

**Air Quality Control Advisory Council Meeting Notes
March 30, 2015 @ 8:15 am
MDE Headquarters—Aeris/Terra Conference Room
1800 Washington Boulevard
Baltimore MD 21230**

AQCAC MEMBERS PRESENT

Sania Amr, M.D.
Kevin Barnaba
Lawrence Kasecamp – present until 9:15 a.m.
Kip Keenan – on phone
Hon. Leta Mach
Julian Levy – (attended as an observer for CEHPAC)
John Quinn
Ross Salawitch, PhD
Lawrence Schoen
Sara Tomlinson

AQCAC MEMBERS ABSENT

Andrea Bankoski
Donald Moore
Sue Garonzik
John Kumm
Cindy Parker, M.D.

VISITORS

Jen Celeste – Sunoco
Drew Cobbs – API
Shawn Schmelzer – MDTA
Glenn Eckart – OPW FMS
Dan Carlson – Antea Group
Ellen Valentino - Mid-Atlantic Petroleum Distributors (MAPDA)
Josh Berman – Sierra Club
David Smedick – Sierra Club
Kirk McCauley – Wash., MD, DE Service Station and Automotive Repair Assoc.(WMDA)
Tom Weissinger – Raven Power
Thomas LeQuine – DGH
Ed Kubinsky - Crompco
Markus Heilpert – Johns Hopkins University
Tom Riszin – Royal Farms

MDE-ARMA

George (Tad) Aburn
Diane Franks
Randy Mosier
Eddie DuRant

Carolyn Jones
Husain Waheed
Kathleen Wehnes
Joshua Shodeinde
Justin Mabrey
Jed Miller
Scott Thompson
Megan Ulrich

This is a summary of the March 30, 2015 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.

Available at MDE website

<http://www.mde.state.md.us/programs/WorkwithMDE/MDEBoardsandCommissions/Pages/AQACmeetingminutes.aspx>

MEETING OPENING/OPENING REMARKS

Chairman Quinn opened the meeting welcoming everyone to the rescheduled meeting. He invited Randy Mosier to remind the Council and guests about AQCAC's weather policy which is stated below:

AQCAC meetings will follow Baltimore City Public Schools' (BCPS) schedule. Anytime BCPS are closed, the AQCAC meetings will be cancelled. If BCPS experience up to a two hour delay, the meetings will begin at 9:15 a.m.

The newest member of the Council, Larry Kasecamp, introduced himself as the new representative for the MD/DC AFL-CIO noting that he has 37 years of experience working with CSX Exchange Transportation. Julian Levy attended as an observer for CEHPAC. Mr. Levy explained that Lorne Garrettson, M.D., has retired and will no longer be serving on CEHPAC or AQCAC. Mr. Levy mentioned that he will be sitting in for Dr. Garrettson on an interim basis as CEHPAC considers his appointment. Mr. Levy has been working on air quality issues since the 1970s, first with EPA, and later as a consultant for a variety of different organizations. Chairman Quinn indicated that Mr. Levy will be sitting in as an observer until paperwork is completed.

Approval of Minutes from December 8, 2014 meeting:

Chairman Quinn called for a motion on the December meeting minutes at approximately 8:30 a.m.

Motion to approve the December 8, 2014 minutes was made by Sania Amr and seconded by Larry Schoen. Seven members voted in favor, Larry Kasecamp abstained from voting, and none opposed, at approximately 8:30 a.m. (~ 6 min into recording).

Dr. Salawitch asked for confirmation in the December 2014 minutes regarding the March 6, 2014 date in which new gasoline stations will no longer be required to install Stage II systems. Randy Mosier responded that the date was correct as pertained to the proposed Stage II regulation presented to the Council in December 2014 and was established to line up with the Department's enforcement discretion policy.

Tad Aburn announced that the NOx power plant regulations have been put on a temporary pause by the new administration. He further stated that the Department will be moving forward with a regulation, or a decision on the regulation, by the end of April 2015. In addition, legislation currently exists in the General Assembly that codifies the NOx power plant regulation verbatim, but it is still being discussed in the General Assembly.

Mr. Aburn also announced that, for the first time, the Baltimore area has measured ozone levels that are better than the current ozone standard. Part of the reason, he stated, is due to the unusual 2013 and 2014 weather patterns. Mr. Aburn stated that Maryland, nonetheless, is making tremendous progress in reducing ozone, but still has more work to do, especially with EPA finalizing a new standard by October 2015.

Josh Berman from Sierra Club inquired if the NOx regulation proposal will be presented before AQCAC if it is a draft different from the original draft brought before AQCAC previously. The Department responded that if the proposed regulation were to be amended it would come back to AQCAC.

ACTION ON REGULATIONS

COMAR 26.11.19.26-1 Fiberglass Boat Manufacturing CTG

Mr. Mosier presented the amendment to Control Techniques Guidelines and Standards for Fiberglass Boat Manufacturing Operations, under COMAR 26.11.19.26-1, at approximately 8:34 a.m. (~10 min. into the audio recording).

Control Technique Guidelines (CTG) are a part of the miscellaneous metal parts and products category, and covers the manufacturing of fiberglass boats. The Department identified one small facility in the state that may still be manufacturing these vessels. The regulation applies to both fully manufacturing a boat and/or shipping in parts and gluing them together. The topic has been previously brought before the Council and was approved on September 8, 2014. A public hearing was held on January 7, 2015 and one comment was received from the New Jersey Department of Environmental Protection (NJDEP). NJDEP mentioned the composite vapor pressure for the cleaning solvent in the regulation was written differently from the Federal CTG rule. MDE agreed with NJDEP – vapor pressure written prior to public hearing was from an earlier standard of organic cleaning solvent, which was transferred into the CTG. MDE amended the cleaning solvent standard to match the Federal CTG rule. MDE's new proposal is now fully comparable with the federal CTG in that the composite vapor pressure of cleaning solvents will be no more than 0.5 millimeters of mercury at 68 degrees Fahrenheit.

The adoption process will commence with a notice of proposed action published in the MD Register on June 26, 2015, followed by a public hearing on July 28, 2015 to make the rule effective on September 14, 2015.

Motion to approve this action was made by Ross Salawitch and seconded by Sania Amr. All members present (8) voted in favor, no members voted against, and no members abstained at approximately 8:40 a.m. (~16 min into the audio recording).

COMAR 26.11.01.10 Continuous Opacity Monitoring Requirements and COMAR 26.11.08 Control of Incinerators

Ms. Diane Franks presented the amendments to Continuous Opacity Monitoring Requirements under COMAR 26.11.01.01 & .10, and Control of Incinerators under COMAR 26.11.08, at approximately 8:41 a.m. (~17 min into the audio recording).

MDE has had visible emission standards for opacity since the 1970s. EPA maintains that opacity standards help maintain lower PM_{2.5} levels in attainment areas. All MD areas are attainment for the federal PM_{2.5} standard. Visible emissions requirements are covered by several regulations, some of which are incorporated in the SIP and others are part of the 111(d) plans. Until the 1990s, MDE was measuring opacity using manual methods; however, automated instrumentation was developed to measure opacity. In 1991, MDE adopted regulations to require certain types of major stationary sources to operate continuous opacity monitors (COMs). MDE developed a technical memorandum that provided compliance and quality assurance procedures for the new instrumentation.

MDE is proposing to remove the existing Technical Memorandum (TM 90-01) from the SIP and to clarify all of the COM requirements. MDE has two visible emission standards: no visible emissions or 10% opacity in urban areas; 20% visible emissions (opacity) in rural areas. Federal MACT standards may require a lower or more stringent standard for visible emissions than the state limits. The two methods generally used to test for opacity are the Manual Method 9, and the continuous opacity monitor. The Manual Method 9 is observation of visible opacity levels by trained field personnel.

MDE is seeking to harmonize the regulations applicable to opacity monitoring with modern methodologies. Through these amendments the Department will eliminate the use of the TM for COMs and develop specific requirements to replace the TM. The QA/QC procedures for COMs, as contained in Part II of the TM, have been codified in COMAR 26.11.31. When using Manual Method 9, regulations allow a six minute non-compliance interval per hour if the plume from an affected source was not over 40% opacity. In the technical memorandum, this was translated into a non-compliance allowance of 10% of the operating time allowing for the increased level of monitoring 24 hours per day. The Department has decided that a better regulatory solution was needed, and is now proposing to strengthen the opacity requirement and decrease the percentage of time allowed above the opacity standard through changes to the regulations. For incinerators that are required to install and operate a COM, visible emissions may not exceed 10 percent opacity for more than 2 percent of the unit's operating time in any calendar quarter. The EPA has adopted numerous requirements for incinerators under Clean Air Act Section 111(d). Nearly all incinerators in Maryland are subject to these federal requirements which set a limit of 10 percent opacity. These regulations are more restrictive than the 20 percent opacity requirement contained in COMAR 26.11.08.04A(1) that applies to incinerators in the rural areas of the State and those rural incinerators are subject to a 10 percent opacity standard.

A number of law enforcement agencies, military installations and other government entities are using modified 55-gallon drums to destroy illegal drugs and trash from international flights that might cause biocontamination. The drums, commonly called cyclonic burn barrels, are equipped with fans, lids and other accessories that, when taken altogether, make these drums fit the definition of an incinerator. The Department is taking action to exempt these drums from the incinerator requirements when operated by government or law enforcement agencies as the federal government has also done.

Portland cement plants located in urban areas of Maryland are subject to a 10 percent opacity standard, whereas rural cement plants are subject to a 20% opacity standard as specified in COMAR 26.11.30.05. For cement kilns that are required to install and operate a COM, visible emissions may not exceed the applicable standards as specified in COMAR 26.11.30.05B(1) and (2) for more than 2 percent of the unit's operating time in any calendar quarter. Under COMAR 26.11.30.05, cement kilns or clinker coolers may either operate COMs or PM CPMS (particulate matter continuous parameter monitoring systems).

Mr. Larry Schoen inquired if all incinerators have COMs and MDE explained that the large MWCs and medical waste incinerators have COMs in operation. Mr. Larry Schoen also asked if there was a size limitation to the exempted cyclonic burn barrels. The Council further inquired about government contractors working for government agencies and expressed concern for an entity seeking to make one of these barrels in a larger size. The Department responded that the exemption was copied from the Federal regulation, and that only government agencies are exempted in which they typically use a 55-gallon drum size incinerator. The Department explained that cyclonic burn barrels are used by government agencies to burn waste from international flights when an FDA inspector was not available for inspection and by police agencies to destroy small quantities of illegal drugs.

The Council inquired if a comparison was ever performed between a Method 9 reading and a COM reading for the same time frame to compare results. MDE responded that records indicate any time there was a comparison made between the two methods, the readings were similar. MDE explained to the Council that Method 9 is performed by trained field personnel. The Council asked if training in making visible readings is ongoing and MDE responded that it occurs every year. Mr. Larry Schoen further inquired when the six minute readings occur. MDE responded that compliance staff takes regular observations during a 15 minute period using Method 9. If compliance staff noticed more than 10% opacity, they would observe for longer. Observing longer than 6 minutes of non-compliance indicates a violation.

The Council inquired if it was a startup/shutdown issue for large incinerators and MDE explained that the cement kiln and incinerators have bag houses, so therefore startup/shutdown was not an issue. The Council also inquired if MDE considered startup/shutdown limitations for cement kilns and incinerator. MDE explained that federally, EPA is trying to move away from referencing startup/shutdown in state regulations. The Council furthered inquired if this will allow plants to be "off the hook" for other substances such as mercury and PM in which MDE responded that would not be the case.

The Council inquired if there were any objections to the MDE's proposed changes, and MDE stated there were no objections. No affected sources attended. The Council asked about why language in the regulation states that incinerators are not defined as hazardous waste incinerators. MDE explained that hazardous waste incinerators are subject to specific and more stringent requirements, and are categorized separately from municipal waste incinerators.

Motion to approve this action was made by Kevin Barnaba and seconded by Sania Amr. All members present (8) voted in favor, no members voted against, and no members abstained at approximately 9:01 a.m. (~36 min into the audio recording).

COMAR 26.11.24 Stage II Vapor Recovery at Gasoline Dispensing Facilities

Mr. Tad Aburn presented the proposal to amend existing COMAR 26.11.24 (Stage II) Vapor Recovery at Gasoline Dispensing Facilities (GDFs). The presentation began at approximately 9:02 a.m. (~37 min

into the audio recording). MDE is proposing a regulation that phases out the Stage II technology as modern vehicles equipped with Onboard Refueling Vapor Recovery (ORVR) systems have made the Stage II systems redundant and will provide diminishing benefits over the coming years. There can be a considerable amount of cost savings for GDFs not installing or decommissioning Stage II systems.

Mr. Aburn explained that MDE has been meeting with stakeholders on this issue since 2012. MDE presented the proposed regulations to AQCAC on December 8, 2014. A few stakeholders asked to continue discussions with MDE about the regulations. These discussions with stakeholders took place in late 2014 and 2015.

Based on stakeholder input, MDE made the following changes to the regulation as it was proposed at the December 8, 2014 AQCAC meeting. The December draft of the regulation would have required dripless nozzles and low permeation hoses to be installed after 2020 if two conditions occurred: 1. The technologies were certified by the California Air Resources Board (CARB), and 2. Maryland was designated as Moderate or above nonattainment for the next ozone standard. Stakeholders urged MDE to not include this requirement in the regulation and to possibly add it at a later date if additional reductions are needed. MDE agreed to this change.

Stakeholders also asked for decommissioning as early as possible. Earlier drafts of the regulation used 2019 as the date for decommissioning. MDE agreed to use 2017 as the date for full-program decommissioning. MDE has worked with EPA and followed the EPA guidance and determined that 2017 is the earliest possible date for program-wide decommissioning. This is based on EPA's policy called "Widespread Use for Onboard Refueling Vapor Recovery and Stage II Waiver". Also in 2012, MDE contracted an analysis of the potential impacts associated with the elimination of Stage II requirements in Maryland. The analysis shows widespread use occurs in Maryland around 2017. MDE had many discussions with EPA and the earliest possible decommissioning date, without sacrificing environmental benefit, is 2017. This is consistent with, or earlier than, other states in the region.

The third issue that MDE discussed with stakeholders was the voluntary provision to install Electric Vehicle (EV) chargers. This option would allow for early decommissioning of Stage II. Some private sector stakeholders have continued to strongly oppose this provision. Other private sector stakeholders support this voluntary option and have already started the process to install EV chargers. This option will work as follows: the applicant will submit an EV Charging Plan to MDE for approval. The EV Charging stations must be installed by January 1, 2020 and the Number of EV Charging stations will be linked to the number of stations an owner has in the State.

The following attendees spoke before the Council: Mr. Kirk McCauley with WMDA, Ms. Ellen Valentino with MAPDA, Drew Cobbs with the Maryland Petroleum Council, and Mr. Markus Hilpert with Johns Hopkins University, starting at approximately 1 hour and 2 min into the audio recording.

Mr. McCauley supports the regulation to remove the Stage II requirement as soon as possible, but any additional requirements would cause a hardship to small GDFs.

Ms. Valentino expressed concern with the voluntary EV charger requirement and felt it was a business decision that did not belong in the regulation.

Mr. Hilpert explained his research with Johns Hopkins University on gasoline vapors and spills and expressed concern of the removal of Stage II systems. Mr. Hilpert further supported maintaining and improving Maryland's Stage II systems to vapor balance systems with dripless nozzles. He presented a powerpoint presentation on his findings.

The Council asked if the Stage II regulations applied to marine re-fueling stations. MDE staff replied that the marine re-fueling stations were never part of the Stage II regulation and that these new regulations will not affect marine stations.

Mr. Quinn summarized the four issues that had been raised. WMDA and MAPDA would like the decommissioning of Stage II to start in 2016 and they do not want the voluntary EV requirement to be included in the regulations. Mr. Hilpert expressed that he does not think there should be any Stage II decommissioning. Dr. Salawitch asked if dripless nozzles and low permeation hoses could be added as a possible voluntary measure, in addition to the EV chargers, which could lead to an accelerated decommissioning timeline.

At approximately 10:45 a.m., a motion to add a voluntary option for early decommissioning if the GDF installs dripless nozzles and low permeation hoses was made by Dr. Salawitch and seconded by the Hon. Leta Mach. Three members present voted in favor, three members voted against, one member and the Chairman abstained. The Motion failed. The vote was taken at approximately 10:52 a.m. (approx. 2 hours and 28 min into the audio recording).

The Council discussed the option of removing the voluntary EV option and keeping the January 1, 2017 date with no option for early decommissioning. Some of the Council members disagreed with removal of the EV option because some GDFs have already moved forward with plans to install the EV charging stations.

Motion to remove the voluntary option for early decommissioning if the GDF installs EV fast charging stations was made by Larry Schoen and seconded by Dr. Amr. Three members present voted in favor, four members and the Chairman voted against, no one abstained. The Motion failed. The vote was taken at approximately 11:02 a.m. (~ 2 hours 38min into the audio recording).

Mr. Levy asked about the specifics of the timeline. As it currently stands GDFs can be fully decommissioned by January 1, 2017, and it is roughly a six month process to decommission. Mr. Levy asked if the decommission date could be moved to September or October 2016 when the ozone season is over. He asked if that advanced timeline would help the GDFs. Stakeholders indicated that they did not think that three months would make much of a difference for decommissioning.

Motion to adopt the Stage II regulations as proposed by MDE was made by Sara Tomlinson and seconded by Kevin Barnaba. Five members present voted in favor, one member voted against, and no one abstained. The Motion passed. The vote was taken at approximately 11:08 a.m. (~ 2 hours 45 min into the audio recording).

BRIEFINGS – Upcoming measures for Attainment State Implementation Plan (SIP)

Mr. Tad Aburn presented on upcoming measures for attainment SIP at approximately 11:09 a.m. (~ 2 hours and 45 min into the audio recording).

Mr. Aburn mentioned that Maryland continues to make progress in reducing ozone. Currently, the Baltimore area has measured ozone levels at and below the current ozone standards; however, both the Washington area and Philadelphia area have not. Maryland had counties in both of these areas. MDE has conducted modeling and technical analysis to determine which new programs the Department will be bringing before AQCAC in the next year.

Mr. Aburn stated that modeling indicates that Maryland is getting to the point where the addition of a few new programs will cause the state to be below the current ozone standard by the year 2017. One of the programs is the NOx regulation that has been proposed. In addition, Maryland is looking at a series of regional measures that can be taken in Maryland and neighboring states (such as Pennsylvania and Virginia). This includes the After Market Catalyst regulation, a regulation that would require defective catalytic converters in cars be replaced with a certified catalytic converter.. Also included are initiatives looking at idling in cars, large trucks, and stationary construction equipment. Maryland will also be proposing updates to VOC regulations of consumer products, paints, and auto body shop. Other initiatives that Maryland will be looking into include natural gas turbines, and the volunteer SmartWays program which encourages long distance trucks to use low cost devices and speed control to aid in reducing PM and NOx.

Analysis performed by MDE shows mobile sources are dominant contributors to air pollution issues. Maryland is a part of eight state group that signed the Zero Emissions Vehicle MOU encouraging manufacturers to create zero emission vehicles such as electric vehicles as well as hybrid vehicles. Maryland is reviewing inspection and maintenance programs to determine more efficient ways to reduce emissions from heavy duty vehicles. MDE is also partnering with metropolitan planning organizations in the Washington and Baltimore area to determine voluntary ways to make progress through smart transportation planning.

Mr. Aburn explained that photochemical modeling indicates that air pollution problems in Maryland will be reduced with the implementation of federal and state plans. Important federal measures include the existing Tier II and the new Tier III federal vehicle standards that will give great benefits to the Maryland area in 2018. Power plants in upwind states need to run their existing pollution controls which will contribute to emissions reductions regionally. Furthermore, Maryland will receive benefits from power plants in-state that will run the existing pollution control technology more frequently.

Dr. Ross Salawitch inquired how Maryland will respond to evidence indicating that marine emissions contribute to Edgewood monitor's readings. Mr. Aburn mentioned that MDE is discussing the issue with EPA. The challenge in establishing emission standards for large marine vessels derives from marine standards that are determined by international groups.

Chairman Quinn adjourned the meeting at approximately 11:24 AM.
(~2 hours and 59 min. into the audio recording)

Confirmation of Next meeting dates:

June 8, 2015

September 21, 2015

December 7, 2015