

# MINUTES

## REGIONAL AIR QUALITY COUNCIL Thursday, June 3, 1999

### MEMBERS PRESENT:

Shirleen Tucker, *CHAIRMAN*  
Dennis Arfmann, *Holme Roberts & Owen*  
Theresa Donahue, *City & County of Denver*  
Jane Norton, *Colo. Dept. Public Hlth & Env.*  
Don Parsons, *DRCOG*  
Jim Scherer  
Sharon Votruba, *City of Thornton*  
Melanie Worley, *Douglas County*

### MEMBERS NOT IN ATTENDANCE:

Tom Norton, *Colo. Dept. of Transportation* (Excused)

### OTHERS PRESENT:

Ken Lloyd, RAQC; Misty Howell, RAQC; Jerry Dilley, RAQC; Patrick Cummins, RAQC; Annmarie Jensen, RAQC; Gerald Gallagher, APCD; Rick Barrett, APCD; George Gerstle, CDOT; Carol Maclennan, Tri-County Health Department; David Yamada, City of Thornton; Bob Farmer; Gerald Faudel, Frontier Oil Corp; Gale Biggs, W. Gales Biggs & Associates; Jan Rigg, Public Issues Management; Jim Ives, City of Aurora; Jim Brandon, ESP; and Steve McCannon, State Auditors Office.

---

The meeting was called to order at 3:40 p.m. A quorum was present.

### Approval of the Agenda

**Don Parsons moved to accept the agenda. Seconded by Sharon Votruba. Motion passed without objection.**

### Approval of the Minutes

**Don Parsons moved to accept the minutes. Seconded by Melanie Worley. Motion passed without objection.**

## **Public Comment**

Bob Farmer distributed to the Council a document discussing calculated CO reductions from the I/M 240 program. He believes the I/M 240 test does not work. The only program that will work will detect polluting vehicles on the road and see that they are repaired promptly. He asked the Council to consider the information he presented as they deliberate on the options for the CO Maintenance Plan.

-

## **Informational Items**

### *Chairman:*

Shirleen Tucker thanked everyone for their extra efforts. She stated it was helpful to have so many RAQC members attend the meeting with Arvada's City Council.

### *Executive Director:*

Ken Lloyd gave Council an update on the ozone program. The summer pollution program kickoff received good coverage from both major papers and the four network stations. Staff has been conducting ozone workshops with local governments. Workshops have been completed with 10 communities and workshops involving 11 additional communities are scheduled.

Ken thanked Carol MacLennan and Jim Ives for their help in setting up meetings with Aurora and Arapahoe and Adams Counties.

Ken also acknowledged the great job that Michele Majuene did in coordinating the press conference for the summer pollution program kick-off.

### *Members:*

Don Parsons asked about the internal control issues mentioned in the management letter from the auditors. Ken Lloyd explained that such issues are common in companies with a small staff. As a result, these issues are raised each year in the audit. However, previously the RAQC board addressed this issue and was comfortable with controls in place given the small staff.

### *Committees:*

Jim Scherer gave a brief summary of the CO maintenance plan subcommittee meetings.

The three preliminary options from the oxygenated fuels meetings were

- • retain 3.1% oxygenation
- • reduce to 2% oxygenation
- • eliminate the program altogether

The three preliminary options from the inspection/maintenance meeting were

- • clean testing
- • change to idle test (not much support)
- • continue the program as is

The subcommittee will meet on June 16 to further discuss the alternatives.

### **Approval of Amended Bylaws**

Ken Lloyd gave a brief overview of the changes requested at the May meeting. Council decided to make the following additional changes:

- • page 8, line 2 concerning approval of contracts, “All contracts in the amount greater than \$5,000 must be authorized and approved by a majority of the Board of Directors”
- • page 10, section 5.2, last sentence, insert \$2,000 as the limit for single signature checks.

**Dennis Afrmann moved to adopt the Bylaws as amended. Seconded by Don Parsons. Motion passed unanimously.**

### **Election of Vice Chairman**

Jim Scherer nominated Don Parsons for Vice Chairman. Seconded by Melanie Worley.

**Dennis Arfmann moved to cease nominations and elect Don Parsons as Vice Chairman. Seconded by Sharon Votruba. The motion passed unanimously.**

The Board recognized and thanked Sharon Votruba for her outstanding service as the previous Vice Chairman.

-

### **Election of Officers**

**Jim Schere moved to re-elect Ken Lloyd as President and Treasurer and Misty Howell as Secretary. Seconded by Sharon Votruba. Motion passed unanimously.**

### **CO Maintenance Plan - Options for Further Analysis**

Patrick Cummins gave an overview of the work of the CO Maintenance Plan Subcommittee.

There was discussion on extending the model year exemption for the I/M program. APCD staff will give the Council data showing the impacts of using a four, five and six year exemption.

Vehicle profiling was discussed as an alternative to an I/M program. Gerald Gallagher, APCD, indicated the data used for profiling was available because of the I/M program. If the program was discontinued, another method for gathering data would be needed.

Council also discussed clean/dirty screening and remote sensing.

APCD staff indicated they need to begin inventory work by mid-June to meet the RAQC's schedule. They will be making some initial assumptions to begin their work which may need to be modified as the RAQC moves forward with the maintenance plan discussions.

The general direction given by the Council included:

- • focus on phasing out oxygenated fuels
- • focus on a transient test type
- • look at possibly increasing model year exemptions to six (6) years
- • look at remote sensing for clean and dirty screening
- • look at high emitter program

### **Local Government Funding Requests**

Ken Lloyd gave an overview of options for requesting funding from local governments for 2000. He discussed these funding options with the local government members of the Council. Their recommendation was the option which generally maintains the current overall funding level, but updates the allocation formula with the most recent population and assessed property valuation information.

Request letters along with the allocation formula will be sent to each local government. Council will need to follow-up with each local government. Ken Lloyd, Melanie Worley, Don Parsons and Sharon Votruba will coordinate the meetings. The visits will also help the Council continue the strong relationships that have been established with the local governments.

Council noted the importance when meeting with the local governments of explaining that Council is using the same funding allocation formula from previous years.

**Sharon Votruba moved to use option two as the funding allocations. Seconded by Don Parsons. The motion passed unanimously.**

### **Implications of Court of Appeals Decision on New Ozone and Particulate Matter Standards**

Ken Lloyd gave a brief overview of the implications of the court decision regarding the new ozone and particulate matter standards. EPA plans to appeal the decision.

The Court of Appeals decision did not question EPA's authority to establish revised air quality standards or the underlying science of the standards. However, the court concluded EPA's basis for the standards was an "unconstitutional delegation of legislative power" and indicated that EPA did not lay out the "intelligible principle" or criteria to pick the levels of the standards.

Other highlights of the Court decision include:

- While the Court did not vacate the revised ozone standard, EPA cannot enforce the standard under Subpart 1 of the Clean Air Act as contemplated.
- The Court said EPA can move forward with designations under the revised standard. EPA plans to make designations as planned in July 2000, meaning ozone readings from the 1999 summer season will still be critical in determining the designation for the Denver area.
- The Court vacated EPA's revised PM-10 standard, saying that while EPA was justified in setting a coarse particle standard, the Agency should not have overlapped such a standard with the PM2.5 standard. As a result, the old PM-10 standard will remain in effect for the foreseeable future and EPA will not move forward with revoking the old standard as planned in July 2000.
- The Court took no action on the new PM2.5 standard, but asked for further briefings on whether or not to vacate the standard. In the meantime, EPA plans to continue the national PM2.5 monitoring program so that sufficient data will be available once the standard issue is resolved.

Theresa Donahue suggested the Council have a future discussion on the PM10 standard given the Court case outcomes.

There being no further business before the Council, the meeting was adjourned at 5:45 p.m.