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Air Quality Control Advisory Council Meeting Minutes
October 24, 2022 @ 9:00 am
Webinar held by MDE

AQCAC MEMBERS PRESENT

John Quinn – Chairman
John Kumm, PE, BCEE – Vice Chairman
Sania Amr, M.D.
Todd Chason, Esq.
Nicole Cook, JD
Tom Dernoga, JD
Adrienne Hollis, PhD, JD (joined after introductions)
Tom Killeen
Megan Latshaw, PhD
Anna Marshall
Ross Salawitch, PhD
Lawrence (Larry) Schoen, PE
Robert Wright, PhD, PE (ret)
Weston Young, PE

AQCAC MEMBERS ABSENT

Ben Hobbs, PhD

MDE

George (Tad) Aburn
Chris Hoagland
Mark Stewart
Eddie Durant
Carolyn A. Jones
Randy Mosier
Kelsey Sisko
Megan Ulrich, Esq
Daniel Newell
Cynthia M Weisz, Esq
Catherine Salarano
Doris Weil, Esq
Edward M. Dexter
Emily Bull
Enobong Umoh
Justin Mabrey
Kara Dorr, Esq
Katharine Daristotle
Kathleen Field
Kim Pezza
Mario Cora Hernandez
Pars Ramnarain
Peggy Courtright
Roger Thunell
Ryan Buckley
Steve Lang

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Suna Sariscak
Tim Shepherd

VISITORS

Alexander Holt
Anne Havemann
BS
Dakota Blum
Darrin Dillah
David Cramer
David Gostomski
Dru Schmidt-Perkins
Dusty Hilbert
Frances Sherman
Gary Lasako
Haley Lewis
James Wagner
Jason Freeman
Jennifer Kunze
Jenny St. Clair
Jim Valerio, Parsons
Joe Winters
John Agnoli
LH
Laura Vallett
Lindsey Mendelson
Mark Morris
Mason, Dave
Mayo, Justina
Michael Johansen
Mike Deitz
Panesar, Balwinder
Rebecca Rehr
Roth, Josh
Russ Dickerson (Mac)
Ruth White
Sari Amiel
Sunhee Park
Thakali, Astha
Tom Weissinger
Zimmerman, Lee

This is a summary of the October 24, 2022, 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/ARA. 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.

MDE website: <http://mde.maryland.gov/programs/workwithmde/Pages/AQCACmeetingminutes.aspx>

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Mr. John Quinn, AQCAC Chair, opened the meeting by welcoming everyone to the Air Quality Control Advisory Council (AQCAC or the Council) meeting at approximately 9:02 a.m. Mr. Quinn then asked Mr. Chris Hoagland, Air and Radiation Administration Director, to open the meeting with introductory remarks. Mr. Hoagland passed the introductory remarks to Mr. Tad Aburn for the final time.

Mr. Aburn confirmed his upcoming retirement and transition that has taken place with Mr. Hoagland serving as the Air Director and commending the Senior Staff and technical support provided by MDE staff. Mr. Aburn announced that Maryland is currently meeting all the pollutant standards for first time since the establishment of the National Ambient Air Quality Standards though we need to remain vigilant as a new ozone and particulate matter standard are being considered. Mr. Aburn stated that this Council is the best that MDE has ever had and expressed his appreciation for the Council. Mr. Aburn ended with the two major issues that the Council will face – climate change and environmental justice.

Mr. Hoagland announced that MDE staff will begin this meeting by talking through an important issue, methane emissions from landfills, and how it is critical to reduce methane emissions in order to meet climate goals and mitigate climate change. Mr. Hoagland stated a majority of the meeting will be spent talking through a proposed rule addressing methane from landfills, the largest source of methane in Maryland, followed by an update on the VEIP amendments. Mr. Hoagland then asked Mr. Quinn to begin the meeting.

Mr. Quinn introduced the new AQCAC member. Ms. Anna Marshall with the Baltimore Metropolitan Council introduced herself as the newest member of the Council replacing Ms. Nicole Hebert.

MEETING MINUTES

Mr. Quinn requested approval of the previous meeting minutes shared with the Council through email.

Motion to approve the June 13, 2022 minutes was made by Dr. Sania Amr and seconded by Mr. Todd Chason. Twelve members voted in favor at approximately 9:10 a.m.. Mr. Larry Schoen abstained from voting. Ms Adrienne Hollis was not present for this motion.

ACTION ON REGULATIONS

Control of Methane Emissions from Municipal Solid Waste Landfills - New COMAR 26.11.42

Mr. Mark Stewart and Mr. Eddie DuRant presented on the proposed regulation to add new Chapter COMAR 26.11.42 Control of methane Emission from Municipal Solid Waste (MSW) Landfills.

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Mr. Mark Stewart explained the progress the State is making to address climate change. Landfills are the largest methane emissions source in the MDE's greenhouse gas (GHG) Inventory.

The Maryland Climate Change Commission and Greenhouse Gas Emission Reduction Act (GGRA) have established responsibilities and goals for the state to reduce GHG. Methane is a super potent GHG with 28 times the warming impact of CO₂ over 100 years and over 80 times the warming impact of CO₂ over 20 years.

Mr. Eddie DuRant explained the proposed regulation background and requirements to control methane emissions from MSW landfills. The regulations are being proposed to meet the federal requirements but also go beyond to gain additional methane reductions. The regulations are tiered in structure so that landfills of different ages and sizes need to follow the regulatory thresholds to determine if they have to perform an action or are exempt. The Department held various stakeholder meetings since 2017 on MSW landfill mitigation concepts. In addition to the proposed regulations by the Air and Radiation Administration (ARA) there are also several federal and state regulations addressing landfills under the Land Administrations solid waste management division.

This proposed action will apply to: active and closed MSW landfills that have accepted waste after November 8, 1987 that have a design capacity greater than or equal to 2.5 million megagrams (Mg) waste mass and 2.5 million cubic meters (which is 2,750,000 tons and 3,260,000 cubic yards of waste); and, active and closed MSW landfills that have accepted waste after December 31, 1993 that have less than 2,750,000 tons or 3,260,000 cubic yards of waste-in-place but greater than 450,000 tons of waste-in-place. The regulations require a waste-in-place (WIP) calculation. Landfills less than 450,000 tons of WIP are exempt. A methane generation report is required to determine which regulatory requirements apply. Surface emissions monitoring (SEMs) can be used to determine if a gas collection and control system (GCCS) will be required. Mr. DuRant explained the various details of a GCCS design requirements and the protocols for SEMs. He also explained the requirements for testing and reporting.

The Council inquired about the solar panel exemption and was concerned that the exemption was too broad and should include details such as size of the solar project or perhaps a minimum investment for a solar project. Ms. Carolyn Jones with MDE noted that ARA would approve any exemption request and that the solar projects that have been installed or are under consideration do cover a meaningful area of a landfill. The investment and planning of a solar project is typically taken to be a benefit to the facility and or take advantage of selling the electricity generated to the grid.

The Council stated concerns regarding the quality control process for the SEMs testing. Ms. Jones commented that the procedures in the proposed regulation follow current EPA methods that are accepted industry practices, technicians must be certified to perform the testing and MDE ARA compliance inspectors visit the landfills and review reporting for any inconsistencies.

Additionally, the regulation allows for emerging technologies to be implemented under an alternative compliance plan or through voluntary investigation studies. EPA, industry, scientists, and environmental advocates are all researching new technologies to analyze methane emissions

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from landfills. Brown Station and other landfills have been in discussions with MDE to conduct voluntary emissions studies.

Mr. Weston Young noted concerns from several counties with landfills - SEMs will take an extreme amount of time and resources to perform, costs to implement all requirements could be extremely high – there is one estimate at over \$300 million, affected landfill sources need to secure bonding to fund costs, increased tipping fees to cover cost will impact everyone, and the solar exemption date should be extended. Mr. Young stated that counties who own the landfills would like more time for the implementation of the regulation requirements.

At approximately 10:50 a.m. Mr. Quinn asked if anyone from the public with a direct or indirect affiliation with a landfill would like to comment. Mr. Mosier stated that no one signed up to speak in advance. Three speakers from the public did request to make comments – Ms. Anne Havemann, Ms. Ruth White, and Ms. Haley Lewis.

Ms. Havemann with the Chesapeake Climate Action Network (CCAN) stated they have been engaged in this process for a long time, and she wanted to thank MDE for fore coming these regulations and that CCAN was very glad to see it as a topic for this AQCAC meeting. CCAN supports this rule and encouraged the Council and MDE to move forward quickly. Ms. Havemann also stated that CCAN is a member organization and members alone submitted nearly 1,200 comments in support of the rule last year. CCAN also met with county officials since they own most of the landfills to show how important it is to support this rule even is there is a cost. CCAN also supports putting solar panels on landfills and is glad to see that MDE recognizes the two can coexist. CCAN wants to make sure the regulations remain as strong as possible and exemptions as narrow as possible while allowing counties to move forward with their goals to put solar on landfills. Ms. Havemann encouraged MDE to look at the Global Warming Potential of Methane over the 20-year period to stay consistent with the Climate Solutions Now Act.

Ms. White from Howard County Climate Action reenforced support for Ms. Havemann’s comments. Ms. White stated that Howard County Climate Action has been keeping up to date with the regulation process over the last several years and that there had been meetings with Howard County to discuss the regulation. Ms. White stated that Howard County Climate Action’s newsletter had asked those interested to sign a petition that CCAN then submitted. Ms. White reiterated that several residents are concerned and want to see the regulations as strong as possible. Howard County Climate Action is concerned with methane emissions and has been following and supporting the Climate Solutions Now Act.

Ms. Lewis, an Attorney with the Environmental Integrity Project (EIP), stated that EIP considers this to be an important regulation and had been involved in submitting comments on the technical aspects of the rule. Ms. Lewis stated she will be commenting for Ms. Leah Kelly. Ms. Lewis commented on EPA’s Federal Rules on landfill emissions and that the rules fall short of holding meaningful standards for this sector. Ms. Lewis stated methane’s potency as a greenhouse gas demands action now, and other states recognized the need to go beyond the minimum and it is important for Maryland to follow the lead of these other states due to landfills being the largest source of methane. Ms. Lewis stated EIP appreciates that Maryland’s draft rule

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follows California's landfill methane regulations. Ms. Lewis urged MDE to strengthen the draft rule by using California's approach to the alternative compliance standards in section 8 on page 10 of the draft rule and that MDE should revise their rules to require denial unless necessary information is show.

At approximately 11:10 am Chairman Quinn asked if there was a motion on the regulations as proposed.

A motion to approve the proposal as presented was made by Dr. Salawitch and seconded by Mr. John Kumm. There were two additional requests that the Council asked the Department to consider under a motion for amendment. The first recommended amendment pertained to the solar exemption under Reg .01B(4), and the other pertained to the alternative compliance structure for Department approval under Reg .08C. The Council requested the Department to add language to Reg .01B(4) to narrow the solar exemption by including a low emissions criteria, a surface coverage criteria and an end date for the completion of solar panel installations covered under the exemption. The Council also requested the Department edit Reg .08C to change the wording from "as long as" to "only if" the proposed alternative effectively controls methane as equivalent.

The motion to approve the regulation with the two considerations was presented at approximately 11:20 a.m. with 12 members of the Council voting in favor, 1 member of the Council voting to oppose, and no member abstaining.

Twelve members in favor (Chairman Quinn, Dr. Sania Amr, Nicole Cook, Tom Dernoga, Dr. Adrienne Hollis (joined after announcements), Tom Killeen, John Kumm, Dr. Megan Latshaw, Anna Marshall, Dr. Ross Salawitch, Larry Schoen, Dr. Robert Wright), one member opposed (Weston Young).

Not present at voting time - Todd Chason. Did not attend the meeting - Dr. Ben Hobbs

Briefings

Vehicle Emissions Inspection Program (VEIP) Amendments Update – Megan Ulrich and Daniel Newell

Ms. Megan Ulrich and Mr. Daniel Newell presented on the Vehicle Emissions Inspection Program (VEIP) Amendments. Ms. Ulrich began by stating that this presentation is just a briefing and that this action was brought forward to the Council in June of 2021. Upon further review, changes were made before proposing the regulations.

Mr. Newell restated that in June 2021 AQCAC approved VEIP modernization efforts that began in 2018. The emissions impact of these changes was negligible. Mr. Newell stated that the key proposed regulation changes included delaying initial testing for new vehicles for 3 additional years, moving to OBD only testing by eliminating the idle test for heavy duty vehicles, and creating Motorist Assistance Centers. Since June 2021, modifications to the regulations have been made. Mr. Newell informed the Council that the initial test date will still be an additional 3 year delay for new vehicles, Motorist Assistance Centers are still included in the regulation, and

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the emissions impact of these changes are still negligible. The main change is the idle test for heavy duty vehicles will remain in the program and will continue with both OBD and idle testing. Mr. Newell then reviewed the regulation adoption schedule, noting that a public hearing was held on October 11th.

Mr. Quinn asked if there were any questions. Dr. Megan Latshaw asked why heavy-duty vehicle idle testing will remain. Ms. Cynthia Weisz stepped in to inform Dr. Latshaw that it was a statutory construction issue and there were contradictions that needed to be resolved. Ms. Ulrich stated this is only for Class E trucks, which is 0.2% of the vehicle fleet. Mr. James Wagner from Plant the Light commented on vehicle miles traveled and asked if there was a program for internal combustion vehicle owners to reduce their miles. Mr. Hoagland stated VEIP is not a greenhouse gas (GHG) control program, it is for controlling criteria pollutants and insuring vehicles emissions controls are functioning correctly. Mr. Hoagland added that it would be a challenge to incorporate GHG controls into this regulation.

Ms. Lindsey Mendelson for the Maryland Sierra Club commented on the adoption of the Clean Cars II Regulation in regard to how Maryland has to legally adopt this regulation as part of the 2007 law and urged the Council on a swift adoption of this rule, especially at the next meeting.

Mr. Larry Schoen commented for the record of the meeting, that the Council was not unanimous in its approval of the VEIP regulations, specifically OBD, when brought to the Council last year.

The Council thanked Mr. Aburn for his service and wished him well.

The meeting was adjourned at 11:35 a.m.

The next meeting is scheduled as a 9 a.m. webinar for:

- December 12, 2022