

MINUTES

REGIONAL AIR QUALITY COUNCIL

Thursday, December 7, 2006

RAQC MEMBERS/ALTERNATES PRESENT:

Jim Scherer, *CHAIRMAN*
Dennis Arfmann, *Hogan and Hartson*
Theresa Donahue, *Citizen*
George Gerstle, *Colo. Dept. of Transportation*
Doug Lempke, *Colo. Dept. Public Health & Environment*
Dave Sladek, *The Clayton Group*
Melanie Worley, *Douglas County/DRCOG*

RAQC MEMBERS/ALTERNATES NOT IN ATTENDANCE:

Randy Ahrens, *City & County of Broomfield*
Dennis Ellis, *Colo. Dept. Public Health & Environment*
Tom Norton, *Colo. Dept. of Transportation*
Sue Sandstom, *City of Aurora*

OTHERS PRESENT:

Ken Lloyd, RAQC; Misty Howell, RAQC; Sara O'Keefe, RAQC; Sarah Schmitz, RAQC; Sarah Sullivan, RAQC; Steve McCannon, RAQC; Jerry Dilley, RAQC; Jim Brandon, ESP; Lisa Silva, APCD; Barbara Charnes, CCA; Dennis Smich, TMSS Incl.; Ted Orf, Orf & Orf; Richard Griffith, citizen; David Heller, DRCOG; Mark Cavanaugh, Bighorn Center; Gail Hoffman, CDOT; Jim Schrack, City of Aurora; Jeremy Nicols, Rocky Mountain Clean Air Action; and Paul Tourangeau, APCD.

The meeting was called to order at 3:07 p.m. by Chairman Jim Scherer. A quorum was present.

Approval of Agenda and Minutes

Theresa Donahue moved to approve the agenda. Seconded by Dennis Arfmann. Motion passed without objection.

Dennis Arfmann moved to approve the minutes. Seconded by George Gerstle. Motion passed without objection.

Informational Items

Chairman

None.

Executive Director

None.

Committees

None.

Members

Doug Lempke introduced Paul Tourangeau, the new Director of the Air Pollution Control Division. Mr. Tourangeau gave the Council an overview of his background.

Public Comment and Discussion

None.

Update on Proceedings Currently Before the Air Quality Control Commission

Ken Lloyd informed the Council of the Air Quality Control Commission's schedule for considering changes to Regulations No. 7 and No. 11, and for addressing HB1302.

Regulation No. 7

Ken reviewed the Air Pollution Control Divisions alternative proposal, which was included in the meeting packet. He highlighted the changes: maintains a system-wide approach; increases the system-wide control requirement to 73.3% in 2007 and then 78% in 2012; includes additional record keeping requirements, which justifies a rule effectiveness of 83%. The alternate proposal is consistent with the direction RAQC gave staff at the November meeting. Ken indicated that some parties continue to have issues with the rule effectiveness and the AQCC has not acted upon the state-wide program at this point.

Ken further stated that EPA has extended the designation of EAC areas nationwide to April 2008. However, the Denver region was only extended until July 31, 2007, pending the outcome of the Regulation No. 7 proceedings.

H.B. 1302

The APCD will provide a detailed plan on the implementation of the remote sensing program mandated by HB1302 to the AQCC at their December meeting.

Steve McCannon provided an overview and comparison of the APCD plan and the goals outlined by the RAQC. He explained that the recommendations in the plan attain the RAQC's goals of increasing the number of vehicles screened, phasing in a high emitter program, increasing the number of vehicles identified through both clean screen and high emitter programs, and

increasing the number of vans in the area. Steve noted that some of the recommendations will require modifications to the Ozone SIP. The plan is an excellent start, but RAQC staff believes that other information should be incorporated, including:

- ❖ The plan should clearly include implementing the first phase of mandatory HE earlier in 2007 with RAQC assistance provided through the RYAC program structure and funding for subsidized repairs.
- ❖ The plan should contain information regarding the Pay-Upon-Registration regulatory process/timing.
- ❖ The plan should include that there is potential for CMAQ funding for HE implementation.
- ❖ Ultimately the plan needs to address the institutional issues surrounding implementation of HB1302 including notification, registration denial, collection of fines, etc.
- ❖ Increasing model year exemptions through the current AQCC process could eliminate the expansion of the Clean Screen and High Emitter programs.

RAQC staff is looking for funding opportunities with remaining CMAQ money in DRCOG's current TIP and new money in the 2007 TIP.

There was discussion on whether specific cost analysis of average cost of the repairs has been done through the RYAC program. Steve indicated that the program tracks actual cost per participant, not average program costs.

Council agreed to postpone discussion on the model year exemptions until the Regulation No. 11 information was presented.

Ken Lloyd asked the Council to provide direction. Council agreed that the changes were consistent with their earlier recommendations and staff should continue to work to address the institutional items and clarify how the plan will roll out.

Regulation No. 11

Ken Lloyd gave an overview of the discussion at the pre-hearing meetings regarding the proposed additional model year exemptions, which included:

- ❖ Increasing the model year exemption (5-8 years included in proposal);
- ❖ Parties focused on how changes would fit with the HB 1302 plan;
- ❖ Impact on the Ozone SIP; and
- ❖ When to move forward.

Jim Brandon, ESP, stated there is no cost savings for additional model year exemptions when HB1302 is implemented. He indicated that the revenue from model year exemptions is needed to pay for the clean screen program. The consumer will be paying and getting no benefit. Under the current program, model year exempt vehicles do not pay Envirotest.

There was discussion on the affects of additional model year exemptions. It was suggested that the RAQC's focus be on moving forward with the high emitter process in an expeditious manner.

Theresa Donahue moved to recommend that the AQCC table the model year exemption discussion because it is a deterrent to the implementation of HB1302. Seconded by Dave Sladek.

Dennis Arfmann made a substitute motion to support the Regulation No. 11 changes, with an additional 2 year model year exemption, not to be implemented until a high emitter program is operating and no earlier than 2009. Seconded by Jim Scherer.

Jim Scherer made a friendly amendment to replace " until a high emitter program is operational" to "until a high emitter program is in place, such as pay upon registration." Dennis Arfmann accepted the friendly amendment. Motion passed 5 for, 2 opposed (Theresa Donahue, George Gerstle).

Council directed staff to communicate this recommendation at the AQCC hearing.

2007 Work Program and Budget

Ken Lloyd reviewed the work program and budget. He outlined the RAQC's priorities: first is the Ozone EAC, outreach and maintenance plan; second is the diesel program; and third is the high emitter program and RYAC.

Discussion included clarification of language on pages 6 and 8 of the work plan regarding development of an ozone maintenance plan.

Dennis Arfmann moved to approve the work plan. Seconded by Doug Lempke. Motion passed without objection.

George Gerstle moved to approve the budget. Seconded by Melanie Worley. Motion passed without objection.

Briefing Paper for Governor-elect Ritter

Council reviewed the draft briefing paper. Ken Lloyd provided a draft cover letter and asked Council for feedback on it.

Suggested changes to the briefing paper included:

- ❖ Include background of pollutants with dates when designated attainment.
- ❖ The introduction should include language to indicate that prevention is a priority.
- ❖ Under the EAC, list all the counties that are included in the designation area.
- ❖ Under development of a high-emitter program, mention the previous high emitter work that has been conducted.
- ❖ Under Street Sanding Reductions, include more substance on the RAQC's work.

There was discussion on whether it was appropriate for the briefing paper to include future activities of the RAQC. Council decided to include a future challenges section.

There was also discussion on whether to include options for RAQC composition, to suggest changes to Board size and to make recommendations on adding an advocacy role. Council decided to not address these directly in the briefing paper, but to indicate in the cover letter a willingness to meet to discuss options.

Ken Lloyd agreed to make the changes and email a draft to the Council.

Adjournment

There being no further business before the Council, the meeting was adjourned at 5:15 p.m. The next meeting will be on Thursday, February 1, 2007.