

MINUTES

REGIONAL AIR QUALITY COUNCIL

Thursday, June 1, 2006

RAQC MEMBERS/ALTERNATES PRESENT:

Jim Scherer, *CHAIRMAN*
Randy Ahrens, *City & County of Broomfield*
Theresa Donahue, *Citizen*
George Gerstle, *Colo. Dept. of Transportation*
Doug Lempke, *Colo. Dept. Public Health & Environment*
Sue Sandstrom, *City of Aurora*
Dave Sladek, *TheClayton Group*

RAQC MEMBERS NOT IN ATTENDANCE:

Dennis Arfmann, *Hogan and Hartson*
Dennis Ellis, *Colo. Dept. Public Health & Environment*
Tom Norton, *Colo. Dept. of Transportation*
Melanie Worley, *Douglas County/DRCOG*

OTHERS PRESENT:

Ken Lloyd, RAQC; Misty Howell, RAQC; Sara O'Keefe, RAQC; Sarah Schmitz, RAQC; Sarah Sullivan, RAQC; Steve McCannon, RAQC; Jim Brandon, ESP; Jeff May, DRCOG; Mike Silverstein, APCD; Cindy Allen, APCD and Shirleen Tucker, APCD.

The meeting was called to order at 3:17 p.m. by Chairman Jim Scherer. A quorum was present.

Approval of Agenda and Minutes

George Gerstle moved to approve the agenda. Seconded by Randy Ahrens. Motion passed.

George Gerstle moved to approve the minutes. Seconded by Dave Sladek. Motion passed with one abstention (Sue Sandstrom).

Informational Items

Chairman
None.

Executive Director
None.

Committees

None.

Members

None.

Public Comment and Discussion

None.

Update on Ozone Outreach Program

Sara O'Keefe reviewed the ozone outreach program for the 2006 season. The first alert was called today. She indicated that the number of paid advertising spots has decreased for this season, however, the bonus media spots have increased. Sara also indicated that a new component for this season is an ozone video that will be broadcast on the municipal "Metro Voices" program and on Comcast's "Metrobeat TV" as well as On-Demand.

Ozone Early Action Compact: Status of Oil and Gas Industry Issues

Issue: Compliance with EAC Ozone Action Plan Requirements

Cindy Allen, APCD staff, gave an overview of the Oil & Gas Industry's compliance with the EAC Ozone Action Plan Requirements for condensate tanks. She reviewed the requirements of Regulation No. 7, including the daily record keeping requirement. The APCD prepared a template spreadsheet and provided training for industry in early 2005.

Cindy explained that 26 of the 30 companies have reported information to the APCD and the remaining four are being investigated for applicability. The initial review of the records found that approximately 30 companies were not reporting condensate tank VOC emissions and were not in the APEN system. Enforcement action has commenced on 7 of the 30 companies, resulting in an increase of approximately 3 tpd in the 2005 condensate tank uncontrolled VOC emissions.

She stated the emission reduction as of May 1, 2006 is estimated to be approximately 45 percent based on industry reporting. Currently, 23 of 26 companies are compliant.

Issue: EAC Condensate VOC Flash Emissions

Cindy Allen, APCD, gave Council an overview of the condensate tank VOC flash emissions growth issue. The Oil & Gas industry has grown more rapidly than projected. The 2005 reported inventory from controlled and uncontrolled sources exceeds the 2007 projections. The controlled emissions in the Early Action Plan must be maintained (91TPD in 2007 & 100 TPD in 2012) for the Plan to remain in effect. The APCD is going to propose ratcheting up required emission reduction or propose a more stringent control program for condensate tanks. Cindy indicated that

a stakeholder process is currently underway to discuss options and a new rule will be proposed to the AQCC in August. The control program will likely encompass other sources from the oil and gas industry and may be applied State-wide.

Ken Lloyd stated the Oil & Gas industry wants the State to do additional modeling because they believe the condensate tank emissions are not a large source for ozone even though the tons per day (tpd) emissions are high. It is their contention that the condensate tank emissions are not as reactive as other sources that could be controlled.

The next Oil & Gas Stakeholder meeting will be June 8 for 10 am - 12 pm.

Mike Silverstein, APCD, updated Council on the status of a petition from Rocky Mountain Clean Air Action asking EPA to designate Denver as non-attainment. The APCD staff has been working with EPA on this issue.

Briefing on Requirements of HB 1302 Regarding Developing a Remote Sensing Emissions Testing Program

Ken Lloyd reviewed the components of HB 1302, which was signed into law by Governor Owens on May 25, 2006, which included:

- Remote Sensing Plan

Colorado Department of Public Health & Environment (CDPHE) and Envirotest are required to develop a plan for a phased increase in remote sensing by December 31, 2006. This plan will be subject to approval by the AQCC. It is likely there will be short-term (2007-08) and long-term (post 2008) components.

- Evaluation options for increasing vehicles passing Clean Screen criteria

APCD and Envirotest will evaluate options to increase the Clean Screen program and work with CDOT to identify locations for unmanned sites.

- Established a high-emitter program

CDPHE shall work with Envirotest to develop a program acceptable to EPA. The goal is to use "best effort: to eliminate the regular emissions testing program and replace it with a high emitter program. The AQCC shall establish measurement criteria.

- Establishes HE enforcement mechanism

Vehicles identified as high emitters must report for a confirmatory test within 30 days. Violators shall be fined \$100. If a vehicle remains out of compliance after 90 days, registration shall be administratively suspended until the owner provides proof of compliance and pays the fine.

- Establishes a registration-based fee

The AQCC shall establish a pay-upon-registration fee program and set a date to implement the program. Fees shall not exceed \$9.00 per registration. The contractor shall be paid for each inspection performed at a testing facility and for each unique vehicle tested by remote sensing.

- Establishes a process and date for terminating the program

The program terminates December 31, 2010 if the Commission finds the program to no longer needed to meet federal air quality standards. The AQCC may end the program sooner if the AQCC and the lead air quality planning agency agree that the program is no longer needed to meet air quality standards and transportation conformity requirements.

- Annual reporting to the General Assembly

Beginning July 1, 2007 and by October 15 each year thereafter, CDPHE and the contractor shall brief the Transportation Legislative Review Committee on cost effectiveness and provide a comparison of effectiveness of the high emitter program to other options.

- Allows a contract extension with Envirotech Systems Inc.

CDPHE may enter into a contract extension with the contractor to implement the requirements of HB1302. CDPHE and AQCC shall also consider a reduction in the fees charged.

Implementation issues that will need to be addressed include: fleet coverage and number of sites; reduction of false failure rate; feasibility of unmanned locations; coordination of Repair Your Air Campaign with implementation of high-emitter program; impact on the ozone Early Action Compact and EPA approval of high-emitter program.

Jim Brandon, ESP Systems, interjected that site placement is difficult and the contractor has to watch for saturation of data to maintain efficiency. He also gave the Council some information relating to increasing coverage. The contractor and APCD are working to resolve these issues.

Council directed staff to work with the APCD on the implementation of the high emitter program outlined in HB 1302.

Adjournment

There being no further business before the Council, the meeting was adjourned at 4:30 p.m. The next meeting will be on Thursday, August 3, 2006.