

MINUTES

REGIONAL AIR QUALITY COUNCIL

Thursday, April 6, 2000

MEMBERS PRESENT:

Jim Scherer, *CHAIRMAN*
Dennis Arfmann, *Holme Roberts & Owen /CACI*
Theresa Donahue, *City & County of Denver*
Jane Norton, *Colo. Dept. Public Health & Environment*
Don Parsons, *City of Northglenn / DRCOG*
Dave Sladek, *The Clayton Group*
Sharon Votruba, *City of Thornton*
Melanie Worley, *Douglas County*

MEMBERS NOT IN ATTENDANCE:

Tom Norton, *Colo. Dept. of Transportation*

OTHERS PRESENT:

Ken Lloyd, RAQC; Misty Howell, RAQC; Gerald Dilley, RAQC; Laura Hagg Nelson, RAQC; Annmarie Jensen, RAQC; Doug Lempke, AQCC; Stan Dempsey, Colorado Petroleum Association; Bob Farmer; Bob Brady, Coors Brewing Company / AQCC; Shirleen Tucker, CDPHE; Jim Brandon, Environmental Systems Products; Frank Johnson, Attorney General's Office; and Lucy Nolan, Coloradans for Clean Air.

The meeting was called to order by Chairman Jim Scherer at 3:05 p.m. A quorum was present.

Approval of the Agenda

Melanie Worley moved to approve the agenda. Seconded by Don Parsons. Motion passed without objection.

Approval of the Minutes

Don Parsons moved to approve the minutes. Seconded by Theresa Donahue. Motion passed without objection. Melanie Worley abstained.

Informational Items

Chairman:

Jim Scherer updated Council on when he will be in Indonesia. His schedule will allow him to be back for the crucial decisions on the mobile source issues this summer.

Executive Director:

No Report.

Members:

Don Parsons reported that the voluntary ozone program presentation to the Metro Mayors was well received.

Committees:

No Reports.

Report from Air Quality Control Commission

Doug Lempke, Technical Secretary for the AQCC, reviewed the information discussed by the Commissioners at their March meeting.

Doug then gave an overview of upcoming issues that the Commissioners will consider, which include two conformity hearings, the RVP waiver hearing, a report on the I-25 SE corridor improvements, discussion on the Annual Report to the Public and a status report on the reinstatement of the ozone standard and designations.

Update on Mobile Sources Subcommittee

Melanie Worley gave Council an overview of the subcommittees schedule and indicated the meetings are going well.

Ken Lloyd indicated that the topics for each meeting are laid out with the goal of having a draft report in July. A draft will be forwarded to Council for consideration at the August meeting.

Presentation from Environmental Systems Products

Jim Brandon, representing Environmental Systems Products, presented Council with a proposal for revising the emissions testing program. He is meeting with policy makers to see if the idea has merit before proceeding with legislation this session. Mr. Brandon explained that the program would provide funding for remote sensing and a mechanism for notifying motorists when an emission test is required. This proposal would allow the

CDPHE to continue the current contract without having to go through an open bid process (since the idea is to phase out emissions testing).

He further explained that with the proposal half of the current emission test cost (or a new amount determined after 2001) would be paid through automobile registration beginning in 2001. The contractor and Department of Revenue would need to work with County Clerks to have the notices included with registrations. Under this plan, automobiles exempted from emissions tests would still have to pay the fee included with registration. The fee would be dropped one year before the program expires. The program would sunset in four years, which would allow for legislative review.

It is his intention to introduce a bill this legislative session, which would be general in nature so that it would not tie the hands of the Department of Revenue or the Colorado Department of Public Health & Environment. He asked Council for their support of the concept. There was discussion on the TABOR implications. Council thought the idea had merit, but was concerned about the time frame for introducing a bill this session. Council decided that Mr. Brandon should send Ken Lloyd a copy of the bill when it is available. Ken will forward the bill to Council members who may decide to make individual comments on the bill. However, Council decided not take an official position on the bill at this time.

Legislative Update

Annmarie Jensen gave Council a status report on bills of interest. She explained that House Bill 00-1172, concerning the legislative council process for review of air quality state implementation plans, was signed into law on March 22, 2000. Under the new law, the AQCC submits an annual report on SIP revisions to the legislature by January 15. Members of the General Assembly have until February 15 to request legislative council review. If a new bill is not introduced or the bill fails to pass, then the SIP moves forward in its original form.

Ken Lloyd also indicated the bill created the mechanism for legislative review of the recently adopted Carbon Monoxide Maintenance Plan and Redesignation Request. The AQCC submitted the required report by March 31 and members of the General Assembly have until April 10 to ask for legislative review of any SIP revision.

Annmarie stated that Senate Bill 00-190, concerning methyl tertiary butyl ether (MTBE), was awaiting action on the House floor. The bill, as amended, removes the Regulation 13 language. Regulation 13 governs the use of oxygenates in fuel. The bill was also amended to graduate the MTBE ban over a period of 18 months and to remove "use" from the bill so that those who have already purchased MTBE can use what they have. Concerns raised by Council at previous meetings have been addressed with the amendments.

Public Comment

Stan Dempsey, Colorado Petroleum Association, indicated that CPA still has significant concerns with the regulatory flexibility regarding Senate Bill 00-190 (Use of MTBE.). He indicated the bill requires SIP changes. Ken Lloyd indicated the SIP changes would be procedural not substantive.

Summertime Ozone Program

Laura Hagg Nelson updated Council on the status of the Summertime Voluntary Ozone Program. She distributed the new ozone brochure to Council. She and Jerry Dilley met with the Metro Mayors Caucus on March 31. The presentation was well received. Other presentations that have been scheduled include: Building Owners and Management Association (April 4); Denver Bike Committee (April 6); CDOT meeting (April 11); Colorado Earth Day Fair Booth (April 14-16); Boulder ETC (April 18); City of Westminster (April 18); Associated Landscape Contractors of Colorado (April 18); US 36 TMO ETC (April 27); Cherry Creek TMO ETC (May 4) and US 36 TMO (May 9). Laura asked Council to let her know of other organizations she should contact to schedule an ozone presentation.

The 2000 program efforts include: ozone action advisories; Reid Vapor Pressure reduction; “stop at the click” program; local government outreach; media relations efforts; radio promotion; distribution of brochures, flyers and other information; ozone video; Dr. Stedman’s Smart Sign; outreach to state and federal agencies, landscape and lawn professionals, and building owner management companies; appearances at regional festivals and fairs; and articles in trade magazines and newsletters.

Articles are scheduled to be published in eight organizations’ newsletters. The program is moving forward on schedule.

There being no further business before the Council, the meeting was adjourned at 4:50 p.m.