met twice since the last AQPAC meeting. The jurisdictions are trying to agree on plans, modeling different future transportation scenarios. For example, VDOT has a new plan to widen Route 1 to eight lanes and MDOT proposed to run buses over the Wilson Bridge. AQPAC's interest is to have it modeled for air quality and impervious water surfaces. The JTWG has been meeting for three years. In June it will present the scenarios to the Planning Directors or to TPB before it starts the actual modeling work. Lee Schoenecker said he advised JTWG not to get too specific about the transportation links. Keep the scenarios as alternative scenarios. There's not enough money to do everything being discussed in the scenarios.

**9. New Business**

Joan Rohlf's reminded that the Energy and Air Quality Conference will be held on April 5. There is a website and registration can be done online. She said the registration will be free thanks to the generosity of sponsors, but people wanting to attend should register online.

**10. Next Meeting Date**

The next meeting was set for April 9 at 5 p.m. There being no further business, the meeting was adjourned at 7 p.m.