

Air Quality Committee Meeting Minutes**September 12, 2012**

The Air Quality Committee (AQC) of the Environmental Management Commission (EMC) met on September 12, 2012, in the Ground Floor Hearing Room of the Archdale Building. The AQC members present: Chairman Marion Deerhake, Mr. Christopher Ayers, Mr. Marvin Cavanaugh, Mr. Thomas Cecich, Mr. Les Hall, Dr. Ernest Larkin, Mayor Darryl D. Moss, Ms. Amy Pickle, Dr. David Peden, and Mr. Stephen Smith. Mr. Dickson Phillips was in attendance. The Director and staff members of the Division of Air Quality (DAQ), Mr. Frank Crawley of the North Carolina Attorney General's Office, and the general public were also in attendance.

Agenda Item #1, Call to Order and the State Government Ethics Act, N.C.G.S. §138-A-15(e)

Chairman Deerhake called the meeting to order at approximately 10:00 a.m. Chairman Deerhake reminded the AQC members of the State Government Ethics Act regarding conflicts of interests or appearance of conflicts of interests.

Agenda Item #2, Review and Approval of the July 2012 AQC Meeting Minutes

Mayor Moss moved for approval of the minutes. Dr. Larkin seconded the motion. The motion passed to approve the minutes.

CONCEPTS**Agenda Item#3, Inspection/Maintenance (I/M) Rules Revision (517) (Joelle Burleson, DAQ)**

Ms. Burleson reminded the AQC that in May 2012, Laura Boothe gave a presentation on a study report that was done earlier in the year that was presented to the Legislature related to the possibility of exempting some of the model year sources from the I/M program. She also reminded that Director Holman identified this particular subject and provided an update at the July AQC meeting as reflected in the minutes. Ms. Burleson requested permission to proceed with the concept to update the NCAC 2D .1000 rules to reflect the change in implacability under the new legislation. Session Law 2012-199 exempted certain vehicles from requiring an emissions inspection. In particular, a vehicle requires a vehicle inspection if either of the following are true; the vehicle is a 1996 or later model year and older than the three most recent model years; or if a vehicle is a 1996 or later model year and has 70,000 miles or more odometer reading. Ms. Burleson said that in DAQ's report to the Legislature, DAQ had considered exempting the three newest model years. The 70,000 mile odometer reading language represents a subset of those three newest model year vehicles. DAQ does not believe there is a need to further assess the emissions impact relative to those sources because the original report DAQ

presented to the Legislature represented a worst-case scenario. DAQ estimates that this exemption will include approximately 2,500 vehicles that were previously considered exempt.

Chairman Deerhake asked for confirmation whether a vehicle that falls under the three most recent model years and has greater than a 70,000 mile odometer reading requires an I/M inspection and a vehicle with less than 70,000 miles does not require an I/M inspection. Ms. Burleson confirmed. Ms. Burleson said that clarification regarding this issue was sought from the legislative staff and the bill sponsor regarding the intent by multiple parties and this represents what DAQ has learned from that information.

Mr. Ayers asked how this rule applies to vehicles that are 1996 model year or later. Director Holman explained that the On-board Diagnostic Program (OBD) is only implacable for 1996 and newer vehicles. Ms. Burleson added that prior to that, there was tailpipe program that dealt with older vehicles.

Chairman Deerhake commented that in the previous discussion, the Committee was advised that this rule was implemented by the Division of Motor Vehicles (DMV), and she asked if DMV has developed a plan for implementation. Ms. Burleson said that DMV is in the process of developing an implementation plan. She said there are changes to software that have to be accommodated before this plan is implemented. Chairman Deerhake asked whether DAQ knows how DMV envisions this plan will happen. Director Holman said that in preliminary discussions with DMV it was determined that it will be the responsibility of the service station inspectors to enter the mileage and ideally the system would indicate when an emissions inspection was required. Chairman Deerhake asked for confirmation that during the safety inspection, the garage owner will check to see if a vehicle requires an emissions inspection. Director Holman confirmed.

Chairman Deerhake commented that implementation depends on EPA's approval of the State Implementation Plan (SIP) modifications. Director Holman confirmed and commented that DAQ meets annually with the EPA on a variety of SIP-related and other rules. This meeting was most recently held in August 2012, and the changes were discussed. At this point, EPA is not anticipating any concerns with the approval.

Chairman Deerhake advised the Committee that a vote was not being sought today but a consensus to proceed with draft rule to reflect these conditions with the new legislation was being sought.

Mayor Moss asked for further details regarding the Impact Summary of the Economic Analysis (EA). Ms. Burleson said that the EA for this particular agenda item was not included. She explained that the first page of the EA is a template provided by the Department of Environment

and Natural Resources (DENR). The state government impact reflects whether the state may have to make adjustments that may incur monetary or time cost associated with the rule change. The local government impact reflects whether DAQ has included in their assessment whether a local government should be expected to have an economic impact. These are elements that are required under the Administrative Procedures Act (APA) that are addressed. Substantial impact is related to whether or not under the APA and DAQ's assessment the particular action would, in aggregate absolute value of impacts, be greater than or equal to \$500,000 in any 12-month period. Federal government impact relates to whether DAQ identifies a particular facility that was owned and operated by federal government and there was a particular impact to that facility. Private sector impact is typically where the bulk of impacts are in regulations that DAQ tends to address.

With no concerns expressed, Chairman Deerhake stated that the DAQ staff should proceed with drafting the rule.

DRAFT RULES

Agenda Item #4, Revisions to New Source Review (NSR) and Prevention of Significant Deterioration (PSD) Nitrogen Oxides (NOx) Significance Level for PM2.5 (512) and PM2.5 Increment (516) (Joelle Burluson, DAQ)

Ms. Burluson stated that there is a lot of background material toward the end of this particular EA that was meant to educate relative to the PSD program, and that material would be updated to reflect the PM2.5 increment change that occurs under the rulemaking process. She explained that the summary table shows that these particular actions are to correct the current threshold for the significance level for implementation of the PSD and NSR rules for sources in nonattainment areas. DAQ had previously come before the EMC with rulemaking, establishing a 140 tpy threshold for NOx relative to PM2.5 based on DAQ's understanding of the science and its monitoring and modeling data. EPA later determined that the Agency could not approve an alternate threshold. While the EPA could say NOx is insignificant for PM2.5, they could not approve an alternate threshold. DAQ is now adjusting to meet the federal default value for the significance level or threshold for these reviews, which is 40 tpy for NOx. This is the same value that NOx has with respect to ozone formation. North Carolina currently does not have any PM2.5 areas in nonattainment but does have some maintenance areas. In the timeframe when we have had the 140 tpy, no actions have occurred that weren't accounted for under the NSR and PSD program. With respect to the increment, EPA recently informed DAQ that adopting the increment is a minimally required element of the SIP, and DAQ had not updated the cross-reference to the federal rule that would be incorporated by reference. DAQ is working on making this change and does not anticipate costs or benefits associated with the NOx Significance Level based on the average of the six PSD applications that DAQ typically receives

in a year. DAQ estimates that the change to the increment would result in an total annual impact to the private sector to incorporate these requirements of approximately \$132,000. DAQ is expected to have a cost of approximately \$17,000 in review of the modeling submitted. DAQ expects the overall total cost increase to entities that would result to be \$149,000 per year. Ms. Burleson expressed that DAQ has been encouraged at the DENR level that the public not familiar with the details of the program can be educated.

Mayor Moss made a motion to carry this draft rule to the EMC for proposal. Mr. Cavanaugh seconded the motion, and the motion passed with no objections.

Agenda Item #5, Revision of Volatile Organic Compound (VOC) Reasonably Available Control Technology (RACT) Rules Applicability (513) (Joelle Burleson, DAQ)

Ms. Burleson explained the EA. She noted that the agenda agenda item contains a series of four rules for amendment: NCAC 2D .0902, which describes implacability of the VOC RACT rules section NCAC 2D .0900; NCAC 2D .0909, which describes the compliance schedule for sources and nonattainment areas; NCAC 2D .0951 which uses the case-by-case RACT rule to address sources which are not currently covered by industrial categories specific rules; and NCAC 2Q .0102 which has a reference to the nonattainment areas that is being updated to reflect the other updates within the 2D .0902.

Ms. Burleson stated that the purpose of this particular rule change is to address the requirement under the Clean Air Act (CAA) that all sources in a category for which EPA has produced a Control Techniques Guideline document (CTG) be subject to requirements. The CTGs typically have a 15 ppd (pound per day) threshold and the current rules only apply to sources at the 100 tpy major source level. EPA has brought to DAQ's attention as part of their request for redesignation of the Metrolina area that this issue needs to be addressed in order for the rules to be considered complete, so EPA can move forward with redesignation of the area. This is one of the requirements of the CAA. Ms. Burleson noted that DAQ has a "clean data determination" for the Metrolina area. This means that based on at least three years of data, the area is actually seeing monitoring that reflects attainment of the 1997 8-hour ozone standard. She said that this particular rulemaking is targeted toward the 1997 8-hour ozone standard and toward the Metrolina nonattainment area.

Ms. Burleson explained that in order to correct this requirement under the CAA and allow EPA to act on DAQ's redesignation request, DAQ has to change the implacability threshold, which means pulling in the less than 100 tpy sources for each of these source categories. It is reflected in the EA as DAQ's best estimate based on EPA's methodology that they use for the CTGs and some updates where DAQ could provide EPA with the expected impacts relative to current VOC content limits of coatings or particular source categories.

Chairman Deerhake asked Ms. Burleson to explain what a CTG guideline is and how it is enforced. Ms. Burleson explained that for certain source categories EPA publishes CTGs in lieu of publishing actual regulations and those guidelines guide the states in developing their SIP requirements.

DAQ based its adoption of the requirements necessary for industrial category-specific sources in the 2010 timeframe on what EPA had recommended. Those requirements were adopted for the major source categories, and EPA has since clarified that while these requirements apply to sources below these categories, it applies to the 100 tpy VOC threshold as well and DAQ needs to make the technical correction in its rules in order for EPA to move forward with DAQ's redesignation request. Ms. Burleson said that the CTGs specify control requirements or VOC content levels in coatings that are being used to typically apply to a variety of coating categories that DAQ has lumped together where appropriate in the EA. Those coatings could range from flat wood paneling to printing industry sources or industrial cleaning solvents. DAQ is attempting to extend the implacability per the CAA requirements to the smaller sources in order to allow EPA to act on redesignating the Metrolina nonattainment area as requested by DAQ.

Ms. Burleson said that DAQ has identified that the proposed rule amendments would affect potentially five entities which are regulated private facilities. The Metrolina nonattainment area consists of areas that are under the jurisdiction of both DAQ and the Mecklenburg County Air Quality Program (MCAQP), and DAQ has involved MCAQP in the development of this EA and these rules.

The primary point of this rulemaking and EA is meeting the CAA requirement. DAQ has a technical requirement to address these sources and also sought to incorporate as much flexibility as possible in order reduce unnecessary burden on potentially affected parties. This was done by extending applicability of the NCAC 2D .0951 case-by-case rule that would allow sources to propose alternatives to a category-specific rule and also by incorporating flexibility within the compliance schedule. DAQ understands that under EPA's procedures, if DAQ addresses applicability and the area becomes redesignated as a result, a source's compliance could be shifted into contingency measures. Contingency measures apply in situations where the area has a future violation of the 1997 8-hour ozone standard. Under those circumstances is a host of measures under the SIP that could be included to address that potential nonattainment issue. Part of the process to determine what is necessary to attain and maintain the standard after a violation is to perform an analysis to see what is required. NC is in a NO_x-limited environment relative to ozone formation and has substantial of biogenic and natural sources of VOCs that dominate its emission inventory in terms of photochemical reactions that occur. NO_x becomes a limiting factor in how much ozone can form. Given the understanding of that science, DAQ believes that it is unlikely that the application of these rules under a contingency scenario would result in

significant reductions in ozone in the nonattainment area. Based on DAQ's clean data analysis for the past four years, DAQ anticipates that it is very unlikely under a contingency scenario that these rules would apply. DAQ has incorporated compliance timeframes into these rules that allow for a staggered compliance schedule using the switching out of VOC solvents for lower VOC solvents. The compliance timeframe established for sources is by May 2015. For sources that have to install control devices, there is a three year compliance timeframe from the effective date of the rule.

Ms. Burlison said the DAQ worked with EPA to explore all possible alternatives to ensure that this was indeed required and that DAQ provided the maximum flexibility in order to meet the requirement in the unlikely event that these measures would actually apply.

Ms. Burlison said that the American Coating Association (ACA) raised the issue that there is a subset of industry in the inks, coatings and adhesive manufacturing sector that could be impacted now that previously would not have been impacted because there were not major sources within that nonattainment area. DAQ has been working with the ACA to understand their concern and to draft some potential changes which were included in the concept previously presented to the Committee in terms of clarifications related to both their rule and in NCAC 2D .0961. For this particular industry, there is a limit in the rule that applies to all sources using industrial solvent cleaning. It includes a 50 gram per liter VOC content limit on the coatings, and the sources have expressed concern that in order for them to meet the requirement, there is not a cost savings but instead there is a cost which is not adequately reflected in the EA. DAQ has shared that information with the Committee and is recommending that the information be included as part of this package due to potential impact. Overall, DAQ does not believe that it changes the direction of the rulemaking, and DAQ believes it is appropriate to reflect what the ACA considers a concern in the potential cost within the EA and proceed to the public comment process. The NCAC 2D .0962 rule is not included in the agenda package, but Ms. Burlison said she could provide it upon request.

Ms. Burlison said that DAQ also has draft clarifications related to the Printing Industry Association request following the last rulemaking on these issues. The clarifications are in regards to the language, and DAQ does not anticipate those clarifications to impose a cost impact. She said that DAQ agreed with some of the recommendations but there were other recommendations and suggestions that DAQ believes would be more appropriately dealt with through the permitting process and are more compliance assistance type measures and explanatory issues than regulatory requirements. Since this could potentially affect smaller sources with the shift in applicability to less than 100 tpy sources, DAQ believes it is appropriate to consider that as well. Ms. Burlison stated that during this rulemaking exercise, DAQ will gain efficiency in terms of the number of public hearings held and resources on both staff and Commission member's time to serve as public hearing officers.

With respect to those costs, Ms. Burleson said that those costs are included within the materials that were provided to the Committee by the ACA representative. She said that ACA considers it would cost from \$250,000 to as much as \$1,000,000 per facility if a facility were required to install control devices. DAQ has identified three facilities in a nonattainment area that would be included in this subgroup of inks, coatings and adhesive manufacturers. DAQ has looked at rules in other states. Mr. Darling, the APA representative, suggested a work practice standard in lieu of the 50 gram per liter option. He also suggested a 1.67 lb/gal or 200 gram per liter VOC content level that they would be required to meet as an alternative to the 50 gram per liter VOC content level. Those options are what DAQ has included in the draft rule. She said that the Wisconsin rule includes work practices in lieu of meeting the VOC content level limit as an alternative to both of those requirements, and DAQ's current draft does not include that option. Based on DAQ's review of the inventory and discussions with the region and the local program, there are approximately 18 printing facilities that could receive clarification based on changes to the printing industry rule language in NCAC 2D .0961.

Ms. Burleson said that DAQ is providing the AQC with the background on the overall EA. She said that DAQ believes that these particular changes are actually refinements to the cost estimate. Mr. Darling's concern is that the EA represented this as a savings to those sources in the industrial solvent cleaning category and this particular industry has concerns about their ability to clean their equipment adequately without causing product quality issues with the next batch of material they are producing and also concerns about the costs incurred. Ms. Burleson said that at the 50 gram per liter limit for the smaller sources, DAQ should reflect Mr. Darling's concerns.

Ms. Burleson said that DAQ asks the AQC for their thoughts and feedback. She said that DAQ is not asking that the Committee to act on that particular component at this time but instead asks for approval for DAQ to revise and amend the EA that is currently in draft form and undergoing review. She said she was unclear whether that would require a 30-day waiver in November to also proceed to the EMC. She noted that this rulemaking is one that DAQ also has a commitment to the EMC to get in place by May 2013. DAQ would like to get that rule in place as quickly as possible to allow for redesignation of the area and avoid any potential issues with that area remaining in nonattainment. That area is currently classified as marginal and DAQ does not want that area to be labeled nonattainment for the old standard. She said that historically EPA has revoked old standards when a new standard is published but they have not yet provided their implementation rule, and DAQ does not know when that might or might not occur. If it occurred prior to the rule becoming effective, there is the potential that the area could be held to a moderate nonattainment requirement for the old standard even though it is actually considered marginal for the newer standard.

Chairman Deerhake said that in the package presented to the Committee today, DAQ is recommending that the Committee postpone a vote until an amendment can be drafted and reflected in the EA to address the concerns raised by the ACA. Ms. Burleson confirmed. Chairman Deerhake asked whether this draft rule would be ready by the November AQC meeting and would DAQ want to request a 30-day waiver, so it could be voted on the next day at the full EMC meeting due to the time constraints. Ms. Burleson confirmed and said the DAQ had begun the drafts, so they could move forward as quickly as possible. Chairman Deerhake noted that the Word document includes someone on the cc list who is retired from EPA, and she noticed that the date of the letter which was 2010. Ms. Burleson said that is correct and explained that there are two separate letters and the discussions began in the 2010 timeframe. There have been discussions since that time based on other matters that have had broader applicability and higher priority. Chairman Deerhake questioned why those discussions had not led DAQ to make those adjustments before now. Ms. Burleson explained that DAQ had drafted the changes but had not yet come forward with it since the state did not have sources that were impacted at the time with the existing threshold. She said that this has been juggled in priority over time to deal with other time-sensitive issues.

Mr. Cecich asked what would be the impact of a future ozone standard. He said that there is no reference in the EA to those impacts. Ms. Burleson said DAQ is not attempting to address the future ozone standard in the EA because there is a host of analyses that has to occur to determine what would be required of DAQ. She explained that under the marginal classification, RACT rules are not required for areas classified as marginal. Mr. Cecich asked for clarification whether RACT rules would not apply for an area classified as marginal whereas if it is classified as moderate, RACT rules would apply. Ms. Burleson answered that RACT rules are requirements under a moderate classification for marginal areas and RACT rules are not required for marginal areas. She added that if the area doesn't get redesignated before the old standard is revoked, that moderate classification and requirement to comply with RACT could remain in place until attainment of the 2008 standard is achieved. Ms. Burleson said that if the area remained moderate under the old standard, the impact would be that under the moderate requirement that VOC emission sources have to undergo nonattainment NSR, and there is a series of offsets that apply for different classifications. Mr. Cecich asked whether that applies to the 100 tpy threshold or to any sources in that classification. Ms. Burleson said it would apply to any source that is making a major modification or expansion under the NSR program, which would be the 100 tpy or larger or a source that would be meeting the significance levels referred to in the other rule changes. Mr. Cecich asked whether that is just a level and not a source classification. Ms. Burleson confirmed. She said the classification refers to the area and the level refers to the size of the change that would make the source subject to NSR or PSD requirement for nonattainment areas. The major sources have the significant increases.

Chairman Deerhake asked for guidance from EMC Counsel Mr. Crawley whether the Committee is required to act on postponing this draft rule. Mr. Crawley advised that a consensus was required to postpone, and a consensus was shown.

SEPTEMBER EMC AGENDA ITEMS

None

INFORMATION ITEMS

Agenda Item #9, Director's Remarks (Sheila Holman, DAQ Director)

Director Holman began by updating the Committee that in late August 2012, the U.S. Court of Appeals of the D.C. Circuit issued a decision vacating the Cross-state Air Pollution Rule (CSAPR) which is the rule that established NO_x and SO₂ requirements for electric generating units (EGUs) throughout much of the eastern United States. The ruling was a two to one decision. The court ruled that EPA had exceeded its statutory authority in promulgating the rule. The court said that the CAA gives EPA the authority to require upwind states to reduce only their significant contributions to a downwind state's nonattainment. Yet, under the cross-state rule, upwind states may be required to reduce emissions by more than their own significant contributions to a downwind state's nonattainment. Furthermore, the Act gives states the initial opportunity to implement the required reductions but under CSAPR, EPA issued federal implementation plans (FIPs) without first providing states the opportunity to put together their SIPs. The court thus vacated the CSAPR and the cross-state rule FIPs and remanded the case to EPA for action consistent with the decision. The court directed EPA to continue administering the Clean Air Interstate Rule (CAIR) pending the promulgation of the valid replacement. Director Holman said EPA is still considering whether or not to appeal the decision, and more information should be available by the November AQC meeting. She said that at this time, DAQ does not anticipate any rulemaking actions because the CAIR rules are still in place.

Director Holman said that in the short session, the General Assembly passed Session Law 2012-91 which changed the air toxic regulations, providing an exemption to emission sources that were subject to federal standards. That legislation also directed DAQ to review its toxic air pollutant rules and implementation to determine whether changes could be made to reduce unnecessary regulatory burden and increase the efficient use of DAQ resources while maintaining protection of public health. Director Holman explained that in order to perform this review, DAQ has decided to hold a stakeholder meeting on September 25, 2012. DAQ is also accepting written recommendations through October 9, 2012. After evaluation of the comments and recommendations, DAQ will develop a report to provide to the Environmental Review Commission (ERC) no later than December 1, 2012.

Director Holman updated the Committee on sulfur dioxide (SO₂) designations. She said that DAQ continues to expect EPA to send NC a 120-day letter which would provide a window required by the CAA to negotiate boundaries. She reminded the Committee that all monitors in NC except for the Wilmington monitor meet the new short-term 1-hour SO₂ standard. Director Holman said that DAQ has been working on evaluating the situation in the Wilmington area since the 2010 short-term standard was promulgated. She said DAQ believes it has sufficiently addressed the situation and also believes that by the end of 2012, the DAQ will have three years of clean data at the Wilmington site. DAQ continues to encourage EPA to consider that data. Director Holman noted that in August 2012, EPA issued a Federal Register notice indicating that for areas violating the SO₂ standard, EPA was going to make every effort to announce designations by December 31, 2012. In August 2012 DAQ was anticipating a letter from EPA but those letters have been delayed. DAQ continues to track the data and continues to have clean data at the Wilmington monitor. She said DAQ would update the Committee again on the SO₂ situation for Wilmington at the November AQC meeting.

Director Holman updated the Committee regarding the DAQ budget. She said DAQ is anticipating declines in several of its revenue streams due to different reasons. The federal grants decline is a result of the federal budget situation. The CAA Title V permit fees decline is due in large part to the decline in emissions and improving air quality. Director Holman said that as she does projections out to the next two years, she has two different workgroups evaluating changes that DAQ may recommend. One change is potentially increasing Title V fees for Stationary Sources, and potentially increasing small and synthetic minor fees. For mobile sources, DAQ is considering whether there are other revenues to help fund the Air Quality Program. DAQ will hold stakeholder meetings over the coming months to gather input and will return to the General Assembly by the 2014 session with recommendations on fee changes. Director Holman said that she is managing the budget and cash flow primarily through vacancies and holding positions vacant. She said DAQ is continuing to watch the budget and evaluating what is needed and the most sustainable revenue streams and gathering stakeholder input before moving forward.

Mr. Cecich asked whether Director Holman had an opinion on the CSAPR being overturned and was the anticipation of that the basis of any agreements or settlements we've signed with other states or with the TVA (Tennessee Valley Authority). He asked if there was an expectation of the vacature of the rule that the state based its actions upon. Director Holman answered that part of the legislation in the Clean Smokestacks Act (CSA) directed the state and the Attorney General's Office to take whatever actions necessary to ensure that the facilities in surrounding states that were having an impact on NC's air quality make similar reductions on a similar schedule. The TVA case resulted directly out of that legislation, and the impacts of the TVA settlement are still in place. There will be continued emission reductions in the TVA system.

She said she has not looked into whether the CSAPR rule results in better air quality in NC compared to the CAIR, but there will be some impact.

Chairman Deerhake asked whether NC was a party in the CSAPR case. Director Holman confirmed it was, and Mr. Marc Bernstein of the Attorney General's Office provided background. He said that NC did intervene in the CSAPR case. He said the NC was not a petitioner but intervened to support the rule on EPA's side and filed a brief with several other states supporting EPA.

Chairman Deerhake commented that as the Committee was receiving the summary of the hydro-fracking legislation in July, she noticed an aspect of that legislation where apparently the air quality component of it is still residing in the EMC, and the EMC still has authority over air emission rulemaking for hydrofracking. She said she would be talking with DAQ and asking them to assess what role the EMC should play regarding that legislation.

Chairman Deerhake noted that Commissioner Pickle is a newly appointed member of the commission created for hydrofracking (MEC). Ms. Pickle said that stormwater authority was also assigned to the EMC, and it is ambiguous as to what overlapping jurisdiction there is between the EMC and the MEC. She said the issue is still under discussion and investigation.

Ms. Pickle clarified that she is a gubernatorial appointee on the commission on hydro-fracking representing the EMC on the MEC and that she has voting authority on the MEC.

Chairman Deerhake commented that she has met with DAQ regarding the recently released report on mercury that was required as a result of the EMC rules to discuss the information in the report, and there are continued discussions and planning for opportunities to bring in experts to present to the Committee regarding the findings in the report.

Chairman Deerhake adjourned the meeting and reminded the Committee that the next meeting is scheduled for November 7, 2012.