

Air Quality Control Advisory Council Meeting Notes
October 18, 2012 @ 8:15 am
MDE Headquarters—Aqua Conference Room
1800 Washington Boulevard
Baltimore MD 21230

AQCAC MEMBERS PRESENT

John Quinn
Sania Amr
Sara Tomlinson
Ronald White
Kevin Barnaba
Bill Cunningham
John Kumm

AQCAC MEMBERS ABSENT

Karen Young
Kip Keenan
Andrea Bankoski
Ross Salawitch
Lorne Garrettson
Donald Moore
Larry Schoen

PARTICIPANTS VIA PHONE

Sue Garonzik

VISITORS

Tom Weissinger, Exelon
David Cramer, Genon
Theresa King, BGE

MDE-ARMA

Tad Aburn
Diane Franks
Carolyn Jones
Katy Perry
Mario Cora
Christopher Beck
Husain Waheed
Angelo Bianca
Heather Barthel
Rabecka Koons
Suna Sariscak
Matt Hafner
Dave Mummert

This is a summary of the October 18, 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.

PRESENTATION, DISCUSSION, AND ACTION ON REGULATIONS

COMAR 26.11.02.07, .11, and 12- Standings Bill:

Karen Irons presented on this action, which implements the new statutory requirements of Senate Bill 1065. This bill was effective on January 1, 2010 and expanded standing challenges to most of the Department's major permits and substitutes direct judicial review for the current contested case process for those same permits. Its most significant impact on the Department's permitting process is the elimination of the Office of Administrative Hearings' (OAH) adjudicatory hearing process.

John Quinn stated that Senate Bill 1065 was the result of ongoing discussion about the need to ensure that everyone that has standing is able to get involved in the permit process. It is generally considered a success and was essentially mandated by the federal government. It also provides more certainty regarding how long a permit process will take. Ronald White asked how the public becomes aware of new permits. Karen Irons responded that the Air Quality Permits Program sends letters to stakeholders and elected officials, and has a public participation coordinator who keeps interested parties lists for projects and sets up public meetings. Companies may also notify the Department of interest and/or concerns with permits.

The group discussed the possibility of defining standing requirements, rather than referring to the Federal law (Section 1-605).

Provided consideration of the aforementioned additional language, motion to approve this action was made by Sania Amr, and seconded by John Kumm. All members present voted in favor.

Approval of Minutes from September 10th meeting:

Motion to approve the September 10th minutes was made by Ronald White and seconded by Sania Amr. All members present voted in favor.

COMAR 26.11.02.01.17 and 19- Permit Fees:

Karen Irons presented on these amendments, which raise fees for Permits to Construct for most sources and annual base fees for large air pollution sources. These increases are necessary to fund the Department's Air Quality programs. The amendments also clarify how fees are applied to Air Quality Permit to Construct source categories.

Ronald White asked to what extent staff is supported by permit fees. Angelo Bianca explained that the program is primarily supported by federal funds and fees. Mr. White asked if the budget is currently balanced. Mr. Bianca responded that it is not, and explained that permit fee funds also go to other air programs and to the Department as a whole. Mr. White asked why increase emission fees are not being increased as well. Mr. Bianca explained that emissions fees are in the statute, so changing them is a more cumbersome process, which the Department went through in 2008 and will look into doing again in the future. Mr. White asked if and for how long the Department is certain that the shortfall in funding will be made up. Mr. Bianca stated that these amendments will most likely ensure sufficient funds through 2015. Sania Amr asked what the reaction has been from stakeholders. John Quinn stated that these changes have been broadcasted and sources have not objected. Dave Cramer, from GenOn, stated that his company realizes that this is a necessary action for the Department financially, and that this fee does not have a significant impact on GenOn.

John Kumm asked for a prediction regarding increasing emission fees. Tad Aburn, Heather Barthel, and Angelo Bianca responded that the Department will mostly likely not pursue that action for at least two more years.

Ronald White asked if inflation is taken into consideration. Mr. Bianca responded that we could look into considering inflation in regards to fee increases in the future, and Suna Sariscak added that other states have made similar changes and for the most part did not consider inflation.

Motion to approve this action was made by John Kumm, and seconded by Sania Amr. All members present voted in favor.

Confirmation of Next meeting dates:

The Council's next meeting was confirmed for December 10, 2012.

The meeting adjourned at 10:15 a.m.