

FINAL

Air Quality Control Advisory Council Meeting Minutes June 12, 2023 @ 9:00 am In-person/Webinar hybrid meeting held at MDE

AQCAC MEMBERS PRESENT

John Quinn – Chairman
Anna Marshall, AICP
Ben Hobbs, PhD
Megan Latshaw, PhD absent – Benjamin Gitterman representing (non-voting)
Lawrence (Larry) Schoen, PE
Nicole Cook, JD
Sania Amr, M.D.
Sunhee Park, PE, BCEE
Thomas Dernoga, JD
Thomas Killeen
Ross Salawitch, PhD
Robert Wright, PhD, PE (ret)
Weston Young, PE

AQCAC MEMBERS ABSENT

Todd Chason – Vice Chairman, Esq.
Adrienne Hollis, PhD, JD

MDE

Chris Hoagland
Randy Mosier
Kelsey Sisko
Justin Mabrey
Tim Shepherd
Carolyn Jones
Eddie Durant
Mark Stewart
Joel Dreessen

Dan Janousek, MDOT
Rebecca Bankard, MDOT
Marcia Ways
Kara Dorr
Adam Reese
Joe Winters
Kim Drake
Vimal Amin
Jenny St. Clair

VISITORS

Kevin Shen
Sari Amiel
Louisa Rettew
Rebecca Rehr
Tim French
Ramon Palencia-Calvo
Elly Cowen
1 telephone caller

Lindsey Mendelson
Edwin Much
Dave Cramer
Lisa Post
Rifka Handelman
Allison Brown

This is a summary of the June 12, 2023, 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>

FINAL

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 9:05 a.m. Following introductions, Mr. Chris Hoagland, Director of the Maryland Department of the Environment's (MDE or the Department) Air and Radiation Administration (ARA), then reported to the Council information on the recent Code Red air quality days due to the smoke from Canada and the importance of the MDE's work and the urgency to react to reduce greenhouse gas (GHG) emissions. Mr. Hoagland stated there will need to be a lot of work done to achieve a transition to zero emissions and went over the presentations for the meeting. Mr. Hoagland announced to the Council Mr. Randy Mosier's new position as the Deputy Program Manager of the Air Quality Planning Program.

Mr. Quinn then asked the Council to review the meeting minutes.

MEETING MINUTES

Mr. Quinn requested a minor amendment to the minutes noting "do this" to be replaced with "to achieve the overall goal" and to add at the end of the sentence "and has recommendations on implementation". Dr. Robert Wright mentioned that he liked the format of the meeting minutes that has the name of the speaker aligned first and prior to the statement.

A motion to approve the March 13, 2022 minutes was made by Mr. Weston Young to approve the meeting minutes as amended per Mr. Quinn and seconded by Dr. Sania Amr. All members present voted in favor at approximately 9:10 a.m.

ACTION ON REGULATIONS

Advanced Clean Trucks New Regulations - COMAR 26.11.43

Mr. Justin Mabrey and Mr. Tim Shepherd presented to the Council the proposal for new regulations regarding Advanced Clean Trucks (ACT) to incorporate by reference California's rules. The ACT regulations have been developed due to the Clean Truck Act of 2023 that was adopted by this past General Assembly session requiring MDE to adopt California's ACT program by the end of 2023. The ACT is one of California's numerous vehicle emission regulations. California is the only State authorized to set vehicle emission standards that differ from federal requirements. Section 177 of the Clean Air Act (CAA) allows other States to adopt California regulations as long as they are identical and must be adopted with a two-year lead time. Mr. Shepherd followed up by stating that the two-year lead time is a requirement to give manufacturers time to scale up and get ready for production.

Mr. Mabrey stated that if the regulations are adopted this year, they will go into effect in the 2027 Model Year (MY) due to the CAA requiring a two-year MY lead time for the vehicle manufacturers. The new regulations will be adopted through Incorporation by Reference (IBR) just like the Clean Cars Program was adopted in 2007. Mr. Shepherd reminded the Council that a MY starts in the January of the previous year, so the 2027 MY begins on January 2, 2026.

FINAL

Dr. Ross Salawitch asked what incorporation by reference means. Mr. Mabrey stated that MDE cites California's regulations into the Code of Maryland Regulations (COMAR) instead of copying the text word for word. Mr. Shepherd stated that this process is preferred so that when California amends or updates their regulations, it makes it easier for the Department to amend COMAR and prevents MDE from missing any information. Mr. Mabrey also added that when Clean Cars is updated, the effective date just needs to be changed. Mr. Mosier stated IBR is a common usage through regulations, if there is a technical memorandum or a procedure, the Department incorporates technical documents by reference. Mr. Mabrey added that some states can incorporate automatically, but Maryland does not.

Dr. Wright stated that when doing an IBR, the Department should say "and its amendments" so it is apparent that if California amends their regulation, Maryland is already covered. Mr. Mabrey responded that there is a section that lists every year MDE has amended, but it does not list which sections are amended. Mr. Mosier added that the Department can add "as amended" to specific regulations should the Department decide that it would be beneficial to have future amendments automatically updated. However, Mr. Hoagland confirmed that for this California IBR we have to manually update each amendment.

Mr. Mabrey continued stating the ACT regulations require medium- and heavy-duty manufacturers to sell a growing percentage of their vehicles as zero emission trucks. These are vehicles with a gross vehicle weight rating (GVWR) over 8,500 lbs. and incorporates Class 2b through Class 8 trucks. The zero-emission vehicle (ZEV) sales are phased-in in California, as well as other states, beginning in MY 2024, but in Maryland it would begin in MY 2027 and then increase through MY 2035, remaining constant thereafter. The program includes a credit banking trading program that is similar to what is used for the light-duty vehicle program. This helps the manufacturers meet the obligations – if they over comply, they can trade credits with other manufacturers and they can bank credits for later years.

Mr. Weston Young asked if light- and heavy-duty banks can trade amongst themselves or are they completely distinct. Mr. Mabrey responded that they are completely distinct, yet there is an overlap with Class 2b vehicles that are also covered under the Advanced Clean Cars II (ACC II) Program, requiring manufacturers to inform the Department where they want those credits to go.

Mr. Mabrey presented a chart to the Council of what the percentages are over the years for the sales requirements. They are divided by Classes – Class 2b-3, Class 4-8, which are rigid trucks, not tractor trailers, and have a steeper curve because it is believed these vehicles are more easily accommodated at this time for emission technologies, and Class 7-8, which top out at 40% in 2032 and level off thereafter. In 2027, Maryland would enter the clean truck program and the State must adopt the regulations to match the same implementation schedule as California.

Dr. Wright asked a question on the definition of a pickup truck and gave two examples of trucks. Mr. Mabrey stated the regulations are based on the weight rating of the trucks, and it does cover some of the F250s; some are under 8,500 lbs. and some are above, and this would be the distinction on what category the trucks would fall under. Mr. Shepherd reiterated Mr. Mabrey's statement that there is a middle ground where the pickups can be borderline, and the manufacturer has to detail which categories the vehicles should be classified as.

FINAL

Mr. Quinn asked if the rule only applies to sales and if it did anything to vehicles already on the roads by the time this regulation is implemented. Mr. Mabrey responded by saying that no, the regulation only applies for sales, and it is a requirement for the Original Equipment Manufacturers (OEM) to place these vehicles for sale in Maryland.

Mr. Mabrey presented ZEV truck availability stats and the purchase incentives currently available for the medium- and heavy-duty trucks. The federal Inflation Reduction Act (IRA) has a tax credit included within for qualified commercial clean vehicles. It is the smaller of 30% of the vehicle price, the incremental cost vs the diesel, \$40,000, and additional credits for charging infrastructure. This past legislative session, Maryland adopted a law that allows the Maryland Energy Administration (MEA) to provide grants for 75% of the incremental cost. This is \$10 million annually for three years. Mr. Shepherd added that this also covers infrastructure, and the House Bill (HB) for this law is HB 550. Mr. Quinn asked if there has been any analysis on how far the \$10 million dollars available will go in that process and will it be enough. Mr. Shepherd noted that the funding would be a challenge to support more expensive Class 8 or 7s, though many more of the lower-class trucks could be covered under this incentive.

Mr. Mabrey explained to the Council that Maryland has a GHG Reduction Plan that must be followed that requires GHG emissions to be reduced in all sectors. Transportation is about 30% of the total GHG emissions in the state of Maryland. ACC II (light-duty vehicles) is a part of the On-road Gasoline subsection, which takes up 18.4% of the Transportation section. On-road Diesel takes up 5.9%. Mr. Shepherd added that this is the second leading sole contributor of GHG emissions after light-duty vehicles, so this is a high priority if we are trying to make new goals in 2031. Mr. Mabrey showed the Council an air quality impacts pie chart with the green shaded colors indicating local source emissions and the red indicating medium- and heavy-duty vehicles, which count for over a quarter of the State's NOx emissions. Reducing these emissions is important for cleaning our air and reducing ozone pollution. Targeting these sources will help underserved, overburdened communities who experience a lot of truck traffic going through their neighborhoods every day or around the freeway.

Mr. Thomas Killeen asked what the light-duty vehicles refer to. Mr. Mabrey and Mr. Shepherd responded that this refers to cars, and what is covered under the ACC II Program (COMAR 26.11.34). Mr. Wright asked about the airports and marine sectors, are you talking about the vessel or the port, or both in these emissions. Mr. Shepherd and Mr. Mabrey responded with just the vessel. The port would be considered off-road, which is covered under the construction equipment sector.

MDE proposes to allow manufacturers to earn early compliance credits beginning with the 2026 MY. The Department believes this will help encourage manufacturers to place their vehicles in Maryland a year earlier, improving the overall emission benefits of the program. Manufacturers can also earn additional credits that will pull forward those sales and benefit everyone. Mr. Shepherd added that it makes it a slightly smoother transition for manufacturers instead of an abrupt restart. Manufacturers won't have to start at 15%, they will be able to bank credits early and use that to smoothen their transition.

FINAL

Mr. Mabrey stated that later into the year and into 2024, the Department will need to do a Needs Assessment and Deployment Plan that is required by the Clean Trucks Act of 2023. MDE, the Maryland Department of Transportation (MDOT), the Maryland Department of General Services (DGS), MEA, and the Maryland Public Service Commission (PSC) will assess fueling/charging demands and infrastructure, necessary fueling/charging stations, purchase incentives (how much money will be needed to make this program successful), and state fleet transition. The regulations will be effective in MY 2027, which is calendar year 2026. Mr. Shepherd added that the study Mr. Mabrey mentioned is due in December 2024 and the Department will begin working on it soon.

Mr. Thomas Dernoga asked what is the consequence for failure of not reaching the percentages. Mr. Shepherd stated manufacturers usually have a year or two to get back into compliance. Mr. Mabrey added they can get back in compliance by buying credits from another manufacturer or over-complying in the following year and, if they don't, there is a fining mechanism. Mr. Dernoga questioned that this is not in the regulations carried over from the California regulations. Mr. Hoagland stated the crediting component is carried over but when it comes to penalties, that is under Maryland's Regulatory Compliance Assessment. Mr. Dernoga stated he was looking at the regulation and did not see a reference for this and asked if it was under another general section under the authority of MDE. Mr. Shepherd and Mr. Mabrey responded yes. Mr. Shepherd added that MDE has the same type of mechanism under the Advanced Clean Car Program and to date, MDE has been in the program for twelve years, and has not had to issue a financial penalty. Manufacturers have always complied by purchasing credits or coming into compliance the following year. Mr. Dernoga asked in terms of options, is it a matter of what year to implement. Mr. Shepherd stated there is a little leeway on the fiscal penalty, but the Department still has to have a fining mechanism - MDE does have the authority to change numbers, but there is not a lot of leeway when adopting these programs. You are not allowed to adopt a third car or a third program, there are only two programs: Federal and California.

Mr. Killeen asked about taxes – Mr. Killeen pays no gas tax for his electric vehicle, what will happen in the future as we go down this path. Mr. Shepherd stated that this is something that will happen through MDOT since they manage road maintenance. This issue is being discussed since the fuel tax pays for Maryland's road repairs. Mr. Mabrey added that other methods of covering road maintenance costs, such as a mileage tax and increased registration fees, are being considered by other states as well. Mr. Hoagland stated the legislation this year established a new Commission on Transportation Infrastructure and Revenue that MDOT will coordinate and set up later in the year.

Dr. Salawitch stated that Class 1 and 2 trucks that are 8,500 lbs. or less are covered under the Advanced Clean Cars Program. Mr. Shepherd and Mr. Mabrey informed Dr. Salawitch that he is correct. Dr. Salawitch followed up asking what kind of consideration is there that Maryland has bordering states that are not in a program like this. Dr. Salawitch gave an example; if he was a fleet owner and owns a company in Maryland and did not want to purchase an electric truck, he could go to a neighboring state and purchase his trucks there and register them in that state but drive them out of Maryland. Mr. Mabrey stated that technically trucks can be bought in neighboring states and be registered in Maryland, and it is possible some owners will do this. Dr. Salawitch stated this seems like a loophole for owners, and Mr. Mabrey stated this issue would

FINAL

need to be under a different regulation because it is not part of California's ACT regulations. Dr. Salawitch added there could be monitoring of how much the bigger fleet owners are doing this, and it would be good to have the data. Mr. Mabrey responded that it is possible since we will get sales data from manufacturers when this program is in place. Mr. Shepherd added Maryland will work with the other states to get a better idea of where purchases are occurring. Mr. Hoagland added the Department runs into this issue with every state policy and that the best thing we can do is try to get other states involved in this program, as well as providing incentives to businesses for electric trucks, which would be a better financial decision for businesses. The impact assessments in the regulatory document assume that some cross-border purchases are happening in the estimates. Mr. Killeen commented that there are national companies currently buying cars and bringing them into Maryland.

Mr. Benjamin Gitterman asked if there is an actual motion going on in neighboring states to adopt the ACT program. Mr. Shepherd stated there are other states looking into the program. Mr. Shepherd informed the Council that New Jersey is moving forward in adoption, and Delaware and North Carolina are under consideration. Maryland is continuing to communicate with other states, just as the Department did with Advanced Clean Cars (Maryland was one of the only states in the program at first, and now neighboring states are involved). Other states have problems with emissions and are going to have to look at addressing medium- and heavy-duty trucks at some point. Wright noted that he is concerned about owners buying or registering trucks from neighboring States.

Mr. Quinn announced that six people from the public requested to comment on the proposal at approximately 10 a.m. Mr. Kevin Shen, Mr. Ramon Palencia-Calvo, Ms. Elly Cowen, Ms. Sari Amiel, Mr. Tim French, and Ms. Neda Deylami.

Mr. Shen, a Policy Analyst from the Union of Concerned Scientists, recited from a letter sent to the Council signed by 49 organizations across the State supporting the ACT regulations and Heavy-duty Omnibus rules. Mr. Shen stated these rules are a step towards making medium- and heavy-duty technologies available and addressing poor air quality and improving public health. Mr. Shen briefed the health benefits from these rules and the IRA funding. Mr. Shen also stated the benefits of adopting the Omnibus rule.

Mr. Palencia-Calvo, the Deputy Executive Director of the Maryland League of Conservation Voters, is in favor of adopting the ACT rule and the Heavy-Duty Omnibus rule as soon as possible to meet Maryland's goals and encourages the Council to vote in favor of Maryland adopting these regulations. Mr. Palencia-Calvo detailed transportation pollution, especially in communities of color, as well as health effects from pollution. Mr. Palencia-Calvo also informed the Council that there are plenty of models available.

Ms. Cowen, speaking on behalf of Ceres, expressed Ceres support for adopting the ACT rule. The companies and investors in Ceres see climate change as a significant risk and reducing carbon emissions as an economic opportunity. Thousands of businesses are working to reduce their short-term emissions with climate science and have committed to reaching net-zero no later than 2050. Many of these businesses are transitioning their fleets of medium- and heavy-duty to

FINAL

zero emission vehicles. Ms. Cowen detailed the benefits of having the ACT rules adopted. Ms. Cowen asked for the Council to support the adoption of this rule.

Ms. Amiel, an Attorney at the Sierra Club, urged the adoption of the ACT rule. Ms. Amiel stated this rule is critical in meeting Maryland's climate targets and locks in commitments made in Maryland's 2020 Memorandum of Understanding for Medium- and Heavy-Duty Vehicle Adoption. Ms. Amiel stated Governor Wes Moore signed a bill making it a law to adopt the ACT rules in April. Ms. Amiel then detailed the states adopting this rule, and the issues Maryland may face if they do not adopt the ACT regulations. The charging infrastructure needed for these trucks is mostly available today and can be easily installed by 2026. Some trucks can use the same chargers as electric cars. Maryland's current grid can support the deployment and electricity needs of electric trucks. Ms. Amiel is urging the Council to support the ACT rules.

Mr. French, representing the Truck and Engine Manufacturers Association, the manufacturers of the medium- and heavy-duty ZEV trucks talked about in the previous presentation. Mr. French stated three issues for the Council to keep in mind. One: CARB recently amended the regulations that affect ACT ZEV trucks mandate to increase that mandate to 100% as of 2036. This was done through new section 2016 of Title 13. Maryland will need to figure out if this is something they need to pick up or not. Two: How vital it is to get the infrastructure in place up front before the mandates kick in. The operative ratio between trucks and chargers is about one to one. Some installations need to be more than one Megawatt and can be \$350,000 depending on size and whether they are DCFC or not. Getting interconnectivity infrastructure to these places is a concern because of lead time and supply chain issues for transformers and switch gears. This effort needs to be underway now. Third: Think about if a pooling process can be established for the generation of deficits and credits under the ACT program. Possibly a pooling of credits among the various opt-in states. Mr. French stated the Truck and Engine Manufacturers Association would appreciate the opportunity to work with MDE on the implementation of the ACT program – they are not opposed but want to make sure it is a success.

Mr. Larry Schoen asked about California's Advanced Clean Fleet (ACF) rule, which would impact fleets owned by the state and local government, drayage, and an operator that owns, operates, or directs at least one vehicle in the state. Mr. French responded that ACF have been adopted in California and implements a similar schedule on the purchaser's side in terms of the mandate to buy ZEV trucks when fleets are replacing vehicles when ACT is a mandate on the seller's side - It is a mandate on the purchaser's side. It will be helpful in ensuring both requisite supply and demand and something Maryland could/should look at and Maryland might consider forming a working group to help address some of these issues. Mr. Mabrey said the ACF is a regulation MDE has been following and talking with California and other states about. It is more aggressive than the ACT regulation and it does get up to 100% requirement in the same time as ACT is topping out at 75% and 40%. MDE is currently not proposing to adopt the ACF regulations - MDE is focused on the ACT regulations, but it does not mean the State will not look at adopting ACF. Mr. Schoen followed up with why MDE is not looking at ACF. Mr. Hoagland stated that California adopted the program two months ago – it is a separate legal mechanism, it is not a CAA Section 177 vehicle emission standard, it is a separate process. The State is considering ACF, and the Council is aware of the development of the State's Climate Plan to achieve the State's 2031 and 2045 GHG reduction goals with the University of Maryland

FINAL

(UMD). UMD is producing a report at the end of June showing the State the pathway to get to the goals and noted to the Climate Change Commission recently that ACF was one of the measures in the analysis to get more rapid reductions. Mr. Hoagland stated we could come back to the Council with more information on this.

Ms. Deylami, the Vehicle Electrification Manager from the Environmental Defense Fund, spoke on the cost benefits of electric medium- and heavy-duty vehicles in support of swift adoption of the ACT rules. Ms. Deylami spoke on the impact of transportation and these vehicles on climate change and air quality, as well as model availability technological readiness, and the ERM study. Ms. Deylami spoke on the benefits of ZEVs, such as cost, health, and environmental benefits. Ms. Deylami stated Maryland must swiftly adopt ACT for the rules to take effect on MY 2027 vehicles and capture all of the benefits as soon as possible.

A motion to approve the regulation as presented was made by Mr. Thomas Dernoga and seconded by Mr. Weston Young.

Mr. Young asked for a point of clarification – Jumping to MY 2027, Maryland cannot start where California started. Mr. Mabrey stated that is correct. Mr. Young added that if the State started in 2030, they would have to jump to where 50% of their Class is. Mr. Mabrey responded with yes. Mr. Shepherd stated this is why the State does the early adoption credits, it helps with the transition.

Dr. Salawitch stated he supports financial incentives for the clean trucks program and appreciated the three points mentioned by Mr. French. He is concerned about vehicles crossing between States. Mr. Schoen spoke in favor of the motion and requested that MDE staff be willing to give the Council an update at the next meeting on how the Department might monitor the cross-border impacts and an update on the ACF rule as well. MDE staff agreed. Mr. Quinn noted that the study currently going on is going to incorporate this, and Mr. Shepherd agreed.

Mr. Quinn asked for the Council's vote. All members present voted in favor.

Briefings

Mr. Hoagland announced that the first briefing was requested by the Council at the prior meeting.

EV Infrastructure update – Tim Shepherd and Dan Janousek

At the request of the Council during the March 2023 meeting, it was requested that MDE provide a follow-up to the ACC II regulations concerning EV infrastructure status and programs to expand. Mr. Shepherd began the briefing showing that under the Volkswagen (VW) Agreement, MDE was allowed to spend up to 15% of the \$77 million the Department received through the agreement for light-duty infrastructure. Maryland took the full 15% and put in \$11.3 million dollars of light-duty charging infrastructure. The focus areas were workplace charging and corridor/up-charging fast charging. Workplace charging is predominantly at Level Two and corridor charging at Level Three. MDE has had two rounds of funding on both types of

FINAL

infrastructure so far. Under this funding, the Department has done a total of around 77 corridor hub charging sites and around 200 workplace charging sites. HB 550 provided MEA \$2.5 billion annually on infrastructure updates. Mr. Shepherd suggested that at the next AQCAC meeting there could be a final presentation reflecting MEA's programs after they have been reevaluated this fall. Mr. Shepherd stated under MDE's VW program, the State provides up to 80% of the cost on the Level Three chargers up to \$150,000 per cycle and on the workplace charging up to 60% for the chargers and up to \$4,500 per charger. The National Electric Vehicle Infrastructure (NEVI) Program is a federal program and will be providing Maryland with approximately \$63 million to install Level Three fast charging on corridors. Between all of the State programs, including investments from other companies, there is over \$100 million in investments. Utilities are also putting money towards EV infrastructure, along with private investments from OEMs and Electric Vehicle Supply Companies (EVSC).

Mr. Dan Janousek, MDOT, joined by Ms. Rebecca Bankard, MDOT, presented information on NEVI to the Council. Maryland's goals are to certify alternative fuel corridors and invest in communities per the Zero Emission Electric Vehicle Infrastructure Council (ZEEVIC). The program is under development currently. The Plan Program should be administered by the end of 2023 by the State Highway Administration. Round one funding amount is \$4.25 million, but it could be more. There is \$2.5 billion nationally available for the CFI Program and a 20% match requirement. There are two types of grants: Corridor Grants and Community Grants.

The NEVI program requires 4 DC chargers at 150 kilowatts each over four ports that have to run simultaneously. The Electric Vehicle Charging Siting Tool was developed by MDOT and is used to determine if a site may be a good candidate for a grant program based on data layers and the grant they are applying to.

Mr. Quinn noted that the meeting is running late and there are two additional topics on the agenda. Mr. Wright stated he believes the meeting should be extended. All members of the Council voted in favor. Dr. Salawitch asked about historically disadvantaged communities, hoping they will be a high priority, as well as rural areas. Mr. Janousek stated they are using many different metrics, and MDOT will develop their own scoring rubric. Dr. Salawitch followed up stating that these communities don't have the infrastructure or experience to write grants that will review well and get federal or state funding and hopes MDOT goes out of their way to make sure there are no gaps. Dr. Salawitch also added there is a gap for apartment complexes and townhomes that have no charging infrastructure. What will be done for those who don't own their homes to facilitate charging? Mr. Janousek said there was movement in the legislature on this issue and encouraging local communities to get involved in planning and zoning for the requirements for new multifamily buildings to have EV charging installed. We are also looking at new legislation that may give credit to current charging/parking standards if you provide EV standards to meet other EV requirements. Through NEVI funds, chargers need to be within one mile of the interstate or national highway system and less than 50 miles apart. Once corridors are certified and infrastructure is installed, MDOT intends to go out into the communities.

Ms. Bankard added that a lot of areas were not identified as disadvantaged communities through

FINAL

the Justice 40 Tool. MDOT worked with other state agencies to identify other data, data layers, and sources to help identify additional disadvantaged communities and rural areas to be captured. MDOT wants to create a weighted system to help prioritize these areas for investment. Ms. Bankard also added information on multi-family housing, and that they fall under the disadvantaged category, detailed rebates and the building/zoning codes, and additional things are needed.

Mr. Killeen stated he has an EV, and you need to be creative for charging. For 150 miles, you need 15 minutes of charging. Not everyone will be able to have a charger at home, so thinking outside of the box is needed. Ms. Bankard stated this is why there is a strong emphasis on workplace charging.

Mr. Dernoga stated they (PG County) are looking at several infrastructure options, such as EV charging to be installed at County buildings, such as libraries, so that charging infrastructure is more accessible. Last year, for a number of counties, a law was passed that requires new townhouse developments to have infrastructure available. Other sectors are being looked at to provide infrastructure, and new gas stations must provide charging stations.

Mr. Young asked if Mr. Janousek or staff will be at the Maryland Association of Counties (MACO) this summer in case counties or cities would like to talk and strategize on how to go after this money. Mr. Janousek said he will not be there personally, but Joe McAndrew and Sean Winkler should be there, as well as others.

Mr. Janousek stated if the Council wants a more detailed presentation in the future, he would be happy to come back and present.

2023 Clean Air Progress Report and 2023 Exceedance Days Update – Kelsey Sisko and Joel Dreessen

Ms. Sisko informed the Council there is a one-page summary in their folders on the Clean Air Progress Report with the link to the report. Mr. Quinn asked if the Council members will receive the slides after the meeting – Ms. Sisko responded yes.

Ms. Sisko presented to the Council air quality progress in Maryland in 2022. The State was once known as having the worst air east of the Mississippi, and now in present day is attaining all National Ambient Air Quality Standards (NAAQS). In 2022, the State finally measured attainment for the 2015 ground-level ozone standard. In 2022, the State only measured 3 bad ozone days compared to 17 days in 2021. Ms. Sisko also presented a slide on fine particles showing the State has been in attainment since 2010, and a graph on annual sulfur dioxide (SO₂) and NO_x emissions and the drastic reductions from cleaning local coal-fired power plant emissions and lessened transported emissions.

Dr. Wright asked about what the Department has done for the circumstances over the last few days from the air quality events – does the Department report this as an unhealthy exceedance day and why. This question transitioned into Mr. Joel Dreessen's, a meteorologist in the Air Monitoring Program at MDE, presentation on the exceedance days so far in 2023. Mr. Dreessen

FINAL

is also an air quality forecaster.

Mr. Dreessen answered Mr. Wright's question stating he believes there is a regulatory side (what do we do in terms of attainment) but there is also a communication side to his question. Mr. Dreessen talked about the regulatory side, speaking about Exceptional Events. MDE can apply to the EPA to request that specific days influenced by smoke events be withdrawn from counting towards Maryland's attainment status. EPA will consider monitored data as valid but will not put it towards the State's attainment status.

Mr. Dreessen presented spreadsheets showing the eight ozone exceedance days thus far in 2023 [current through June 11]. Mr. Dreessen also included the smoke event and the three-particulate matter (PM) exceedances [two which were regulatory]. There is typically less than one fine particle exceedance in a year. Mr. Dreessen stated that the number of fires in Canada this year are unprecedented. By site, the State only needs to begin to worry about attainment when there are four exceedances of the NAAQS. Currently, there is only one site with four exceedances, though design values must account for multiple year. Mr. Dreessen detailed the seven ozone exceedance days experienced so far this year [Mr. Dreessen was not able to update the detailed slide to account for the ozone exceedance the day before].

Mr. Dreeseen pointed out the filter in his presentation showing accumulation of PM during the course of the June 7th smoke event and noted how dark the PM filter was.

Mr. Hoagland stated we heard great news from Ms. Sisko that we have all done a great job over the last few decades getting the State clean air, and a reminder from Mr. Dreessen that our jobs are not done yet.

Building Energy Performance Standards Update – Mark Stewart

Mr. Mark Stewart spoke to the Council on the status of MDE's Building Energy Performance Standards (BEPS). A draft regulation was shared over a three-week period from May 15 to June 5. Mr. Stewart announced that the Department has just received over 60 comments on the draft regulations that were sent to interested stakeholders. Comments are currently under review, along with communications with the PSC and sister agencies about the draft regulations. The same part of the law that requires MDE to adopt BEPS also requires a Building Energy Transition Implementation Task Force, co-chaired by Secretary McIlwain and Director Pinsky, Director of the MEA, which is launching on June 29th. The Task Force will focus on incentives made available to help all building owners who are and are not covered by BEPS.

Mr. Quinn asked about the rest of the process and will it be an action item for AQCAC in September. Mr. Stewart stated there will be a proposed regulation and the goal is to have it ready for AQCAC before the September meeting.

Mr. Quinn noted that the stakeholders' major concern is the Energy Use Intensity (EUI) Standard and GHG Reduction Standard and that there is an alternative compliance mechanism for the GHG reduction standard but not for the EUI standard. Mr. Stewart stated the law requires that the Department sets two types of standards – standards for net-direct emissions and EUI targets

FINAL

in the regulation. The law also requires the Department provides an alternative compliance pathway to achieve the emission standards. The law was silent on an alternative compliance pathway for the EUI standards.

Dr. Wright stated even though the law didn't require an alternative, is it possible the Department could propose one. Mr. Hoagland stated in most cases if the Department is going to treat compliance differently than our General Authority the Department needs specific direction in the authorizing legislation. It was received for the emissions standards. If the law does not tell us that compliance is different for a particular piece, the Department has to follow their General Authority. Mr. Hoagland noted that the Department received 60 comments and the regulation the Council sees in September will be revised from the draft now. There is no decision yet on alternative compliance for EUI standards.

Mr. Quinn motioned for the meeting to adjourn around 11:30 a.m.

The meeting was adjourned.

The next AQCAC meetings are scheduled for – September 11 and December 11.