

# MINUTES

## JOINT MEETING North Front Range Metropolitan Planning Organization And Regional Air Quality Council

Wednesday, June 25, 2008  
Frederick, Colorado

### RAQC MEMBERS/ALTERNATES PRESENT:

Andy Spielman, *Chairman, Hogan and Hartson, LLP*  
Brad Beckham, *Colorado. Department of Transportation (alternate for George Russell)*  
Doug Lempke, *Colorado. Department Public Health and Environment (alternate for Jim Martin)*  
Ben Manvel, *City of Fort Collins*  
Jana Milford, *University of Colorado at Boulder*  
Joan Ringel, *Citizen Member*  
Nancy Severson, *Denver Department of Environmental Health*  
Melanie Worley, *Douglas County/DRCOG*

### NORTH FRONT RANGE MPO VOTING MEMBERS:

Lyle Achziger, *Evans*  
Don Feldhaus, *Greeley*  
Glen Gibson, *Larimer County*  
David Gregg, *Berthoud*  
Larry Heckel, *Loveland*  
Ben Manvel, *Fort Collins*  
Matthew O'Neill, *Windsor (alternate)*  
Doug Rademacher, *Weld County*  
Jon Slutsky, *Air Quality Control Commission*  
Verniece Thomas, *Eaton*

### STAFF:

**RAQC:** Ken Lloyd; Misty Howell; Steve McCannon; Sandi Garcia; and Jerry Dilley.  
**North Front Range MPO:** Cliff Davidson; Suzette Mallette; Shawn Monk; Rachael Munroe;  
Tia Raamot

### OTHERS PRESENT:

Renee Allan; Theresa Amoroso; Grier Bailey; Jim Brandon; Wade Carlson; Abby Gaffney; Cary Gilbert; Scott Groen; Gail Hoffman; Myron Hora; Dennis Houska; Anne Johnson; Jimmie Johnson; Fred Jones; Garry Kaufman; Jim Kemper; Mark Larson; Steve Lommele; Brian Michel; David Moreau; Jeremy Nichols; Doug Ryan; Dan Safarcyk; John Schroger; Jeff Schwarz; Karen Scopel; Lucinda Smith; Linda Tharp; Gary Thomas; Gregg Thomas; Paul Tourangeau; Katrina Winborn; and Dena Wojtach.

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The meeting was called to order at 4:05 pm by the North Front Range Metropolitan Planning Organization (NFRMPO) Chair Don Feldhaus and RAQC Chairman Andy Spielman. A quorum of RAQC members was present.

### **Welcome and Introductions**

Don Feldhaus and Andy Spielman welcomed everyone to the joint meeting and explained the purpose of the joint meeting was to come together to discuss the planning measures being developed to address the ozone non-attainment status along the Front Range. Members of the RAQC and North Front Range MPO introduced themselves.

Cliff Davidson, Executive Director of the NFR MPO, clarified that the discussion of the NFR Inspection and Maintenance Program will be to confirm moving forward with the program, not a technical discussion of program components.

### **Public Comment**

Mark Larson, Executive Director of the Colorado/Wyoming Petroleum Marketers Association, expressed his concern over keeping the Stage II Vapor Recovery measure on the table when it has been clearly demonstrated there is no need for it. He asked the RAQC Board to remove it from consideration.

Abby Gaffney, Davis Graham & Stubbs, who represents Noble Energy and Anadarko, stated it is premature to remove the Stage II Vapor Recovery option from consideration. She also expressed concern that the North Front Range Inspection and Maintenance program would not be included in the ozone SIP. She suggested the legislative authority could be gained through a parallel process to the SIP process.

Gregg Thomas, City and County of Denver Department of Environmental Health, commented on the NOx control options. He pointed out that other metropolitan areas, including those involved in the Early Action Compact, have aggressive NOx controls in place. He encouraged the Council to not rule out NOx controls.

Wade Carlson, Mayor of Dacono, expressed his concern with exemptions included in the inspection maintenance program. It is his understanding that most vehicles that are ten years or newer have the latest emissions controls installed. His concern was with 1980s and older vehicles being exempt from the requirements. He stated he could not convince his constituents of the need for an I/M program when the current I/M program in the Denver metro area is vastly flawed.

### **Overview and Status of Ozone Planning and SIP Development**

Ken Lloyd, Executive Director of the Regional Air Quality Council, provided an overview and status of the ozone planning and State Implementation Plan (SIP) development. He indicated, through the ozone stakeholder process, a lot of time has been spent evaluating strategies. He explained that the sensitivities and source apportionment modeling is underway and proposed control packages are scheduled to be modeled in August. Under the current schedule a draft

plan for board and public review will be available by the end of July and a proposal for the Air Quality Control Commission (AQCC) in September.

Ken reviewed the strategy evaluation criteria. He provided and explained a table which outlined the status of development of emission control strategies for ozone. He indicated there would be a 100 tpd (tons per day) reduction if all strategies in the “under development” column were implemented.

There was discussion on fueling vehicles. Ken Lloyd stated “refueling in the evening” and “stopping at the click” are included as part of the outreach as a voluntary measure.

Discussion included the benefits associated with the oil and gas measures. Doug Rademacher, Weld County, expressed concern that the oil and gas industry continues to be targeted for control based on speculation, not good science. Ken Lloyd stated the modeling will provide scientific data regarding how strategies will affect ozone concentrations.

The two Boards discussed the monitoring system and how location and meteorology affects their readings.

### **Inspection and Maintenance in the North Front Range**

Suzette Mallette facilitated discussion regarding a North Front Range Inspection and Maintenance program.

Doug Rademacher, Weld County, indicated the Commissioners have discussed this issue. They have concerns as to where the boundary lines would be drawn and what components would be included in the program.

Larry Heckel, Town of Loveland, would prefer more proof as to what sources contribute to the problem and indicated he does not have enough information to make a decision. He asked how the monitoring locations are determined.

Paul Tourangeau, Director of the Air Pollution Control Division (APCD), stated the APCD and the Environmental Protection Agency (EPA) select the locations based on meteorology. He explained that once monitors are established they are not moved so there is a consistent gathering of data. He also reiterated that the current ozone modeling will confirm the sources that contribute to ozone formation.

Nancy Severson, City and County of Denver, asked whether additional monitors would be added to the North Front Range. Paul Tourangeau indicated three ozone monitors are being added to the system this summer, however, not in the North Front Range.

Don Feldhaus, Chair of the North Front Range MPO, stated the need to trust that the scientific community is doing everything it can to assure technical issues with monitors are addressed. He asked if there is any data or statistics that associate the age of vehicles with the failure rate.

Gary Kaufmann, Air Pollution Control Division, replied the current failure rate in the Denver metro area is approximately six percent. However, in May, the cut points were made more stringent

and the APCD is projecting the failure rate will increase to nine percent. He explained that older vehicles fail at a higher rate than new vehicles.

Don Feldhaus asked why the program targets the entire fleet rather than focus on specific manufacturer years supported by data to be a higher risk to fail the emissions test. Ken Lloyd said the remote sensing program is trying to focus on the dirty cars.

Melanie Worley, RAQC, asked what the NFR MPO local government members would need to get their citizens to support an I/M program. Doug Rademacher said the program places a burden on those least able to afford it. Don Feldhaus indicated it would be hard to explain why it is necessary to reinstate a program that was discontinued recently.

Verniece Thomas, Town of Eaton, stated that it is difficult for smaller communities to see the benefit of the program. However, she believes the program should cover the entire area not exclude smaller communities within the Counties.

Matthew O'Neill, Town of Windsor, indicated his preference for uniformity within the program. He has issues with the waiver.

Lyle Achziger, Town of Evans, stated he was in favor of being proactive. He is concerned that areas without an inspection and maintenance program could have a negative impact on other areas.

Joan Ringel, RAQC, suggested that one way to "sell" the program to citizens is to emphasize the health aspects of reduced ozone.

Ben Manvel, City of Fort Collins and RAQC, said any program needs to be implemented efficiently, to be easily quantifiable and to optimize the investment of the citizens. Citizens need to be made aware of the health aspects as well as the need for the plan to meet EPA standards.

Matthew O'Neill asked if a vehicle registered outside the metro area is identified through the clean screen program while driving in Denver, would that vehicle receive a notice. Jim Brandon, ESP, stated it would be included if it were in the system.

Bob Garcia, CDOT Region 4 Transportation Director, said the key to communicating this program to the public is to show the societal and health costs associated with the region being in attainment and/or in nonattainment with the standard.

Jon Slutsky, Air Quality Control Commission, said it is important to help citizens understand that the old program targeted carbon monoxide and this new program would target ozone. He also said it is important to convey to citizens that the reason the old program was discontinued was because it achieved its purpose in reducing carbon monoxide levels.

Andy Spielman summarized that he was hearing that the North Front Range MPO Board wants to make a reasoned decision based on good data. The RAQC staff will share the modeling data with the MPO once it is available.

Verniece Thomas expressed concern over the lack of citizen involvement at the public hearings. Her concerns were echoed by several other RAQC and MPO Board members.

Cliff Davidson asked the NFR MPO Board to confirm their willingness to move forward with an I/M program. They recognize that some form of the program in the North Front Range is necessary. It was unclear whether a program could be developed to help with the 2009 ozone season.

### **NOx Control Strategies**

Paul Tourangeau, Director of the Air Pollution Control Division, provided an overview of NOx emission inventories, NOx control strategy development for Regional Haze, NOx emission controls “on the books”, potential new strategies, and modeling of NOx control options. He also reviewed the process and timeline for NOx control strategy development and implementation.

There was discussion regarding nitrogen deposition at Rocky Mountain National Park and the affect from NOx reductions. The Council questioned the benefits from assumed changes in the process. Garry Kaufmann, ACPD, indicated there are rules associated with the model and staff does question assumptions.

### **Adjournment**

Ken Lloyd reviewed the SIP schedule.

- A draft of the SIP is schedule for both Boards and public review at the end of July.
- Public meetings are being scheduled in August to receive public input on the plan.
- The RAQC will review comments and will propose the SIP to the AQCC at its September 8 meeting.
- The plan will then be proposed to the Air Quality Council Commission at its September 18 meeting, where they will notice it for hearing in December.
- The AQCC has a regulatory process that allows for additional comments.
- Once approved by the AQCC, the plan goes to the Legislature for approval
- Then the Governor will submit the plan to EPA by July 2009.

RAQC staff will work with Suzette Mallette over the next few months to coordinate activities. Cliff Feldhaus indicated the next meeting for the MPO would be the first week of August. Ken Lloyd stated they would have the draft plan for that meeting. Once the draft is released, the Councils can determine whether they need to meet jointly again. The RAQC as tentative reserved August 20 for another joint meeting.

Andy Spielman thanked the members of each council, staff members, and citizens for their support and participation in the meeting. He encouraged the public to continue to participate. Don Feldhaus concurred. The joint meeting was adjourned at 6:35 p.m.