

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 February 28, 2007 MEETING

Attendance:

Members and Alternates

Tad Aburn, Maryland Department of the Environment
Tom Ballou, Virginia Department of Environmental Quality
Hon. Sharon Bulova, Fairfax County
Hon. Roger Berliner, Montgomery County
Rick Canizales, Prince William County
Hon. Mary Cook, City of College Park
Jill Engel-Cox, JCET/AQPAC
Hon. Nancy Floreen, Montgomery County, MWAQC Chair
Pat Haddon, Calvert County
Hon. Alan Imhoff, City of Frederick
Maurice Keys, District Department of Transportation
Hon. Leta Mach, Greenbelt City Council
Hon. Phil Mendelson, District of Columbia City Council
Hon. Redella Pepper, City of Alexandria
Howard Simons, Maryland Department of Transportation
Hon. Linda Smyth, Fairfax County
Hon. Dave Snyder, City of Falls Church
JoAnne Sorenson, Virginia Department of Transportation
Jim Sydnor, Virginia Department of Environmental Quality
Stanley Tracey, District of Columbia Department of Environment
Beverly Warfield, Prince George's County

Others Present:

Charley Baummer, Metropolitan Washington Airports Authority
Chris Cripps, U.S. Environmental Protection Agency, Region III
Tom Biesiadny, Fairfax County Department of Transportation
Randy Carroll, Maryland Department of the Environment
Deirdre Elvis-Peterson, District Department of the Environment
Rodney Livingston, DICEE
Pam Parker, Montgomery County Department of the Environment
Kanti Srikanth, Virginia Department of Transportation
Ram Tangirala, District Department of the Environment
Didian Tsongwain, Prince George's County
Harriet West, Clean Air Partners

Staff:

Mike Clifford, COG/DTP
Stuart Freudberg, COG/DEP
Naomi Friedman, COG Asst. Executive Director

Jeff King, COG/DEP
Ron Kirby, COG/DTP
Sunil Kumar, COG/DEP
Erin Morrow, COG/DTP
Dave Robertson, COG Executive Director
Joan Rohlfs, COG/DEP
Lee Ruck, COG General Counsel

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

Chair Floreen called the meeting to order at 12:08 p.m. During the public comment period, Rodney Livingston said that he likes the Air Currents newsletter and recommended that it continue to be published. He recommended that a similar publication be developed that incorporates other COG programs such as transportation planning. He said that AQPAC should develop an annual report for 2006. He said that more needs to be done to encourage and protect pedestrians, including consideration of a tax credit for walking to work.

Ms. Floreen called for a motion to approve the draft minutes of the December 13, 2006 meeting. A motion was made and seconded. The minutes were approved unanimously.

Ms. Floreen made several announcements. She welcomed several new members of MWAQC, including Mary Cook, Council member, City of College Park; Alan Imhoff, Council member, City of Frederick; David Gray, Commissioner, Frederick County; Roger Berliner, Council member, Montgomery County; Stan Edwards, Dept. of Environmental Protection, Montgomery County; Charles Wilson, Director, Dept. of Environmental Resources, Prince George's Co.; Harry Thomas, Jr., Council Member, District of Columbia; Wilson Parran, Commissioner, Calvert County Board of Commissioners; and his alternate, Pat Haddon, Calvert Co. Dept. of Planning and Zoning. New members attended an orientation session on February 28.

Ms. Floreen recognized Phil Mendelson's leadership on air quality issues, thanked him for serving as the MWAQC Chair, and presented him with a plaque.

Ms. Floreen said that the MWAQC Executive Committee approved a letter response to a recent Washington Post article entitled "The Deadlines that Failed" about EPA's failure to enforce environmental planning deadlines, including air quality. The letter response has not yet been published by the Post.

As a follow-up to the December meeting, Ms. Floreen referred members to an Ozone Transport Commission (OTC) position paper on CAL LEV. She also said that the 2007 MWAQC Member Handbook is now available. She said MWAQC's newsletter, Air Currents, was recently published.

She said the meeting agenda is being revised to include a report on the Climate Change Roundtable held by COG in late January.

2. Committee Reports

A. Report of the Technical Advisory Committee

Mr. Tracey reported on the activities of the TAC. He referred members to the one page summary of relevant policy issues and said that several of the items are on the agenda today for discussion. The recent meeting included discussion of several items related to SIP development, including attainment modeling, contingency planning, local government voluntary programs, and transportation conformity.

B. Report of the Air Quality Public Advisory Committee

Ms. Engel-Cox, Chair of the Air Quality Public Advisory Committee (AQPAC), reported on a recent meeting. She said that AQPAC is considering drafting a letter with recommendations regarding regional greenhouse gas initiatives. She said members believe that state and local actions are necessary and that the region should be prepared to address possible federal legislation and the potential need for adaptation.

Ms. Engel-Cox said that AQPAC members unanimously voted to recommend two new members to serve on AQPAC. They are Mr. George Gurley, Urban Protectors, to represent the District of Columbia in the Environmental Health category; and Mr. Peter Owen, to serve as an urban representative for Virginia. Ms. Floreen called for a motion to approve the two new members. A motion was made and seconded. The motion was approved unanimously.

C. Report of the Clean Air Partners

Harriet West, managing Director of Clean Air Partners, reported. Piloting of the air quality curriculum is scheduled for the several schools in Arlington, Fairfax, Montgomery County, and the District. Clean Air Partners is continuing to work with the Montgomery County Department of Environmental Protection (DEP) on an aqueous parts washer rebate program for auto repair facilities. DEP was awarded a small grant from EPA to conduct a pilot in the Anacostia Watershed area. The printer survey was distributed to nearly 1,000 printers in Northern Virginia in November 2006. Only one completed survey was returned. Due to the low response and the recent issuance of EPA's Control Techniques Guidelines for lithographic printers in October 2006, Clean Air Partners has suspended work on this pilot and will focus instead on the auto parts washer rebate program. The Executive Committee will meet on March 8, 2007 to discuss the draft FY 2008 Work Program and Budget.

D. Report of the Interstate Air Quality Council (IAQC)

Mr. Aburn, Maryland Department of the Environment, reported on the IAQC. IAQC has completed its second year and has made good progress in developing the region's air quality plan. With recent appointments of environmental and transportation Secretaries in Maryland and the District, the IAQC is in a transitioning stage. Maryland has chaired the IAQC for two years. Virginia will serve as chair before the next meeting. The IAQC has sent to MWAQC its annual letter outlining upcoming tasks over the next year. The highest priority is to complete the ozone SIP by June 2007. The next major task is to begin developing the SIP for fine particles, which will be due in April 2008.

E. Climate Change Roundtable

Mr. Dave Robertson reported on a recent Climate Change Roundtable held at COG. As background, he explained that climate change is beginning to receive increased international, national and regional attention. Scientists have concluded that there is a 90 percent probability that climate change is caused by human activity. The impact of climate change could include higher temperatures, more severe weather, and rising sea levels. Programs being implemented nationally include the International Council for Local Environmental Initiatives' (ICLEI) Cities for Climate Protection program, Sierra Club's Cool Cities program, the U.S. Conference of Mayors' Climate Protection Agreement, and the Clinton Climate Initiative. Programs are also being developed by the World Resources Institute and National Association of Counties. A number of jurisdictions in the COG region are beginning to participate on one or more of these programs.

A staff roundtable was held to examine the roles of local governments, to discuss best practices, and to discuss what can be done in terms of communicating with and engaging citizens. The initial stage of the regional initiative is being organized through the Chief Administrative Officers (CAO) committee. At the recent CAO meeting in February, members said that it is important to involve MWAQC in the process. At its recent meeting, members of the COG Board said that it is important to catalog the good work that is already being done in the region to address climate change. Also discussed was the possibility of establishing regional goals or targets for emission reductions.

Mr. Robertson asked MWAQC to engage in the dialogue on development of a regional climate change program. Ms. Floreen said that MWAQC should take the lead in establishing a climate change initiative throughout the region. Dave Snyder said the region has an obligation to address climate change. He quoted London Mayor Livingston who said "The fight to tackle climate change will be solved in cities such as London, or will not be won at all." He recommended that the MWAQC work program and budget be examined to determine a way to fund a new climate program, as long as the committee and staff not lose focus on MWAQC's core responsibilities. Mr. Berliner said that Montgomery County Council will be holding a public forum on best practices regarding climate change and supports an MWAQC role in a regional program. Ms. Pepper, Ms. Mach, and Ms. Bulova said that MWAQC would be a good organization to take the lead on a regional climate change program.

Mr. Robertson said that the March meeting of the COG Board will include a discussion of the major work tasks for COG for 2007, and the climate initiative may be one of the key priorities. Ms. Floreen asked staff to develop a proposal for MWAQC consideration, and that MWAQC's interest be conveyed at the Board meeting in March.

3. Work Program and Budget

Joan Rohlf's presented the FY 08 MWAQC Work Program and Budget. The fiscal year is from July 1, 2007- June 30, 2008. The main item in the program is development of the PM_{2.5} SIP due in April 2008. The 8-hour ozone SIP is due in June 2007.

She referred members to a table showing the overall budget. Based on the current bylaws, revised in 2004, the core work program is funded by the state air agencies, state transportation agencies, and local governments, contributing one third each. The total proposed core budget is \$473,616.

The one-third share is \$157,872 each. Individual state air agency shares are based on population. The proposed core budget represents a 4 percent increase over the FY 2007 budget. The local government initiatives portion of the budget is \$88,353 and is to provide support to local governments. This may be the portion of the work program that could offer opportunity for new innovative program initiatives under discussion.

The core work program tasks involve SIP development, emissions inventories, attainment modeling coordination, local measures support, transportation conformity, public participation, committee support, and program management. The local government initiatives program includes MWAQC work sessions, local measures, and air quality reporting and outreach.

The MWAQC Budget Committee met on December 13, 2006 and February 9, 2007 and voted to recommend the budget to MWAQC for approval. Mr. Tracey confirmed that the TAC approved the budget for recommendation to MWAQC on February 13, 2007.

Ms. Rohlfs confirmed for Ms. Floreen that the budget could be revised if it is decided that new work elements should be added to the program.

In response to a question from Ms. Engel-Cox, Ms. Rohlfs said that the current budget includes funding for a project that will be completed before FY 2008. The project was funded by COG's transportation planning department and involved conducting a survey of nonroad construction equipment.

Ms. Floreen called for a motion to approve the FY 08 work program and budget. A motion was made and seconded. The motion was approved unanimously.

4. Attainment Modeling Results

Mr. Ballou reported on the attainment modeling results for the 8-hour ozone SIP. As background he summarized the steps involved in modeling, including establishing a 2002 base year validation, and 2009 base case projection, and a modeling run for 2009 that reflects the emission reductions expected from all of the control programs expected to be in place by May 1, 2009. He said that all of the modeling runs have been completed and the attainment modeling report is being finalized.

All of the monitors in the metropolitan Washington region exceeded the 8-hour ozone standard in 2002. The modeling predicts that in 2009 all of the monitors except two will have modeled Design Values (DVs) below the standard. The two monitors above the standard are in Northern Virginia, however, both monitors have predicted DVs that are within the weight of evidence range. He summarized the types of evidence that can be used in the attainment demonstration, including emission and air quality trends, and information on modeling uncertainty.

In response to questions, Mr. Ballou said that EPA guidance recommends a specific approach to establishing base case Design Values, but that alternative methods of calculation are available that generate predicted 2009 DVs that show all of the Washington region monitors in attainment of the standard. Results of such alternative methods can be included as weight of evidence.

In response to a question from Mr. Mendelson, Mr. Ballou said that attainment in 2009 will be based on the 4th highest monitored value at each monitor averaged over three years, therefore the

2007 ozone season will be the first year with monitored values that will influence actual 2009 attainment. Mr. Aburn said that there are several federal programs that will begin to reduce emissions in 2007, with significant additional reductions occurring through 2012-2018.

5. D.C. Court of Appeals Ruling on 8-hour Ozone Implementation Rule

Lee Ruck discussed the recent D.C. Court Appeals Ruling on EPA's 8-hour Ozone Implementation Rule. There are two potential areas of concern for the metropolitan Washington region. The court ruling on backsliding provisions may mean that the states must keep the NSR/permit thresholds for stationary sources at the "Severe" nonattainment area level of 25 tpy rather than the 100 tpy level for "Moderate" areas. The other area of potential concern is the Section 185 fee penalty provision, which may be more of an issue for areas that didn't attain the 1-hour ozone standard in 2005. The U.S. EPA has until May to take action consistent with the court decision. It is not known yet whether EPA will appeal the decision.

Ms. Rohlfs recommended that a letter be sent by MWAQC to EPA requesting official notice that the Washington region attained the 1-hour ozone standard. Members agreed to consider a draft letter to be developed by staff.

6. Contingency Planning

Mr. King discussed a memorandum that presents the proposed approach to meeting contingency plan requirements for the 8-hour ozone SIP for the Washington, DC region. Reductions from contingency measures must be above and beyond the reductions applied to demonstrate Reasonable Further Progress (RFP) and attainment, and reductions must be available no later than the year following EPA notification of any failure to meet RFP or attainment. The contingency plan must provide for a 3 percent reduction in emissions compared to the Adjusted 2002 Base Year Inventory.

The recommended contingency plan for potential RFP failures is to include in the SIP an RFP plan that demonstrates an 18 percent reduction in emissions by 2008. This is 3 percent above the required 15 percent reduction. The additional 3 percent reduction above the requirement can be attributed to Tier 2 vehicle emission standards. There are three categories of measures which provide reductions that can be used to meet attainment contingency requirements: the OTC Portable Fuel Container Rule; various nonroad sector rules; and mobile sector controls such as Tier 2 vehicle emission standards. He provided an estimate of the reductions available from these sources, showing that the reductions achieved equal the required 3 percent of the adjusted base year inventory, and are available by the required deadline of 2011. The mobile source reductions will be achieved before 2011 and will be substantiated by establishment of a 2010 mobile budget; TPB approved such an approach at its February 21, 2007 meeting.

7. SIP Schedule: Next Steps

Ms. Rohlfs said that with the completion of the attainment modeling and contingency plan, the final draft SIP can be completed. The next steps are to complete the draft SIP for TAC review on March 6. Based on the comments and recommendation of the TAC, the draft SIP will be prepared for MWAQC review and approval for release to public comment on March 15. Given the large volume of supporting documentation, an ftp site will need to be used to circulate the draft SIP for comment. At the MWAQC meeting only the Executive Summary will be circulated. The public hearings are tentatively scheduled for April 23rd (Virginia), April 24 (Maryland), and April 25

(District of Columbia). The April MWAQC meeting will be cancelled as it is currently scheduled during the period of the public hearings. The next MWAQC meeting will be held in May to review the public comments.

8. State Air Agency Reports

Mr. Aburn reported for Maryland. He expressed his appreciation for the modeling efforts handled by Virginia DEQ. He said that there are a number of regulatory items in process in Maryland, including the OTC VOC model rules and the Industrial, Commercial, and Institutional (ICI) Boiler Standards. There are two major climate change related programs being considered in the Maryland General Assembly. The first is the California Low Emission Vehicle Program (CAL LEV) which has passed both the House and Senate and is supported by the Governor. The second is the Global Warming Solutions Act which would establish a framework that sets reduction targets for greenhouse gases, with emissions set at 1990 levels by 2025. He said that Maryland would be supportive of local and regional greenhouse gas programs being developed at COG.

Mr. Sydnor reported for Virginia. He said that there is no significant air legislation being considered by the General Assembly. Virginia is nearing the end of the regulatory process for the CAIR and Mercury rules and has started the process to adopt the OTC VOC rules. In response to a question from Ms. Rohlf, Mr. Sydnor said that a proposal to merge the Air, Waste, and Water Pollution Control Boards in Virginia will likely not be effective this year. Ms. Pepper said she does not support the merge and that the expertise of each Board should not be diminished.

Mr. Tracey reported for the District. He said that the CAIR and OTC VOC regulations will be adopted and submitted to EPA in June. The District will not adopt mercury regulations and will submit a negative declaration instead. The City Council is considering CAL LEV legislation introduced by Mr. Mendelson, adoption of which is contingent on Maryland enacting CAL LEV legislation. There are also discussions about the District joining the RGGI process.

9. Date for Next Meeting and Adjourn

The next meeting will take place on March 15. The meeting was adjourned at 2:00 pm.