

# MINUTES

## REGIONAL AIR QUALITY COUNCIL

Thursday, September 6, 2007

### **RAQC MEMBERS/ALTERNATES PRESENT:**

Andy Spielman, Chairman, *Hogan and Hartson, LLP*  
Brad Beckham, *Colorado Department of Transportation (alternate)*  
Theresa Donahue, *Metro Denver Health & Wellness Commission*  
Mark Johnson, *Jefferson County Department of Health and Environment*  
Ben Manvel, *City of Fort Collins*  
Jim Martin, *Colorado Department Public Health and Environment*  
Jana Milford, *University of Colorado at Boulder*  
Nathan Rabinovich, *National Jewish Medical and Research Center*  
Joan Ringel, *Citizen Member*  
Nancy Severson, *Denver Department of Environmental Health*  
Melanie Worley, *Douglas County/DRCOG*

### **RAQC MEMBERS/ALTERNATES NOT IN ATTENDANCE:**

Russell George, *Colo. Dept. of Transportation*

### **OTHERS PRESENT:**

Ken Lloyd, RAQC; Misty Howell, RAQC; Sara O'Keefe, RAQC; Sarah Anderson, RAQC; Sarah Sullivan, RAQC; Steve McCannon, RAQC; Jerry Dilley, RAQC; Kerri Fiedler, EPA; Larry Volmert, Holland & Hart; Mike Silverstein, APCD; Paul Tourangeau, APCD; David Heller, DRCOG; Gary Magno, Xcel Energy; Doug Lempke, AQCC; Rick Griffith, Renee Allen, ESP; Phillip Schlagel, Anadarko; Pam Milmoie, Boulder County Public Health; Gail Hottman, CDOT; Karen Murphy, Carestream Health; Eric Ptersen, Kodak Colorado Division; Nathan Wheldon, Golder Associates; Paul Ludwig, Suncor Energy; John Jacus, Davis, Graham & Stubbs, LLP; Suzette Mallette, NFRMPO; Elise Snerva, Buckley Air Force Base; Cindy Allen, Enlane; Kevin Lynch, Environmental Defense; Zac Graves, CDOT; Patty Stulp and Doug Lempke, AQCC.

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The meeting was called to order at 3:07 p.m. by Chairman Andy Spielman. A quorum was present. Andy, introduced newly appointed Front Range RAQC member, Ben Manvel and welcomed Dr. Nathan Rabinovich. Board members introduced themselves to the new members.

### **Approval of Agenda and Minutes**

**Mark Johnson moved to approve the agenda. Seconded by Nancy Severson. Motion passed unanimously.**

**Jim Martin moved to approve the minutes. Seconded by Joan Ringel. Motion passed unanimously.**

## **Public Comment**

None.

## **Administrative Items**

### *Amended Articles of Incorporation*

Ken Lloyd reviewed the red-line version of the Amended Articles. He indicated the changes made were to make the Articles consistent with the Executive Order.

There was discussion on section 4.2 (c). Council agreed to add “members of the public” after local governments. Council also decided to remove “entire” from section 5.6, which now reads, “Any final policy actions shall be approved by the Board of Directors”.

**Jim Martin moved to approve the Amended Articles of Incorporation as outlined with the additional changes outlined above. Seconded by Mark Johnson. Motion passed unanimously.**

### *Proposed Amended Bylaws*

Ken Lloyd reviewed the proposed Amended Bylaws and explained that final action would be taken at the October meeting. Outlined changes were made so the Bylaws are consistent with the new Executive Order. The Council discussed specific sections as noted below.

- Section 2.9: Clarification on how a meeting is called by an individual director
- Section 2.15: Add “the most current” in reference to Roberts Rules of Order
- Section 2.22: The following language should be included “Subject to compliance with requirements of the Colorado Sunshine Law, § 24-6-401 & 402 C.R.S, any action...”
- Section 2.23: Add “for the upcoming fiscal year”
- Section 3.5: Council discussed increasing the contract amount requiring Board approval from \$5,000 to \$15,000. Council agreed to change it to \$15,000.
- Section 9.4: Council found the language confusing and asked that staff seek legal review to ensure the proper language is included. Jim Martin offered that legal staff at CDPHE might be able to review the language.

### *Proposed Amended Bylaws for the RAQC Clean Air Fund*

Council recommended that CDPHE legal staff review these bylaws as recommended with the RAQC bylaws.

### *Review of Lease Space*

Ken Lloyd reviewed the memo regarding the negotiated lease for the current office space.

**Mark Johnson moved to authorize Ken Lloyd to sign a new lease as outlined. Seconded by Theresa Donahue. Motion passed unanimously.**

### *Audit of 2006 Financial Statements*

Staff presented the Audit of the 2006 Financial Statements. Ken Lloyd suggested it would be best to discuss the financial statements once the Board has the opportunity to discuss the RAQC's budget, funding sources and financial operations.

### **Plans for Developing Ozone SIP and Additional Control Strategies**

#### *Proposed Approach for Conducting Photochemical Dispersion Modeling*

Jerry Dilley presented the guidance, modeling protocols, and the proposed schedule for the photochemical modeling. He outlined the proposed base year (2006); meteorological model and data requirements; proposed meteorological modeling domain; proposed emissions models and data requirements; and proposed photochemical model and data requirements.

RAQC and APCD staffs recommend extension of the RAQC's previous contract with ENVIRON International Corporation and Alpine Geophysics (ENVIRON/Alpine). ENVIRON/Alpine was previously selected through a competitive process. Jerry Dilley outlined the reasons for the recommendation, which included the extremely short timeframe; saves two months over a new RFP alternative; photochemical modeling will be more complex, requiring more time to complete; ENVIRON/Alpine are highly qualified firms; Environ/Alpine can build upon earlier work and working relationships from previous EAC modeling work; and ENVIRON/Alpine can utilize work completed for WRAP and other western states.

The next steps include securing funding, approximately \$400,000 total needed. CDOT has committed \$100,000 and a contract amendment is in process. Staff recommends negotiating contract extension and scope of work with ENVIRON/Alpine and beginning the modeling process with the \$100,000 funding from CDOT.

Paul Tourangeau, APCD, reiterated the APCD's endorsement of the RAQC extending the contract with ENVIRON/Alpine given the time constraints for completing the Ozone SIP.

Council discussed funding, how the scope of work would be developed and whether ENVIRON/Alpine could meet the tight schedules.

Ken Lloyd asked the Council for approval to move forward with contracting with ENVIRON/Alpine and begin the modeling tasks that can be completed with the \$100,000 from CDOT. The entire scope of work for the modeling would be presented to the Council for approval once it is complete.

Jerry Dilley indicated that when the RAQC did the original RFP, there were two responses and both companies used the same technology for modeling. The technical staff at the APCD found that most of the consultants use Environ's models and many are trained by Environ.

There was discussion regarding how the scope of work would be developed and how costs would be determined. Environ will be asked to provide costs for specific tasks, without knowing the estimated budget and RAQC and APCD staff will work to find funding for the additional tasks.

Council also discussed the importance of the modeling being an effective investment for future use. Ken Lloyd stated the infrastructure to transfer the modeling capabilities to the ACPD would be developed.

**Mark Johnson moved to authorize staff to negotiate with ENVIRON/Alpine for the ozone modeling and to authorize a task order for modeling tasks up to \$100,000. Melanie Worley seconded. Motion passed unanimously.**

*Proposed Organization of Stakeholder Process for Developing the Ozone SIP and Considering Additional Control Strategies*

Sara O'Keefe presented recommendations for the ozone stakeholder process. She provided a history of the RAQC's stakeholder involvement process.

Sara outlined the recommended format for the upcoming ozone process, which includes

- monthly meetings beginning in early October;
- chaired by a RAQC Board member, with a lead staff member coordinating agendas, communication and other logistical items; and
- agendas developed in coordination with the APCD and input from stakeholders.

RAQC and APCD staff will be working closely with the North Front Range MPO staff to coordinate meeting dates, times and locations, to coordinate updates to County Commissioners and other North Front Range interested parties to assure their participation in the process.

Joan Ringel has agreed to chair the stakeholder committee. The proposed date and location for the "kickoff" stakeholder meeting is October 3 in either Longmont or Thornton.

Sara O'Keefe distributed a draft memo announcing the Ozone Stakeholder Committee meeting and asked Council to provide comments.

It was suggested that the Council set monthly goals for the Ozone Stakeholder Committee. Staff is also working to get additional stakeholders, such as home owner associations, involved.

There was discussion on how short-term, long-term and voluntary actions would fit into the process. The committee should keep an open mind to both regulatory and voluntary strategies.

**Theresa Donahue moved to approve the Ozone Stakeholder Committee process as outlined. Seconded by Nancy Severson. Motion passed unanimously.**

*Preliminary Discussion of Potential Ozone Control Strategies*

Ken Lloyd presented an overview of ozone control strategies. He reviewed emission inventory trends and source categories for volatile organic compounds (VOC) and nitrogen oxides (NOx). Ken also provided information on the relative effectiveness of VOC versus NOx controls. Ken outlined the ozone strategies that have been implemented since 2004, current 2008 plans, current federal programs, and categorized control strategy options.

The next steps in the process include seeking additional suggestions from stakeholders, discuss strategies at stakeholder meetings, focus the list of strategies, categorize strategies by implementation timeframes, analyze strategies, identify strategies that can be implemented for 2008 season, and identify strategies for consideration in the attainment SIP.

There was discussion on how the strategies would be used with the modeling, whether strategies would be weighted based on other environmental benefits, and the relative effectiveness of VOC and NOx strategies.

### **Repair Your Air Campaign and Development of a High-Emitter Program**

Postponed until October meeting.

### **Adjournment**

Andy Spielman recommended the following items for inclusion on the October agenda:

- Ozone Stakeholder update
- Modeling effort update
- Election of Vice Chair
- Administrative items
- Repair Your Air Campaign presentation

It was suggested the Administrative items be handled at the end of the meeting.

Jim Martin reminded Council of the Special Meeting on September 20, when the Council will receive a presentation by California Resources Board staff and California Governor Schwarzenegger's staff on California mobile source emissions programs including the CAL LEV II tailpipe emissions standards, the CO<sub>2</sub> tailpipe emissions standards outlined in AB 1493 and the Low Carbon Fuel Standard being developed.

Ken Lloyd suggested a diesel retrofit update for the November meeting.

There being no further business before the Council, the meeting was adjourned at 5:40 p.m.