

**Air Quality Control Advisory Council Meeting Notes
September 10, 2012 @ 8:15 am
MDE Headquarters—Aqua and Terra Conference Rooms
1800 Washington Boulevard
Baltimore MD 21230**

AQCAC MEMBERS PRESENT

Sania Amr
Kevin Barnaba
Bill Cunningham
Lorne Garrettson
Sue Garonzik
John Kumm
Donald Moore
John Quinn
Ross Salawitch
Lawrence Schoen
Ronald White

AQCAC MEMBERS ABSENT

Karen Young
Kip Keenan
Andrea Bankoski

VISITORS

Tom Wessinger
Bill Butler
Ed Much
Harvey Gold
Jim Frazier
Howard Simons
Sara Tomlinson
Ken Choi
Todd Lang

MDE-ARMA

Tad Aburn
Diane Franks
Randy Mosier
Carolyn Jones
Jim Wilkinson
Justin Mabrey
Tim Shepherd
Katy Perry
Deborah Rabin

This is a summary of the September 10, 2012 Air Quality Control Advisory Council Meeting and serves as a record of the Council's vote on regulatory action items. The meeting is recorded and the digital file is maintained by MDE/ARMA. This digital file is considered public information and may be reviewed in its entirety by anyone who is interested in the details of the discussions.

MEETING OPENING/OPENING REMARKS

Chairman Quinn opened the meeting with introductions of members and visitors. Tad Aburn welcomed Council members and visitors and discussed the recent ozone season.

Approval of Meeting Minutes from May 14, 2012:

Motion to approve the minutes was made by Larry Schoen and seconded by Sania Amr. Ross Salawitch abstained from voting. All other members present voted in favor.

PRESENTATION, DISCUSSION, AND ACTION ON REGULATIONS

COMAR 26.11.01.01 / 26.11.06.14- Amendments to PSD:

Diane Franks presented on these amendments, which allow the list of sources under PSD to be automatically updated according to the federal regulation.

Ronald White asked if there is any other reason, besides avoiding potential confusion due to duplication of the list of sources, for this action. He also asked if the State has the authority to add sources to this list. Tad Aburn responded that we do not have the authority to add sources to the PSD program. Husain Waheed and Deborah Rabin explained that this approach is similar to those for NESHAP and NSPS. Randy Mosier and Deborah Rabin explained that without the prospective Incorporation by Reference (IBR), there is a lag time between the federal update and Maryland's update.

Motion to approve these amendments was made by John Kumm and seconded by Sania Amr. All members present voted in favor.

COMAR 26.11.34- California Low Emission Vehicle (Cal- LEV) Standards:

Tim Shepherd presented on these amendments, which update COMAR 26.11.34.02 Incorporation by Reference to reflect the changes made to the California regulations since their last update. The Cal LEV III amendments include proposed changes to the LEV II, Greenhouse Gas (GHG), and Zero Emission Vehicle (ZEV) standards. LEV III regulates criteria pollutants, and requires that all new 2015 and subsequent model year vehicles transferred (including titled and registered) in the State of Maryland be certified to meet the new California emission standards. The LEV III standards will be phased in from 2015-2025. The new GHG emission standard will phase-in from 2017-2025, and develops a 'footprint' curve to establish GHG targets for vehicle models based on their size. Proposed changes to the ZEV regulation aim to simplify the program, as well as increase requirements for the deployment of ZEV vehicles starting in 2018.

John Quinn asked what Maryland's responsibilities are under the Cal LEV program and what happens if California goes beyond what Maryland feels is appropriate. Tim Shepherd said that we are connected to it through the 2007 Clean Car Program, and that we would need to pull out of the program through a legislative action. Ronald White asked if there are any fuel anticipated changes/ expectations for medium duty vehicles. Mr. Shepherd said that these standards are mainly for passenger vehicles, but that the weight class goes up to 14,000 lbs. He noted that the incorporation of low sulfur fuel standards is anticipated to help achieve emissions reductions. Ronald White asked whether we can adopt California's fuel standards. Mr. Shepherd responded that we adopt federal fuel standards.

Larry Schoen asked if consumers will save on fuel cost as a result of these changes, or if the savings come from changes previously adopted. Mr. Shepherd said that consumers will save on these recent changes as well, due to the new technology being used. Mr. Schoen also asked whether or not small businesses are affected. Tad Aburn said that because the manufacturers are pushing for the production of a single clean car, most of the cars that they sell in the country actually already meet the standards. The group discussed the issue of burdening utilities to power EVs, and Mr. Shepherd explained that overall, the efficiency of the EV is still greater than that of a car running on gas, even if the electricity comes from coal.

Bill Cunningham asked what the prospects are on the State level for natural gas. Mr. Shepherd explained that much of the infrastructure for natural gas fueling has been removed, and that the market will probably dictate the future for CNG vehicles; there is potential, but manufacturers want to see the infrastructure available first. Ross Salawitch asked if there is anything in the amendments that is not directed by the 2007 legislation and California's program. Mr. Shepherd said that our actions are consistent with California, noting that in the beginning of the process Maryland worked with California and provided input.

Motion to approve this action was made by Ronald White and seconded by Lorne Garretson. All members present voted in favor.

BRIEFINGS AND UPDATES:

New (75 ppb) Ozone Standard:

Diane Franks presented on implementation of the new ozone standard and the challenges that transport continues to pose for Maryland. The State has suggested measures such as a larger nonattainment area that would take into account the effect that nearby states have on each other.

John Kumm asked why EPA has been resistant to regional designations and controls despite all of the evidence that points to their necessity. Diane Franks responded that EPA has said that "nearby" means any area that is actually touching Maryland. Tad

Aburn added that EPA acknowledges that areas like Baltimore will not be able to attain the standard without regional reductions, but initiatives to address that issue, such as CASPR, are not moving forward.

Transportation Planning Targets:

Tad Aburn presented on the State's draft transportation planning regulation, which would gather information from planning organizations regarding actions being taken to reduce emissions from the transportation sector.

Ronald White stated that the reduction goals are not aligned with health-based standards; Tad Aburn acknowledged that the environmental community has pushed for more aggressive goals. Ross Salawitch asked about the emphasis on ozone vs. greenhouse gas emissions, to which Mr. Aburn responded that CO2 is not currently part of the federal conformity process. Todd Lang asked for an answer on where MDE gets its authority to "overrule a multi-state compact through COMAR." He also said that the regulation affects WILMAPCO, the Metropolitan Planning Organization for New Castle County, Delaware and Cecil County, Maryland. Tad Aburn said that the intent is not to cover the WILMAPCO area, and that MDE feels strongly that it has the authority to write this regulation.

Legal Action 2013:

Tad Aburn presented on Maryland's options for pushing EPA to address the issue of transport, including various petitions and further coordination with other states.

Confirmation of Next meeting dates:

The Council's next meeting was confirmed for December 10, 2012. John Quinn requested a poll for 2013 meeting dates.

The meeting adjourned at 11:35 a.m.