

MINUTES

REGIONAL AIR QUALITY COUNCIL

Thursday, October 5, 2000

MEMBERS PRESENT:

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

MEMBERS NOT IN ATTENDANCE:

Theresa Donahue, *City & County of Denver*
Tom Norton, *Colo. Dept. of Transportation*
Melanie Worley, *Douglas County*

OTHERS PRESENT:

Ken Lloyd, RAQC; Misty Howell, RAQC; Laura Hagg Nelson, RAQC; Gerald Dilley, RAQC; Shirleen Tucker, APCD; Doug Benevento, CDPHE; George Gerstle, CDOT; Doug Lempke, AQCC; Frank Johnson, Attorney General's Office; Kerri Fiedler, EPA; Brad Beckham, CDOT; Jim Ives, City of Aurora; Dennis Creamer, Conoco; Steve Sherman, CDOT; Stan Dempsey, CPA; Sara Thompson, Denver Metro Chamber; and Jim Brandon, ESP.

The meeting was called to order by Chairman Jim Scherer at 3:05 p.m. A quorum was present at 3:15 p.m.

Approval of the Agenda

Postponed until quorum present.

Approval of the Minutes

Postponed until quorum present.

Informational Items

Chairman:

Jim Scherer stated a meeting was held with EPA staff to discuss the RAQC's concern with the potential nonattainment designation with the 8-hour ozone standard. EPA has taken the RAQC's concern of needing one more year to show attainment under advisement.

Jim also informed Council that he has spoken with Mayor Ken Fellman and is making progress to get funding and participation from the City of Arvada.

Executive Director:

Ken Lloyd reminded Council that the November 2nd meeting is in Castle Rock and that the December meeting is on Wednesday December 13th.

The RAQC will meet with AQCC to discuss the I/M Report on October 19th at noon. Council members were encouraged to attend. Lunch will be provided.

Ken informed Council that Denver has been selected for a federally-sponsored Telework Emissions Trading pilot project, along with Houston, Los Angeles, Philadelphia, and Washington DC. Ken indicated Denver was selected after Chicago decided not to participate. The project offers incentives to businesses to reduce vehicle emissions through a system of tax incentives or emissions trading credits that may ultimately lead to a reduction in mobile source related pollution. The project is funded by an appropriation from Congress and \$250,000 is available for the Denver project in 2001.

Currently, there is a design committee working to develop the plan. The committee includes staff from DRCOG, RAQC, CDOT, CDPHE, City and County of Denver, Denver Metro Chamber of Commerce, Downtown Denver Partnership, Jefferson Economic Council, CU- Boulder, and National Environmental Policy Institute. Ken said this program offers the possibility to expand region's telework program and adds an air quality aspect to the program.

Jane Norton indicated that if the program requires CDPHE staff resources, she would like to review the plan. Also, RAQC members ought to know what additional staff responsibilities there would be for this project. Ken indicated that in order to be actively involved the RAQC would need some funding through the project. He indicated CDPHE would be involved in the emission trading aspect. Jane Norton stated that as CDPHE's role is reviewed in this endeavor, there needs to be flexibility to determine whether resources can be committed to the project.

Members:

No Reports.

Committees:

No Reports.

Report from Air Quality Control Commission

Doug Lempke, Technical Secretary for the AQCC, reviewed the Commission's October 19th agenda. RAQC and APCD will present the Request for Redesignation for Ozone and request a public hearing date be set. RAQC will also brief the Commission on the I/M Report to the Governor, the Denver Summertime Ozone Program, and the Denver PM10 Redesignation Plan Schedule.

Doug indicated the Commission is considering moving their December meeting to December 14th. The Commission has also agreed to move its January meeting to January 11th to hold the hearing on the Ozone Maintenance Plan so the plan can go to the legislature under the report to the legislature.

Approval of Agenda

Dennis Arfmann moved to approve the agenda. Seconded by Jane Norton. Motion passed without objection.

Approval of Minutes

Jane Norton moved to approve the minutes. Seconded by Don Parsons. Motion passed without objection.

Public Comment

None.

Ozone Maintenance Plan and Redesignation Request

Ken Lloyd thanked Mike Silverstein, Kevin Briggs and Barbara MacRae from the APCD and Jerry Dilley, RAQC staff, for their work to expedite development of this plan.

Ken explained how the ozone maintenance plan was revised using emissions analysis and language already included in the carbon monoxide maintenance plan to minimize additional technical work. EPA has committed to "parallel processing" of the SIP and redesignation request, which will minimize the processing time for approval.

The changes in the current plan include updated emission inventories, recent monitoring information, updated contingency plan section and revised motor vehicle emissions budgets. Ken indicated the VMT estimates in the emissions inventory were revised since DRCOG has completed its conformity analysis.

George Gerstle, Colorado Department of Transportation, informed Council that CDOT has submitted a letter to the AQCC requesting the notice of hearing for the ozone maintenance plan be broad enough to allow CDOT to propose a change to the Santa Fe HOV lanes, which is a transportation control measure in the 1982 Ozone SIP. Currently,

the Southeast Corridor Project Team is in the process of evaluating options for maintenance of traffic during the construction of the project. One option is to divert some traffic onto Sante Fe Drive. CDOT is evaluating an alternative which would allow removal of the HOV lanes along Sante Fe Drive. This alternative would include certain provisions to be implemented that would increase ridership on the Southwest Corridor Light Rail line. George indicated CDOT intends to make sure that there is no net increase in emissions due to any changes that are made. A final report will be submitted to the AQCC in January 2001.

Brad Beckham, CDOT, added the intention is to divert traffic during construction of the Southeast Corridor, but not hold up the ozone maintenance plan. CDOT is looking at Park-n- Ride options and additional parking facilities for the Light Rail as replacement options for the HOV lanes.

Doug Lempke, AQCC, stated the Commissioners have expressed concern over this issue but are willing to consider options. Brad Beckham indicated that DRCOG has expressed concern since the HOV lanes were funded with CMAQ money.

Dennis Arfmann moved to approve the Ozone Maintenance Plan with the addition of a sunset clause indicating the plan would sunset when EPA revokes the one-hour standard. Seconded by Jim Scherer.

There was discussion on how EPA perceives sunset clauses in SIPs and maintenance plans. Ken Lloyd indicated that it is EPA's policy that maintenance plans stay in effect for ten years regardless of the status of the standard. Including a sunset clause in the proposed plan will likely jeopardize EPA's expedited parallel processing of the plan. Dennis Arfmann indicated a sunset clause would provide the State with a safeguard against citizen suits for transportation conformity once the standard is revoked. As an alternative, Ken Lloyd was suggested that a letter be submitted to EPA and AQCC along with the ozone maintenance plan pursuing the idea of a sunset clause. This would allow EPA to determine if such a sunset clause would interfere with the approvability of the plan before the AQCC adopts the final plan.

Dennis Arfmann withdrew his motion to add a sunset clause.

Dennis Arfmann moved to approve the Ozone Maintenance Plan, to send a letter to EPA and AQCC about sunsetting the transportation conformity aspect of the maintenance plan, and to work with CDOT and AQCC to notice the Ozone Maintenance Plan hearing so CDOT has the flexibility to include changes to the Sante Fe Drive HOV lanes. Seconded by Don Parsons. Motion passed without objection.

There being no further business before the Council, the meeting was adjourned at 5:15 p.m.