

MINUTES

REGIONAL AIR QUALITY COUNCIL

Thursday, January 10, 2008

RAQC MEMBERS/ALTERNATES PRESENT:

Andy Spielman, Chairman, *Hogan and Hartson, LLP*
Brad Beckham, *Colorado Department of Transportation (alternate for George Russell)*
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*
Joan Ringel, *Citizen Member*
Nathan Rabinovich, *National Jewish Medical and Research Center*
Nancy Severson, *Denver Department of Environmental Health*
Melanie Worley, *Douglas County/DRCOG*

OTHERS PRESENT:

Ken Lloyd, RAQC; Misty Howell, RAQC; Sara O'Keefe, RAQC; Steve McCannon, RAQC; Jerry Dilley, RAQC; Margy Christensen, RAQC; Paul Tourangeau, APCD; Gary Kaufman, APCD; Mike Silverstein, APCD; Sarah Anderson, ASA; Rick Griffith; Pam Milmoie, Boulder County Public Health; Kevin Lynch, Environmental Defense; Rebecca Cales, Transportation Solutions; Phil Schlagel, Anadarko; Carly Gilbert, Environmental Defense; Zac Graves, CDOT; Jay Christopher, Suncor Energy; Jeremy Nicols, Rocky Mountain Clean Air Action; Dennis Creamer, Citizen; Rich Muzzy, Pikes Peak Area Council of Governments; Richard Waters, Anadarko; Sherry Bursey, Davis Graham & Stubs; Steve Imig, Faegre & Benson; Grier Bailey, CWPMA; Mark Larson, CWPMA; Martha Hyder, WREG; Gwin Johnston, Johnston Wells Public Relations; Darby Doll, Johnston Wells Public Relations; Jeff Schwarz; Nancy Burke, CADA; Pam Ludy, Suncor Energy; Sabrina Williams, Denver Environmental Health; Gale Biggs, IES; Tim Jackson, Colorado Auto Dealers Association; Mark McMillan, CDPHE; Julio Iturreria, Arapahoe County; Sherrie Swadburg, Mothers for Clean Air Colorado; Cindy Allen, EnCana Oil & Gas; Gail Hoffman, CDOT; Nelson Ferguson, Suncor; Scott Mason, EnCana Oil & Gas; Janell Barrilleaux, DIA; Kristen Gray, IES; Renee Allen, ESP; Suzette Mallette, North Front Range Management Planning Organization; Cindy Cody, EPA; Betsy Bartholomew, Launch Advertising; Donnie Seyfer, Old Car Council; and Stan Dempsey, Colorado Petroleum Association.

The meeting was called to order at 2:10p.m. by Chairman Andy Spielman. A quorum was present.

Approval of Agenda and Minutes

Nancy Severson moved to approve the agenda. Seconded by Jim Martin. Motion passed unanimously.

Nancy Severson moved to approve the minutes. Seconded by Ben Manvel. Motion passed unanimously.

Informational Items

Executive Director

Ken Lloyd said a few words in remembrance of John Parr and his family, who were killed in a car accident in Wyoming before Christmas.

Committees

Sara O'Keefe updated Council on the ozone stakeholder meetings. She stated there have been over 400 attendees at the 8 meetings in 2007 and more than 4,000 visitors to ozoneaware.org.

She informed Council that staff is working to organize a joint meeting with the North Front Range Metropolitan Planning Organization (NFRMPO) for March 6.

Chairman

Andy Spielman provided Council with information regarding the Commuting Options and Air Quality Conference co-sponsored by the Denver Business Journal, DRCOG, RTD and the RAQC. Andy and Nathan Rabinovich will be speaking at the conference. Andy encouraged Council to attend on February 6, 2008 from 7:30 a.m. to 1:00 p.m.

Members

None.

Public Comment

Sherrie Swadburg, resident of Golden and member of Mothers for Clean Air Colorado, spoke to the Council regarding advocating air quality policies that focus on children and schools. She provided information on California and Georgia programs that she believes would be useful for Colorado. She said she is looking for ways to get officials and planners to recognize the health issues associated with building schools next to highways and high traffic roads. Nathan Rabinovich indicated National Jewish is conducting a study on asthma and schools located on the I-25 corridor.

Mark Larson, Petroleum Marketers Association, stated that his association represents 80 percent of marketers in Colorado and outlined the voluntary measures that members have committed to in previous years. He said that members of the association will continue to promote refueling after 5:00 pm, stopping at the click, maintaining vehicles, and tightening gas caps.

Gale Biggs, citizen and board member of the Institute for Environmental Solutions, and Kristen Gray, Institute for Environmental Solutions, provided Council with information on how trees affect ozone. Mr. Biggs stated the information could be used as guidance for developers and municipalities during landscaping planning. He also suggested that a tree maintenance program

be considered as a short-term option for ozone reduction. There was discussion on the air quality benefits and water consumption trade-off regarding tree planting.

Jay Christopher, Suncor, stated his company provides 32 percent of the gasoline in the metro area with 34 retail stations. He indicated Suncor supports the Governor's climate plan and is a sponsor of the Tree by Tree program as well as participates in other community investment activities. Suncor currently follows EPA's Leak Detection and Repair (LDAR) program requirements and has future plans to use infrared cameras to help find leaks. Suncor supports the RAQC's public outreach efforts. Mr. Christopher suggested the RAQC and APCD work with the oil companies under an Memorandum of Understanding (MOU) to come to agreement on the RVP levels and other voluntary measures to assure no one company become uncompetitive. He further suggested a 30-60 day process to work on short-term fuels options before the Council makes any recommendations for mandatory measures. He clarified that competitive issues can be discussed with the RAQC and APCD staff on an individual basis without violating anti-trust laws. Ken Lloyd indicated that staff has already begun these discussions and is working to meet with all companies.

Stan Dempsey, Petroleum Marketers Association, stated his members are committed to working with the RAQC and he has encouraged his members to have discussions with the RAQC and APCD staff.

Tim Jackson and Nancy Burke from the Colorado Metro Auto Dealers Association expressed their interest in the issues before the RAQC and want to help find solutions. Mr. Jackson provided Council with information on the types of cars purchased in Colorado. He indicated that while car manufacturers are selling cleaner cars, there is still a need to educate consumers on hybrids and flex-fuel vehicles. Mr. Jackson also told Council that his association has started a 501(C)(3) foundation with the purpose of removing high emitting vehicles from the market by accepting donations and recycling the vehicles. They are planning to start the program in the next few months.

Discussion of Potential Additional Ozone Control Measures for the 2008 Ozone Season

Ken Lloyd provided an overview of the additional measures provided by Council members after the December meeting. He distributed a new document that categorized the Board-endorsed measures as well as the potential additional new measures. The focus of the discussion was the additional strategies for the Council to consider, which were broken in the following categories: new regulatory measures, voluntary measures (implemented and funded by others), and voluntary measures (those that have no funding commitments).

There was discussion on the collector vehicle requirements. There is a small initial short-term benefit. It was suggested that staff start discussions with collector organizations to investigate options.

Paul Tourangeau, APCD, provided additional information on green completions. He stated that the Department of Natural Resources under House Bill 08-1341 may address green completion requirements. Jim Martin indicated that if the Oil and Gas Conservation Commission does not take action regarding green completions through HB 08-1341 process the AQCC would likely look at it. It was suggested that APCD and RAQC staff work with the oil and gas industry to gather information on this issue for later discussion. Theresa Donahue stated the Council should go on

the record as encouraging the State to continue to explore options and move forward as quickly as possible.

Paul Tourangeau provided information on the Federal Clean Air Act administrative requirements for Leak Detection and Repair of Fugitive Leaks. He indicated that a mandatory expansion of the program would require a significant increase in resources and record keeping.

Council discussed prioritizing options for evaluation based on largest to smallest benefit.

Public Comment

Council took additional public comment.

Pam Milmoie, Boulder County Public Health and a member of the Coalition of Local Governments and Environmental Groups, stated the Coalition believe discussion of mandatory trip reduction program, LDAR and Green Completions have the most merit. They would also like to see mandatory reporting rather than voluntary.

Council inquired about the requirements needed for a mandatory trip reduction program. Jim Martin stated it would be beneficial for the Coalition to provide additional background on how this type of program works, statutory requirements for a mandatory program, and how credit would be received in the SIP. Ken Lloyd noted that the Utah program referenced as a model program in the Coalition's white paper applied only to the public sector and not private companies.

Scott Mason, EnCana Oil & Gas, stated EnCana participates in the Environmental Protection Agency's Natural Gas Star program and has received recognition for their voluntary actions. He said the economics support using green completions and leak detection and does not believe it is necessary to make them mandatory. He suggested the Council work with the industry to encourage the voluntary measures.

Phil Schlagel, Anadarko, stated his company has been proactive to evaluate its operations. In 2005 they conducted a study of 5-7 wells which looked at new completions, re-completions and workovers. Volumes, flowback times and VOC emissions were metered and as a result Anadarko drastically reduced the flowback periods to a few hours. Anadarko uses best management practices with respect to flowback time to minimize the effect on the environment. He also informed Council that in 2007 they began using infrared cameras to detect leaks. He noted a reporting issue with the use of the cameras is how to quantify the information.

Discussion

Jana Milford recommended adding the collector vehicle requirements to the list, requested that staff provide detailed information on an expanded I/M program to the North Front Range at the March meeting with the North Front Range MPO, asked for an update on green completion and LDAR status when emissions data are available, and recommended seeking support and additional funding for expanding the voluntary high-emitter efforts to the North Front Range.

Theresa Donahue indicated the RAQC should encourage the State and industry to look at voluntary efforts regarding green completions and LDAR efforts. She also suggested working with other groups to develop a model idling ordinance.

Jim Martin wanted to be more general and recommended that Council continue information gathering and discussion on the model ordinance approach, whether it is an ordinance or statute. He would also like more information about what a mandatory or voluntary trip reduction program might look like. These items should receive further attention going forward.

Andy Spielman asked Jana Milford to make her recommendations in the form of a motion, along with additional actions discussed.

Jana Milford moved to add the collector vehicle requirements to the list; to direct staff to provide detailed information on an expanded I/M program to the North Front Range at the March meeting with the North Front Range MPO; to update Council on green completion and LDAR status when emissions data are available and encourage the State and industry to look at voluntary efforts; and to seek support for expanding the voluntary high-emitter efforts to the North Front Range. The Council should also continue to gather additional information on trip reduction programs and idling options, whether voluntary or mandatory. Seconded by Joan Ringel. Motion passed unanimously.

2008 Work Program and Budget

Andy Spielman suggested a one month continuing resolution for the budget discussion.

Jim Martin noted one section of the work program regarding legislative involvement. He stated that in the past it has been beneficial for Council to weigh in on legislation when appropriate and he would like to see the RAQC take a more active role. Council will continue discussion on their role with legislative issue at the February meeting. Ken Lloyd confirmed that Council gave staff authorization to get involved with legislation, if necessary, in the interim.

Theresa Donahue moved to continue the discussion of the budget and work program until February. Seconded by Nancy Severson. Motion passed unanimously.

Adjournment

There being no further business before the Council, the meeting was adjourned at 5:16 p.m.