

MINUTES

REGIONAL AIR QUALITY COUNCIL

Thursday, November 6 2008

RAQC MEMBERS/ALTERNATES PRESENT:

Andy Spielman, *Chairman, Hogan and Hartson, LLP*
Brad Beckham, *Colorado Department of Transportation (alternate for Russell George)*
Theresa Donahue, *Smart Energy Living Alliance*
Mark Johnson, *Jefferson County Department of Health and Environment*
Ben Manvel, *City of Fort Collins*
Jim Martin, *Colorado Department Public Health and Environment*
Nathan Rabinovich, *National Jewish Health*
Nancy Severson, *Denver Department of Environmental Health*

RAQC MEMBERS/ALTERNATES NOT PRESENT:

Jana Milford, *University of Colorado at Boulder*
Joan Ringel, *Citizen Member*
Melanie Worley, *Douglas County/DRCOG*

RAQC STAFF PRESENT:

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

OTHERS PRESENT:

Jim Brandon, ESP; Margy Christiansen, RAQC; Steve Cook, DRCOG; Kerri Fielder, EPA; Zac Graves, CDOT; Doug Lempke, CDPHE; Paul Ludwig, Suncor Energy; Pam Milmoie, Boulder County Department of Health; Jeff Schwarz, DSMB; Jim Shaw, Wagner Equipment; Mike Silverstein, APCD; Natalia Swalnick, American Lung Association; Paul Tourangeau, ACPD; Eric Triplot, Faegre & Benson; Sabrina Williams, Denver Environmental Health;

The meeting was called to order at 3:05 p.m. by Chairman Andy Spielman. A quorum was present. Andy requested the line item VI be the first item on the agenda. Council agreed.

Presentation of Suncor Energy's Voluntary Contribution to Support Short-term Initiatives to Reduce Ozone

Steve Douglas, General Manager and Paul Ludwig, Manager of Government and Stakeholder Relations, from Suncor Energy presented the RAQC a \$500,000 check to support the RAQC's ozone reduction initiatives, including the Repair Your Air Campaign, Let's Take Care of Our Summer Air program and Mow Down Pollution program. Mr. Douglas said as a producer of gasoline in Colorado it is in Suncor's interest to mitigate the impact of the combustion of gasoline on air quality.

Ken Lloyd provided Council with an overview of how the funds will be distributed to these programs. He indicated RAQC staff worked with Suncor staff to determine the distribution of the funds.

Mark Johnson moved to accept the funds and the allocation distribution as presented. Seconded by Ben Manvel. Motion passed without objection.

Andy Spielman thanked Suncor for the financial support of the ozone reduction initiatives as well as their participation in the ozone stakeholder process.

Approval of Agenda and Minutes

Mark Johnson moved to approve the agenda with item VI moved to the top of the agenda. Seconded by Theresa Donahue. Motion passed without objection.

Ben Manvel moved to approve the minutes. Seconded by Mark Johnson. Motion passed without objection.

Informational Items

Chairman

None.

Executive Director

Ken Lloyd announced that Sandi Garcia is leaving the RAQC. She has returned to the Kempe Foundation as Director of Communications.

Committees

None.

Members

Brad Beckham announced that CDOT has scheduled its annual transportation conference for December 9, 2008. The topic is "Greening the Transportation Network". He indicated there will be an Air Quality Panel, on which Ken Lloyd has agreed to participate. He told Council they could register on-line if they wanted to attend.

Jim Martin indicated that the Governor has extended the RAQC's Executive Order through December 31, 2008. The Governor has asked him to review the RAQC's mission and direction and to make recommendations for any adjustments to the RAQC's structure by the end of December. Jim indicated the expectation is that the Governor will extend the RAQC before the end of the year and that there will not be an interruption in business. Jim said he is planning to meet with each Board member before making any recommendations to the Governor.

Public Comment

None.

2009 Summer Ozone Public Awareness and Outreach Program

Sandi Garcia presented the Council with an overview of the 2009 Summer Ozone Public Awareness and Outreach Program. She outlined the new components of the program, which include a kick-off workshop, expanded business and local government outreach and assistance, and a large Denver "Mow Down Pollution" event. She said there is approximately \$725,000 from various funding sources to implement the 2009 outreach program.

There was discussion on the type of analysis that will be included in the 2009 program. Sandi noted, based on feedback from television stations and on-line hits, people are starting to get the messages.

Theresa Donahue moved to approve the 2009 Ozone Public Awareness and Outreach Program as presented. Seconded by Mark Johnson. Motion passed without objection.

Update on Air Quality Control Commission Process for Considering the Proposed Ozone Action Plan

Ken Lloyd provided Council with a summary of issues raised by parties in the AQCC rulemaking hearing process. He said many of the issues were the same issues raised during the stakeholder process. He highlighted some of the key issues raised.

Council's discussion included whether the North Front Range Inspection and Maintenance program could be implemented earlier. Ken said there needs to be discussion on when approvals to expand the program into the NFR can be realistically expected.

The APCD proposed alternate plan, at the direction of the AQCC, which will remove measures from the SIP and retain them as State-only measures. Jim Martin indicated this would allow the AQCC to adopt the SIP and implement all the measures proposed by the RAQC without violating state statute. Ken Lloyd said that the AQCC is seeking counsel from the Attorney General's office on this issue. Jim suggested Council encourage the APCD and RAQC staff, through their pre-hearing statements, to recommend the AQCC include as many of the provisions as possible without risking a legal action. Ken also noted that by including the measures there is greater confidence that EPA would approve the plan.

Ken said he expects to see an alternate proposal from the Oil and Gas industry supporting maintaining the system-wide approach instead of changing to a threshold approach.

Theresa Donahue recommended Council support its original recommendations in the RAQC's Prehearing Statement with Jim's language encouraging the AQCC to keep as many controls in the SIP as feasible. Council concurred.

Andy asked Council how they wanted to provide direction for the rebuttal statement. Theresa Donahue suggested Council receive a summary of issues discussed at the Prehearing Conference. Comments could then be submitted to staff for the rebuttal statement. Council decided to try to schedule a meeting on November 21 to discuss the rebuttal statement.

Public Comment

Jim Brandon, Envirotest Systems, stated he believes the North Front Range Inspection and Maintenance program could be implemented by 2010. The contractor and the State have learned lessons from the implementation of the Denver program that will expedite implementation.

Mike Silverstein, APCD, indicated the APCD is evaluating whether the North Front Range Inspection and Maintenance program could be implemented earlier. At this time, they believe it is unlikely to be 2010 due to contracting requirements.

Paul Tourangeau, APCD, said the implementation date for a regulatory program does not prohibit Envirotest from beginning operations in 2010.

Adjournment

There being no further business before the Council, the meeting was adjourned at 4:35 p.m.