

MINUTES

REGIONAL AIR QUALITY COUNCIL Thursday, February 4, 1999

MEMBERS PRESENT:

Sharon Votruba, *City of Thornton*, Vice-Chair

Don Allard, *City of Arvada*

Dennis Creamer, *Conoco, Inc.*

Theresa Donahue, *City & County of Denver*

Joshua Epel, *Gablehouse & Epel*

Rick Garcia, *Regional Transportation Dist.*

Ted Hackworth, *City & County of Denver*

Ingrid Lindemann, *City of Aurora*

Jim Martin, *Environmental Defense Fund*

Mark Mathews, *Brownstein, Hyatt, Farber & Strickland*

Jane Norton, *Colo. Dept. Public Hlth & Env.*

Rick O'Donnell, *Governor's Office of Policy & Initiatives*

David Pampu, *Denver Regional Council of Govts.*

Ken Siler, *City of Wheat Ridge*

Peter Spoor, *Pioneer Metal Finishing/CABA*

Dick Watt, *Norwest Banks*

MEMBERS NOT IN ATTENDANCE:

Jim Bullecks, *City of Lakewood*

Martin Flaum, *Adams County*

Kent Hanson, *Attorney at Law*

Spenser Havlick, *City of Boulder*

Marie Mackenzie, *Arapahoe County*

Carolyn McIntosh, *City of Lafayette*

Jana Mendez, *Boulder County*

Olon Plunk, *New Century Energies*

Robert Reid, *Colo. Interstate Gas*

Joan Ringel, *Ringel Policy & Strategy Assoc*

Rep. Paul Schauer, *House of Representatives*

Glenn Scott, *City of Westminster*

Richard Sheehan, *Jefferson County*

Skip Spensley, *JSC/Spensley*

Susan Thornton, *City of Littleton*

Tom Norton, *Colo. Dept. of Transportation*

Sen. Frank Weddig, *Colo. Senate*

Steve Wilson, *Metro Home Builders Assoc.*

Greg Winger, *City of Longmont*

Melanie Worley, *Douglas County*

ALTERNATES PRESENT (* - voting):

Tim Cunningham, *City of Aurora*
George Gerstle*, *Colo. Dept. of Transportation*
Bud Hover *, *Douglas County*
Dickey Lee Hullinghorst*, *Boulder County*
Mark Johnson, *Jefferson County*
Margie Perkins, *Colo. Dept. Public Hlth & Env.*

OTHERS PRESENT:

Ken Lloyd, RAQC; Jerry Dilley, RAQC; Misty Howell, RAQC; Michele Majuene, RAQC; Patrick Cummins, RAQC; Annmarie Jensen, RAQC; Margy Christiansen; Bob Brady, Coors Brewing/AQCC; Paul Adams, ACX Technologies; W. Gale Biggs, WGBA; and Bill Van Meter, RTD.

Vice-Chair Sharon Votruba called the meeting to order at 3:35 p.m. A quorum was present at 3:45 p.m.

Approval of the Agenda and Minutes

Council approved the agenda without objection.

Minutes were approved with minor spelling corrections.

Public Comment

None.

Informational Items

Ken Lloyd informed council that the Governor's Blue Ribbon Task Force held its first meeting on January 28. The Task Force will look at the oxyfuels and inspection and maintenance programs in the context of what is needed in the future. The Task Force is chaired by Jim Scherer who is a former state legislator and a former EPA Regional Administrator. The next meeting will be February 26 at 1:00 p.m. in the 4th floor Board Room, 1445 Market Street. The task force is targeting September for forwarding recommendations.

Introduction of New Members

Sharon introduced new members appointed by the Governor: Jane Norton, Executive Director of the Colorado Department of Public Health and Environment and Rick O'Donnell, Director of the Governor's Office of Policy and Initiatives. Jane and Rick each gave a brief summary of their background.

Review of Legislation

Dick Watt reviewed the legislation of interest and the recommendations from the Council's legislative committee as outlined in the table dated 2/4/99.

Dave Pampu asked if there was a fiscal note on reduced HUTF funds for SB 9/HB 1271. Annmarie Jensen indicated that it was her understanding there was not. Doug Lempke expressed that Dave may be thinking of SB 171, which does have such a fiscal note.

Dick Watt stated that HB 1120 regarding incentives died in committee. Peter Spoor expressed his disappointment. He believed the bill was a good use of incentives. Annmarie informed Council that work to reduce the fiscal note was being done. However, it was too late for the Finance Committee to consider. Peter suggested that the group get together sooner so that next session the effort would have a better chance. Ken Lloyd explained that this was not a RAQC bill, the RAQC was just endorsing it.

Dick Watt explained that SB 117 regarding the Clean Fuels Fleet Program is really a technical amendment to Regulation 17. Ken Lloyd explained that this bill came out of extensive revisions to Regulation 17. As a result of the discussions, it was agreed that the requirement should be taken out of the federal SIP, while maintaining the program as a state-only program with more flexibility.

Sharon Votruba, as a local government representative, stated she can understand RAQC's support of these bills as an air quality effort. She stressed that Council should realize that collectively these bills require local governments to take the brunt of costs. She urged Council to look at the bills collectively as they relate to local governments.

Dick Watt stated that the RAQC's legislative committee needs to have a local government representative.

Jim Martin moved that Council take a position of support for SB 9/HB 1271, HB 1181 and SB 117. Seconded by Dick Watt.

Margie Perkins made a substitute motion that Council take a position of support for SB 9/HB 1271 and HB 1181. Seconded by Bud Hover.

As background information for new members, Ken Lloyd stated that the RAQC By-laws require a roll-call vote when Council takes a position to support or oppose legislation.

The substitute motion passed 15-0-3 (see Roll-Call).

Jim Martin moved that Council take a position of support for SB 117. Seconded by Dick Watt. The motion passed 17-0-1 (see Roll-Call).

Introduction of New Members

Sharon interrupted the discussion of legislation to introduce Rick Garcia, who now represents RTD on the Council. Rick stated he was looking forward to being on the Council. He is a newly elected RTD Board member from Region C, which mostly covers north-west Denver.

Council and staff introduced themselves to the new members.

Ken Lloyd indicated the Governor also appointed Tom Norton, CDOT Executive Director, as CDOT's representative. There are also two new county representatives: Melanie Worley from Douglas County and Richard Sheehan from Jefferson County.

Ken informed the Council that he had the opportunity recently to meet with Rick O'Donnell, Director of Governor's Office of Policy & Initiatives, to discuss the RAQC. Rick indicated Governor Owens is interested in reviewing the status of the RAQC. The Governor also plans to appoint a chair. Rick indicated the Governor will be reviewing his other appointments as well since they serve at the pleasure of the Governor. There is no specific time line for when this will be done, except that it will be done before the Executive Order expires in September.

Review of Legislation (continued)

Dick Watt stated that the legislative committee recommended that Council oppose HB 1297, concerning mobile sources, because it preempts the efforts of the Governor's Blue Ribbon Mobile Source Task Force. The task force was created to review the oxyfuels and the inspection and maintenance programs. The task force is schedule to make a policy recommendation in September 1999.

Margie Perkins indicated that the Colorado Department of Public Health & Environment also has concerns regarding the bill preempting the task force.

Joshua Epel stated the oxyfuels program was to be a limited program. The Air Quality Control Commission has recognized this and has shortened the program. He encouraged Council to oppose HB 1297 so that the programs can be reviewed through a reasoned process.

Jim Martin stated that HB 1297 would create a breach of contract with Envirotest.

Ted Hackworth suggested that Council take a position of opposition on specific points in the bill and not the entire bill.

George Gerstle was concerned the legislation does not reflect the fact that cars travel between counties. The air quality may be worse in one part of the region than others but the cause may not be within a specific part of a city or region. He stressed that air quality is a regional problem and solutions will not work if the region is divided into separate parts. The legislation does not currently reflect the basic understanding of regional air quality. He encourages opposition.

Dave Pampu stated even if a county could demonstrate transportation conformity, the current requirement for a regional analysis would still apply. It would have little or no affect on transportation conformity.

Ken Lloyd said, however, the bill would affect conformity since DRCOG would not be able to take credit for the strategies applied to vehicles within a county if it had opted out. This would affect the regional analysis.

Margie Perkins indicated that the Colorado Department of Health and Environment will look into the rationale behind the changes listed on the bill.

Peter Spoor moved that Council take a position of opposition to HB 1297. Seconded by Jim Martin.

Bud Hover asked if the bill changed the reinspection requirement due to ownership changes. Dick Watt indicated that the reinspection requirement is a county clerk issue. There is more paperwork and tracking if car registration and I/M tests are separate.

Mark Mathews questioned why the bill took out the opacity test. Margie Perkins stated it is a technical issue. There is a problem finding a practical technology to use.

Rick Garcia expressed concern that this bill is using statutory requirements to do administrative work.

The motion passed 14-0-4 (see Roll-Call).

Dickey Lee Hullinghorst asked why the legislative committee took a position of monitor for HB 1185, concerning comprehensive local government planning. Annmarie Jensen stated the committee was not comfortable making any other recommendation because there was no local government representation at their meeting. Members did not know if the provisions were the right ones.

Sharon Votruba indicated that HB 1185 has an entire section regarding transfers and development rights that transcends between cities and counties. There are some very volatile issues that would cause conflict with local governments..

Dickey Lee Hullinghorst stated that Council should consider supporting HB 1185 because it reflects a number of principles outlined in the *Blueprint for Clean Air*.

Dickey Lee Hullinghorst moved that Council take a position of support for HB 1185. The motion died for lack of a second.

Peter Spoor asked if the bill created extra expense to local governments. Dickey Lee indicated that she did not see any.

Ingrid Lindemann expressed concern with page 21 of the bill regarding filing a comprehensive plan with each planning jurisdiction which share borders. She indicated that it is Aurora's understanding that special planning districts are included in "planning jurisdictions". This would be cumbersome because Aurora shares boarders with over 100 special planning districts in Arapahoe County.

Theresa Donahue moved that Council continue to monitor on HB 1185. The RAQC supports the concept of comprehensive planning, but many members have concerns with specific provisions in HB 1185. Seconded by Ingrid Lindemann.

Mark Mathews said that under Colorado law, comprehensive plans are intended to be guidance.

Ken Siler stated he would oppose or monitor the bill, but not support. He said this bill is an administrative nightmare. A comprehensive plan is a vision of the future and changes constantly.

Ingrid Lindemann expressed HB 1185 is another attack on local planning authorities.

Ken Siler indicated he is supportive of regional cooperation.

Motion passed with a show of hands 10-7-1.

Voluntary Ozone Measures Program

Ken Lloyd reminded Council that the region experienced elevated levels of ozone last summer. He stated that with the new 8-hour standard set by EPA, the region exceeded the standard on nine different days during the summer at various sites. He explained that the calculation to determine attainment looks at a three year period. The fourth highest value from each site is averaged over the three year period. The calculation for 1996-1998 for the metro region is 0.084. The attainment limit is 0.085.

Ken also reminded Council they had directed staff to work with the Air Pollution Control Division to create a voluntary program that could be implemented in the summer of 1999. Since the region is so close to non-attainment, there is a need for proactive steps. A subcommittee of interested stakeholders was formed to discuss what could be done.

Staff has worked with the committee to create some voluntary measures that can be taken to help keep the metro area in compliance. The committee has three tasks: look at technical issues; create voluntary industrial measures; and develop a public

education awareness plan. The committee is looking for guidance and endorsement of the recommended approach from the Council.

Jerry Dilley gave an overview of what the technical committee has been doing. The technical committee has concluded that ozone episodes occur under warm, sunny conditions with persistent up-slope flow. Episodes can be forecasted with reasonable certainty because conditions are predictable. And finally, hydrocarbon (volatile organic compounds) control offers the best chance of ozone reduction in the metro area.

Jerry listed some voluntary measures that are implemented by industry in other areas. These include:

Delay scheduled maintenance activities such as painting, degreasing, tank cleaning and road repair;

Postpone non emergency flaring or venting of hydrocarbons;

Postpone volatile compound loading and hauling;

Postpone VOC producing activities such as catalyst preparation and chemical treatment;

On construction sites use temporary public utilities instead of diesel or gas generators; and

Lowring RVP (Tulsa, Tucson and San Antonio).

Jerry stated that RMOGA-Colorado members and other fuel suppliers to this region have volunteered to lower the Reid Vapor Pressure to an 8.5 psi cap for the summer 1999 ozone season.

Additional VOC emissions reduction measures impacting the metro area in 1999-2000 include:

Changes to the Inspection/Maintenance Program in December 1998 will reduce mobile source related VOC emissions by 1% in 1999 and 4% in 2000.

Changes to federal regulation of area sources such as:

- Small spark ignition engine Phase I emissions standard effective in 1997 model year;
- Consumer Products Rule effective September 1998;
- Auto Refinishing Rule effective December 1998; and
- Architectural Surface Coating Rule effective September 1999.

Proposed voluntary industry control measures include reducing VOC emissions by using products (paints, degreasers, inks, etc.) or equipment with lower VOC emissions and encouraging rescheduling of VOC emitting activities during ozone alert episodes.

Jerry outlined the next steps for the committee.

Support a voluntary 8.5 RVP cap before the Air Quality Control Commission

Continue to work with the Air Pollution Control Division staff to develop a protocol to alert the region on days with the potential for elevated ozone concentrations, and

Provide industry with information concerning ongoing activities and actions to be taken during high ozone episodes which will result in reduction of VOC emissions.

Theresa Donahue asked why the committee was not looking at NOx. Jerry explained that NOx scavenges ozone. Reducing NOx has the potential to increase ozone in urban areas. The committee is confident that reducing VOC will reduce ozone.

Paul Adams, ACX Technologies, asked why roof tar pots were not included. This was a big issue in the 1970's. Jerry indicated they have not shown up on the inventory.

Sharon Votruba asked Council if there are any concerns with the direction of the technical committee. There were none so the committee will proceed as outlined.

Theresa Donahue asked if there were opportunities for the state and local governments to help with this issue.

Michele Majeune indicated that the ozone outreach committee has some ideas for how local governments can help. Some examples include: communicating information to employees and the public; asking departments to use low VOC paints for building maintenance; keeping fleet vehicles well maintained and avoiding "topping off" gas tanks; reducing travel during ozone events by allowing telecommuting; and rescheduling discretionary activities, such as street paving or building painting, during ozone events. The committee recognized that there would be instances when some of the strategies would not be practical.

Theresa then asked if local governments would be offered the same technical assistance as other groups. Margie Perkins indicated that Colorado Department of Health and Environment would look at an outreach program.

Michele Majeune then gave an overview for the ozone outreach committee. The ozone public outreach campaign is a two year effort focusing on the summers of 1999 and 2000. The message will include a health-based component and a call to action. There will be two phases of communication, an ongoing messages regarding the what can be done to help the problem and special alerts during periods of high ozone to re-emphasize the importance of taking some action.

Some ongoing messages would include:

- Tune-up car
- Keep tires properly inflated
- Drive less
- Gas refueling: “Stop at the Click/ Don’t Top it Off”
- Use clean mowers
- Use funnels to refuel equipment
- Reduce lawn area
- Paint earlier in the Spring
- Use low VOC paints
- Limit use of flammable household solvents or use low VOC products
- Use an gas barbecue or charcoal chimney

Message during an ozone episode would include:

- Trip linking, car pool, telecommute
- Don’t idle engine
- Forgo use of outboard motor boats and off-road vehicles
- Re-fuel after dusk
- Don’t mow -- Let it grow
- Delay use of oil-based paints etc.
- Delay use of household aerosols or cleaning products
- Don’t use lighter fluid to start barbecues

Local governments would be asked to help get the messages to departments and citizen constituents. They would be asked to change their operations, if and when possible.

Targeted businesses would be asked to change their operations, when possible, and to help get the message to consumers. Currently targeted business include property

managers, home/garden retailers, lawn/garden service and repair and gas station/convenience stores.

Most of the message delivery would be low cost such as participation in events, partnering internal publications (such as web sites), media relations, in-store retailer customer outreach, bill stuffers and a kick-off event. For the tangible products such as printed materials, the program would look for business partners to help cover the costs. Currently the approximated cost of materials is \$10,500.

Michele outlined the time line for the 1999 program:

January through March	Lay the ground work: plan & partners, seek funding
March through April	Draft campaign material
April	Secure financial commitments; Continue to solicit In-kind partnerships
June 1	Products available for distribution
June 8	Media kick-off event
June through July	Media outreach in conjunction with initial ozone alerts
September	Wrap-up report on actions/activities/outcomes

George Gerstle asked if the ozone alerts would be like the high pollution advisories for wood burning.

Margie Perkins explained the Air Pollution Control Division is discussing what it would take to make ozone predictions. They may consider using a program similar to the high pollution alerts (red and blue days). No decisions have been made as of yet.

Peter Spoor expressed that he likes the HPD advisory because it reminds him that there is a problem. He stated that an ozone alert could have the same impact.

Council had no concerns with the direction of the program.

There being no further business before the Board, the meeting was adjourned at 5:30 p.m.