

MINUTES

REGIONAL AIR QUALITY COUNCIL

Monday, August 11, 2008

RAQC MEMBERS/ALTERNATES PRESENT:

Andy Spielman, *Chairman, Hogan and Hartson, LLP*
Zac Graves, *Colorado. Department of Transportation (alternate for Russell George)*
Theresa Donahue, *Smart Energy Living Alliance*
Ben Manvel, *City of Fort Collins*
Jim Martin, *Colorado. Department Public Health and Environment*
Joan Ringel, *Citizen Member*
Nancy Severson, *Denver Department of Environmental Health*

RAQC MEMBERS/ALTERNATES NOT IN ATTENDANCE:

Mark Johnson, *Jefferson County Department of Health and Environment*
Jana Milford, *University of Colorado at Boulder*
Nathan Rabinovich, *National Jewish Medical and Research Center*
Melanie Worley, *Douglas County/DRCOG*

RAQC STAFF PRESENT:

Ken Lloyd; Jerry Dilley; Sandi Garcia; Misty Howell; Steve McCannon; Trevor Noel; Kate Riegler

OTHERS PRESENT:

Janell Barrilleaux, DIA; Korby Bracken, Anadarko; Kevin Briggs, APCD; Dennis Creamer; Margy Christiansen, Christiansen Corporate Resources; Kerri Fiedler, EPA; Abby Gaffney, Davis, Graham & Stubbs; Gail Hoffman, CDOT; John Jacus, Davis Graham & Stubbs; Kristen King, CDPHE Doug Lempke, CDPHE; Brian Lockard, Noble Energy; Chuck Machovec, APCD; Dennis McNally, Alpine Geophysics; Pam Milmoie, Boulder County Department of Health; Karen Murphy, Corestream Health Inc.; Jeremy Nichols, Rocky Mountain Clean Air Action; Jim Sanderson, RCA; Ted Orf, Coal; Maggie Scher, Air Basic Phil Schlagel, Anadarko; Jake Schwarz, CSMS; Jim Shaw, Wagner Equipment; Jon Slutsky, AQCC; Don Stedman; Natalia Swalnick, American Lung Association; Craig Tessmer, Adams County; Rose Waldman, APCD; Dale Wells, APCD; Sabrina Williams, Denver Environmental Health; Ken Wonstolen, COGA.

The meeting was called to order at 3:10 p.m. by Chairman Andy Spielman. A quorum was present.

Approval of Agenda and Minutes

Theresa Donahue moved to approve the agenda. Seconded by Joan Ringel. Motion passed without objection.

Jim Martin moved to approve the minutes. Seconded by Theresa Donahue. Motion passed without objection.

Informational Items

Chairman

Andy Spielman reminded Council of the upcoming public meetings on Thursday, August 14 at the Aurora Public Library and Tuesday, August 19 at the Westminster College Hill Library. He encouraged Council to attend one of the meetings.

Executive Director

Ken Lloyd reviewed the ozone alert days and days greater than 75 ppb, 80 ppb and 84 ppb chart so far this summer. To date, there have been 13 days above 75 ppb, 4 days above 80 ppb, and 1 day above 84 ppb. Ken said this is about one half of the number of days recorded in previous years.

Committees

None.

Members

Theresa Donahue informed Council that she is now the Executive Director of Smart Energy Living Alliance, which is dedicated to educating consumers to make smart energy decisions and to train professions to help consumers.

Public Comment

None.

Ozone Source Apportionment Analysis

Mike Silverstein, APCD, provided a modeling perspective for Council. He explained that source apportionment is designed to inform what and how sources contribute to the pollution. He said the results of source apportionment are directional and asked Council to not focus on specific numbers but instead view the results in a larger context. He also said that transport is a very significant contributor to ozone which means there is only a small portion that we have direct control over. He stated that once background is factored out, it becomes clear that the monitors are affected by sources in near proximity.

Dennis McNally, Alpine Geophysics, presented the results of the source apportionment analysis. He explained the utility of the APCA source apportionment is fundamentally constrained by the adequacy and fidelity of the base case model performance, the quality of the future year baseline emissions inventories and the meteorological regimes simulated. He said the non-linear nature of the chemical interactions between emissions from different source groupings renders the results approximate. He indicated that as soon as the future emission inventory is perturbed, the source-receptor relationships begin to change.

Dennis McNally provided the preliminary conclusions which include that transport (air from outside the area) dominates other contributions; contributions vary day by day; monitors in Metro Denver are primarily influenced by motor vehicles and non-road sources; the Fort Collin/Greeley primary contribution is from Larimer/Weld county motor vehicles, non-road and oil and gas; and there are very small contributions from area sources. He informed Council that an electronic appendix will be made available for the source apportionment.

Public Comment

Dave Heller, DRCOG, asked if boundary conditions were synonymous with transport conditions. Dennis McNally said it a matter of scale. The transport contribution indicates that ozone is a regional issue.

Don Stedman, representing Suncor, stated the modeling comes up short and underreports contributions due to inadequate inventories.

Sabrina Williams, Denver Environmental Health, said underestimating of the emission inventories may speak to a larger localize impact on ozone formation that is not being shown in the source apportionment.

Nancy Severson asked if there is a solution to underestimating mobile source emissions in the modeling and the inventories. Dennis stated that unless the cause of the underestimating is understood, any adjustment to the model could lead to more uncertainty in the control strategies.

John Jacus, Davis, Graham and Stubbs, asked for clarification as to why the model run results and the observed results differed. Dennis explained the 2010 data are projected.

Curtis Reuter, Noble Energy, asked if the source apportionment separates sources by pollutant. Dennis McNally said the Appendix being prepared to accompany the source apportionment will address sources by pollutant.

Discussion of Draft Ozone Action Plan and State Implementation Plan

Ken Lloyd informed Council that the draft document has two sections. The first section entitled Overview is a summary of the overall Ozone Plan, which is not part of the SIP, but is included for public information. The second section is the legal document for the SIP. He explained that the rule language changes which implement the strategies are attached to the SIP.

Ken informed Council that public comment will be taken on the plan at two public meetings as well as the August 20 Board meeting. Final changes will be made prior to the September 8 meeting where Council will approve the document for proposal to the AQCC.

Ben Manvel reported that North Front Range MPO Council discussed the Ozone Plan at its August 7 meeting. He stated they received comments that there was not enough information being provided to make a decision. The North Front Range MPO has committed to consider the Ozone Plan and Inspection and Maintenance program at its next meeting on September 4.

Council discussed how the recommendation from the North Front Range MPO will be incorporated into the Ozone Plan given the tight timeframe between their meeting on September 4

and the RAQC meeting on September 8. Discussion included whether the RAQC had the authority to include programs outside the seven-county metro Denver area. Ken Lloyd reminded Council that the Governor gave the RAQC the direction to submit a plan for the ozone non-attainment area.

It was suggested that the draft document indicate that it has not yet been endorsed by the RAQC, AQCC, or North Front Range MPO but is a draft for public comment.

Council reviewed comments provided by Jana Milford on the document, which were offered via email in her absence. She suggested that some brief background information about the health effects and formation mechanisms of ozone be included in both of documents. Council agreed the language on health effects and ozone formation would be included in the Ozone Action Plan, but should not be included in the SIP document because EPA does not need it. Council concurred that language could be added, as noted in suggestions 2-9, to the Ozone Action Plan and/or SIP document to further clarify the document where appropriate. Council asked staff for a redline version of the document to help them determine the changes in the document at the August 20 meeting.

In her email, Jana Milford urged Council to consider recommending that contingency measures be included in the SIP, even though they are not required (see p. I-2 of the Attainment Plan document). Additionally, she asked Council to consider including a "Commitment" in the Attainment Plan document to expeditiously complete evaluation of and where appropriate pursue the SIP amendment strategies that have been discussed. She suggested this could be included on p. V-9, following the commitment to periodically revisit growth assumptions.

In response to these requests, Ken Lloyd indicated Colorado State statute prohibits measures that are not required by the Federal Clean Air Act to be adopted in a SIP. He said contingency measures could be problematic since they explicitly are not required in an area designated a marginal area. Under the ozone structure of the Clean Air Act, if an area failed to meet the standard, EPA would redesignate it to the next level, which would require that additional measures be put in place as part of a new plan.

Nancy Severson believes that including contingency measures would help drive the planning process forward.

Jim Martin said the State and the RAQC have made a real and genuine commitment to look at the fuels issue and large NO_x sources. He thought adding language to the Ozone Plan portion of the document outlining commitment to look at these strategies is a good idea to help the public understand where the Council is heading, but it should not be included in the SIP. In addition, he does not think contingency measures could not be included in the SIP because, at this time, there is not specific detail on what the measures would include. There is considerable more work to be done to analyze these additional measures. He also said the State does not want to be in a position where EPA is managing its air program. This task should be left to the Regional Air Quality Council, Air Quality Control Commission and the State Legislature to maintain local control. Ken Lloyd said staff would beef up the commitment to address the additional measures in the Ozone Action Plan.

Theresa Donahue requested more information on what measures would be automatic if the area becomes non-compliant with the standard. Ken Lloyd said he would provide that information to

Council. She also asked that cost information on strategies be included for public comment. Ken said the cost analysis is part of the regulatory package. The APCD is required to complete an economic impact analysis when recommending regulation changes. Mike Silverstein, APCD, said that analysis is underway and should be complete by the end of August.

Public Comment

Pam Milmoie, Boulder County Public Health, said the document is helpful and supports the clarification and time frames noted by Jana Milford's comments. She asked if the North Front Range I/M program would need approval from the legislature since it is a State-only program. Ken Lloyd clarified that the legislature needs to take action to increase the program area in the North Front Range. This could be done next legislative session. She also stated the Local Government Coalition has been discussing contingency measures and thinks there is a benefit to including them.

Jeremy Nichols, Rocky Mountain Clean Air Action, distributed a memo to Council which addressed concerns about the motor vehicle emission budgets. Rocky Mountain Clean Air Action strongly recommends the emissions budgets be strengthened by 20 percent or more and encourage Council to discuss the options outlined in his memo.

Council discussed the memo from Jeremy Nichols. It was noted that changing emissions budgets has a direct affect on conformity findings. Council decided they needed additional information on conformity before making any decision.

Steve Rudy, Director of Transportation Planning, Denver Regional Council of Governments (DRCOG), encouraged Council to continue with the use of the sub-regional budgets. He informed Council that DRCOG processes amendments to its regional plan, by conducting a conformity demonstration analysis twice a year. The North Front Range MPO does not process amendments; however they are required to adopt a new plan, which includes a conformity demonstration analysis, every four years. He said moving from the sub-regional budgets would require significantly more work and cost for the North Front Range with little value.

In response to Jeremy Nichols suggestion, Steve Rudy said the scenario work referenced used an imprecise science, but was useful to inform decision makers. He stated that this is a very contentious issue with local governments. He urged the Council to not accept the recommendation to lower the emission budgets. He said that if the emission budgets were lowered by 20 percent DRCOG would not find conformity and that would have an adverse affect on transportation funding for the region.

Andy Spielman asked if Council could get a presentation on conformity at the August 20 meeting to help them make an informed decision. Ken suggested starting the meeting at 2:30 in order to include the conformity presentation.

John Jacus, Davis Graham and Stubbs, stated his clients are hoping to have written comments on the source apportionment to the Council by Monday. He suggested the Council have a stakeholder meeting to discuss the source apportionment.

Jim Brandon, ESP, stated an enhanced Inspection and Maintenance program could be up and running in the North Front Range by 2009 if the AQCC had authority to expand the program

beyond the old area. He said if the purpose of the program is to clean air and get credit in the SIP then an enhanced program would do that. Ben Manvel indicated that the North Front Range MPO Council members need detailed information to make an informed decision. He asked Mr. Brandon to provide data showing failure rates by class of vehicle and pollution produced by each group. Jim Brandon indicated he would work to get some information for Ben.

Council discussed the information to be presented at the two public meetings. Ken Lloyd stated there will be a background presentation and then staff and Board members will listen to comments and staff will tabulate comments. The meetings have been announced on the websites, media alerts to the small papers and notice was placed in the Denver Post. It was suggested that the Ozone Action Plan overview section of the document be provided at the public meetings.

Council decided to not receive the presentation on the Weight of Evidence due to time. A hard copy of the presentation was distributed and council will discuss questions at the August 20 meeting.

Informational Items

Members

Jim Martin announced he attended an event in Pueblo celebrating the fact that all 100 buses in the Pueblo school districts have been retrofitted with pollution equipment. He thanked Steve McCannon for his work on the project.

Adjournment

There being no further business before the Council, the meeting was adjourned at 5:25 p.m.