

MINUTES

REGIONAL AIR QUALITY COUNCIL Thursday, December 9, 1999

MEMBERS PRESENT:

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

MEMBERS NOT IN ATTENDANCE:

OTHERS PRESENT:

Ken Lloyd, RAQC; Misty Howell, RAQC; Patrick Cummins, RAQC; Gerald Dilley, RAQC; Laura Hagg Neslon, RAQC; Annmarie Jensen, RAQC; Rick Barrett, APCD; Doug Benevento, CDPHE; George Gerstle, CDOT; Carol Maclennan, Tri-County Health; Dennis Creamer, Conoco Inc.; Bob Farmer; Doug Lempke, AQCC; Jeff Houk, EPA; Mark Komp, EPA; Tim Russ, EPA; Anju Fritz, EPA; Jim Ives, City of Aurora; Stan Dempsey, Colorado Petroleum Association; Dave Yamada, City of Thornton; Larry Gupton, State Auditor's Office; Jerry Fauldel, Frontier Oil; Margy Christiansen; and Heidi Heltzel, CACI.

The meeting was called to order at 3:15 p.m. A quorum was present.

Approval of the Agenda

There was a request to change the order of agenda items. Items 8, 9 and 10 will be discussed before items 6 and 7. Informational items will be moved to the end of the meeting.

Dennis Arfmann moved to approve the agenda as modified. Seconded by Don Parsons. Motion passed without objection.

Approval of the Minutes

Theresa Donahue moved to accept the minutes. Seconded by Sharon Votruba. Motion passed without objection.

Public Comment

Bob Farmer thanked Council and Misty Howell for agreeing to include flyers on the Smart Sign Program in the January meeting packet.

1999 Audit of the Colorado AIR Program

Larry Gupton, Deputy State Auditor, gave Council an overview of the 1999 audit report for the Colorado Automobile Inspection and Readjustment (AIR) program. The audit concluded that if the AIR and Oxygenated Fuels programs are discontinued in 2001, there will be little short or long-term impact on carbon monoxide, hydrocarbon, and nitrogen oxide emissions in the Denver metro area. This is because vehicle new technology and fleet turnover will continue to reduce vehicle emissions.

Patrick Cummins, who served on the technical review panel for the report, expressed different conclusions from those presented in the audit. He said unlike the analysis in the audit, SIP compliance planning is based on worst case meteorological conditions. That leads to different conclusions on the future need for the programs.

Rick Barrett from APCD, who also served on the technical review panel, questioned the model used in the audit to determine carbon monoxide emissions. The Colorado Department of Public Health and Environment distributed a response paper regarding the 1999 audit of the Colorado AIR program to Council. In the paper, the APCD cautioned that eliminating the inspection and maintenance program and oxygenated fuels program in 2001 may jeopardize compliance with the requirements for the State Implementation Plan. It may also leave Colorado unable to demonstrate compliance with federal transportation conformity requirements.

There was discussion on using the Serious CO Model for the Carbon Monoxide Maintenance Plan rather than Mobile 5 (or 6 when available). Ken Lloyd explained the Serious CO model was considered during the maintenance plan process, but Mobile 5 was the only approved model that could be used in the time frame for developing the plan. It was determined that in order to continue with the current schedule, a new model could not be used. In addition, other areas mentioned in the auditor's report that are using the Serious CO model have not yet attained the CO standard and need to adopt additional measures. The situation in Denver is different since we are trying to reduce measures.

Patrick Cummins and Rick Barrett indicated that despite the differences in conclusions from the report, the audit report has useful information and analysis that can be utilized in future planning efforts.

Revisions to Carbon Monoxide Maintenance Plan

Patrick Cummins gave Council an overview of the changes to the Carbon Monoxide (CO) maintenance plan. He indicated that the AQCC has begun its pre-hearing status conferences. A number of parties have filed party status. Currently, there have been three status conferences to discuss issues. Patrick explained that parties will have an opportunity to submit rebuttal statements after the RAQC submits its alternate proposal. The AQCC hearing is scheduled for January 10, 2000.

Patrick indicated that the proposed changes to the CO maintenance plan and redesignation request have come from discussions at the status conferences and with EPA. He reviewed the specific changes to the document.

One concern from EPA was that the document contained unnecessary information. However, in previous discussions, Council determined it was important that there be one document with complete information. In an effort to satisfy both concerns, the document has been separated into two parts. Part I contains background information that will not be submitted as part of the SIP for any action by EPA. Part II, which is chapters 3 and 4 as well as appendices, is the formal SIP submittal.

There was discussion on Regulation 17 concerning the Clean Fuel Fleet program. Changes to this regulation or a replacement program must be approved before EPA can approve the CO maintenance plan and redesignation request.

Dennis Arfmann moved to accept the December 1, 1999 draft of the Carbon Monoxide Maintenance Plan with the amendments as presented by Patrick Cummins. Seconded by Jim Scherer.

There was discussion on the costs of the Clean Screen program contained on page 2-12 of the plan. Staff is confident in the estimates, especially since the State Audit Report showed similar cost savings.

A request was made to change the second sentence on page 1-2 to read as follows: "The RAQC *consists* of a nine-member board appointed by the Governor."

The motion passed unanimously.

Patrick Cummins will make the changes and submit the revised plan to the AQCC on Friday, December 10, 1999.

White Paper on High Emitting and Smoking Vehicles

Patrick Cummins reviewed the White Paper on High Emitting and Smoking Vehicles with Council.

Council had a discussion on the level of detail that should be included in the White Paper. Council made the following suggestions for modifying the White Paper:

- It needs to be clear on the problem, the benefits, cost components and who would pay for the program(s).

- A problem statement, audit report findings concerning unresolved failures and legislative changes needed to implement the options should be included.
- To determine the level of detail to be included, Council needs to decide whether it will be used to be proactive or just helpful.
- It should outline the RAQC's level of concern, the effects, and the order of magnitude of the problem. The paper should not include so much detail that it appears prescriptive.
- RAQC staff should not be burdened with additional analysis at this time, but should work with interested Legislators on further analysis needed.
- "Options to address" should be dropped from the title.

Patrick Cummins expressed that his biggest concern with the suggested approach is subjectivity. Also, cost/benefit analysis requires significant research. He suggested that Council may want to set up a committee process to look at these issues.

Don Parsons informed Council that he, Ken Lloyd and Annmarie Jensen are scheduled to meet with Senator Doug Linkhart on December 15th to discuss some of these issues. Don would like to meet with Senator Linkhart before Council makes a final decision on the level of detail to include in the White Paper. If Senator Linkhart is interested in these issues, he may have some suggestions.

Council decided that staff should revise the paper as suggested and share the next draft with Melanie Worley, Jane Norton, Theresa Donahue and Dennis Arfmann before the January meeting.

2000 Work Program and Budget

Ken Lloyd reviewed the 2000 work program and budget.

Don Parsons moved to adopt the 2000 work program and budget. Seconded by Melanie Worley.

Jane Norton expressed that the APCD staff believes that the goal of a completed revision using the new EPA models by the end of 2000 is overly optimistic. The APCD staff recommends the goal be revised to state that the technical and policy analysis will be well underway by the end of 2000, with a completed revision by mid-2001.

Jane Norton made a friendly amendment to change page 3, item B, timing, to include the following language from the December 8, 1999, CDPHE memo, "the technical and policy analysis will be well underway by the end of 2000, with a completed revision by mid-2001." This change was acceptable to Don and Melanie. The motion passed unanimously.

Cost-of-living adjustment for staff salaries

Ken Lloyd explained to Council that according to the RAQC's Personnel Policies and Procedures, each year the RAQC establishes an across-the-board cost-of-living adjustment for staff salaries. The adjustment is based on a comparison of similar adjustments granted by local governments in the metro area.

Ken recommended a 3.0% cost-of-living adjustment for eligible employees, effective with pay period beginning December 9, 1999. Council concurred.

Contract for legislative liaison services

Ken Lloyd reviewed the contract with Margy Christiansen for legislative liaison services.

Jane Norton moved to approve the contract provisions as submitted. Seconded by Jim Scherer. The motion passed without objection.

Reid Vapor Pressure Waiver for Summertime Gasoline

Dennis Creamer, Conoco, Inc., asked Council to support extending the current RVP waiver for summertime gasoline. He indicated the waiver is for 2001, 2002 and 2003. The industry's deadline for the waiver approval by EPA is June 1, 2000. Dennis explained that with the RAQC's support, the petroleum industry will make their waiver request to the AQCC.

Jim Scherer moved to send a letter supporting the extension of the current waiver to the AQCC. Seconded by Dennis Arfmann.

There was discussion on when the request for the waiver extension needs to be submitted. Dennis Creamer stressed the importance of starting the process early.

There was also discussion about obtaining commitments from refiners to continue the voluntary 8.5 RVP program next summer. Ken Lloyd stated that there have been, and will continue to be, discussion with individual refiners on this issue. Council members indicated a strong desire for refiners to continue the voluntary program.

Dennis Creamer indicated Conoco will continue the 8.5 RVP program. Jerry Faudel of Frontier Oil stated that his company will also voluntarily continue the 8.5 RVP program. He indicated Conoco and Frontier now supply more than 60% of the gasoline in the Denver market.

The motion, as clarified, is to send a letter to the AQCC supporting the extension of the RVP waiver and encouraging petroleum companies to consider continuing the voluntary program of 8.5 RVP in 2000. The motion passed with no objections.

Informational Items

Executive Director:

Ken Lloyd introduced Laura Hagg Nelson to the Council. Laura is the RAQC's new Public Involvement/Communications Specialist.

Ken also thanked Annmarie Jensen for covering the communications work until Laura was hired.

There being no further business before the Council, the meeting was adjourned at 5:35 p.m.