



MINUTES

Friday, March 5, 2010

RAQC MEMBERS/ALTERNATES PRESENT:

Andy Spielman, *Chairman, Hogan and Hartson, LLP*
Debra Baskett, *City and County of Broomfield*
Melissa Chalona, *CTL|Thompson Inc.*
Martha Rudolph, *Colorado Department of Public Health and Environment*
Brad Beckham, *Colorado. Department of Transportation (alternate for Russell George)*
Darryl Jones, *Coventry Development*
Susan Kirkpatrick, *Colorado Department of Local Affairs*
Richard Long, *Citizen*
Ben Manvel, *City of Fort Collins*
Paul Natale, *City of Commerce City*
John Putnam, *Kaplan, Kirsch, & Rockwell, LLP*
Jennifer Schaufele, *Denver Regional Council of Governments*
Jep Seman, *Corporate Advocates*
Nancy Sharpe, *City of Greenwood Village*
Skip Spensley, *Environmental Consultant*
David Stewart, *EnCana Oil & Gas (USA)*
Will Toor, *Boulder County*

RAQC MEMBERS/ALTERNATES NOT PRESENT:

Eric Doering, *Town of Frederick*
Bob Fitzgerald, *City of Aurora*
Rick Garcia, *City and County of Denver*
Elise Jones, *Colorado Environmental Coalition*
Linda Morton, *Morton Consulting Co.*
Nancy Severson, *Denver Department of Environmental Health*
Elena Wilken, *Colorado Association of Transit Agencies*

RAQC STAFF PRESENT:

Ken Lloyd; Sarah Anderson; Jerry Dilley; Misty Howell; Stephanie Lind; Steve McCannon;
Trevor Noel; Aneka Patel; Kate Riegle

OTHERS PRESENT:

Steve Cook, DRCOG; Kerri Crawford, Rule Engineering for CCA; Dennis Creamer; Kate Fay, CDPHE; Zac Graves, APCD; Gail Hoffman, CDOT; Jim Kinney, EPA; Pam Milmoie, Boulder County Department of Health; Monica Morales, EPA; Mike Quirk, Wagner Equipment Co.; Jordan Rual, CDOT; Jim Shaw, Wagner Equipment; Natalia Swalnick, American Lung Association; Paul Tourangeau, APCD; Callie Videtich, EPA; and Ed Woods, Caterpillar.

The meeting was called to order at 9:30 a.m. by Chairman Andy Spielman. A quorum was present.

Approval of Agenda

Andy suggested that Council add an agenda item at the end of the meeting to discuss the April 1 meeting.

Darryl Jones moved to approve the agenda with the additional agenda item. Seconded by Debra Baskett. Motion passed without objection.

Approval of Minutes

Jep Seman moved to approve the minutes as presented. Seconded by Paul Natale. Motion passed without objection.

Informational Items

Chair

Andy Spielman suggested that Council not include a formal break in the three hour meeting schedule, but that Members should feel free to step out of the meeting as necessary.

He also mentioned the need to have a Vice-Chair for instances when he is unable to attend a meeting. He encouraged members to consider the position. He informed Council that he would not be at the April 1 meeting. Council briefly discussed changing the meeting date because that week is Spring Break for many metro area school districts, which may cause a conflict for some members. Council decided to keep the date at April 1.

Executive Director

Ken Lloyd informed Council that the AQCC is having a hearing in Greeley on March 18 to set boundaries for in the North Front Range for the Inspection and Maintenance (I/M) program. He explained there was legislation to reverse the decision to reintroduce the I/M program in the North Front Range. The bill died. This has been a very controversial issue.

Ken also thanked Skip Spensley for the invitation to the Executive Form.

Members

Martha Rudolph, Colorado Department of Public Health and Environment (CDPHE), informed Council that CDPHE has a bill at the legislature to clean up permitting language and to ask for authority to hire staff for a Emissions Technical Center (ETC) in the North Front Range as part of the new I/M program in that region.

Susan Kirkpatrick, Colorado Department of Local Affairs, told Council that there is a bill in the Senate that proposes to create efficiencies in State government by removing the position of Executive Director of the Department of Local Affairs and combine the duties of the department with the Lieutenant Governor's Office.

She said the Department of Local Affairs, at the direction of the Governor, is working on a sustainability communities pilot project which is focused on main streets. She will keep Council

updated as the project progresses. Susan informed Council of a presentation recently developed by the State Demographer which contains an overview of important demographic changes that could be characterized as Colorado being the poster child to the aging baby boomer. She stated this could be relevant to the work of the Council because of the different needs of various generations with regard to transportation and land use. She suggested Council consider having the State Demographer present the information to Council.

Brad Beckham, Colorado Department of Transportation (CDOT), informed Council that CDOT has bills introduced to change I-70 to provide access down the mountain and to adjust vehicle registration fees as they related to the FASTER program.

Kate Fay, Colorado Department of Public Health and Environment (CDPHE), informed Council of an application she has submitted to the National Governor's Association in response to an RFP for the Policy Academy on Transportation and Land Use. The proposal is designed to bring resources to the RAQC. She indicated that Nancy Sharpe, Will Toor and Jennifer Schaufele were all involved with this group.

Public Comment

None.

Discussion of Proposed Meeting Framework

Ken Lloyd indicated this was a follow-up item to the March 5 meeting. Staff would like Council feedback on the proposed framework.

Kate Fay said this framework does not supercede more traditional air quality planning work that is occurring. The goal is to look at the transportation piece of the planning. She asked Council to provide comments on the direction of the meeting framework.

In response to questions from the last meeting regarding RTD not being represented on the Board, Kate indicated that RTD is very involved in the process and will be part of the broad discussions as the Council's work moves forward. She reiterated that the framework is outlined to promote a broad discussion of topics and that there will be opportunities to look at specific details as the process progresses. She also noted that there will be a separate meeting on modeling for those interested in the details of the modeling efforts.

Council questioned whether this separate meeting would be an informal group or a subcommittee. Ken Lloyd clarified that staff is envisioning a broad stakeholder meeting outside the Council's monthly meeting schedule to provide an update on the status of the modeling efforts. Ken said that a basic informational meeting could be scheduled if the Council wanted additional background information.

Skip Spensley inquired if the RAQC members would have an opportunity to look at the ozone transport issue and possible make recommendations as to what the State of Colorado can do. He emphasized the ozone transport issue is a critical piece to understand. Ken Lloyd indicated the RAQC can be part of the process and make suggestions to the state regarding this issue.

Council continued discussion on the idea of a modeling subcommittee and the level of transparency regarding modeling assumptions and inventories. Kate Fay stated it is important that the details are included regarding inventories and assumptions to make them clear to Council as they work to understand the basis of projections that will be used in making decisions. Council Members supported having a modeling subcommittee.

Paul Tourangeau interjected and clarified that the separate meeting scheduled for early Spring would be a public discussion on the modeling that has been completed to-date. This would be a high level overview including detail on the inventories, assumptions, model inputs and model outcomes. At this meeting RAQC and APCD staff will be collecting comments on what will be needed for future modeling efforts.

During Council's discussion the following suggestions were made:

- Discuss procedure for developing subcommittees to work on specific issues
- Develop a core group of Council members to look at the modeling early and often (subcommittee?)
- Provide background/primer on the science
- Outline strategies considered and not adopted during the last ozone SIP process
- Develop linkage between SIP and DRCOG modeling to assure decisions coordinate with updates to the Regional Transportation Plan (RTP)
- Look at global and regional impacts on the Front Range region and address regional transport issues
- Consider local impacts of new ozone standard
- Define emissions projections for land use strategies
- Provide information regarding credit associated with SIP measures
- Discuss the linkages with transportation finance issues and possible SIP measures
- Include a presentation from the State Demographer regarding important demographic changes in Colorado

Ken Lloyd and Kate Fay will review the Council's input and factor it into the work of the Council.

Public Comment

Pam Milmoie, Boulder County Health Department, supported the idea of a modeling subcommittee and indicated her willingness to participate. She said it would be helpful to understand how SIP credits work prior to looking at strategies.

Presentation and Discussion of Foundation for RAQC's Air Quality Planning Efforts

Ken Lloyd indicated the purpose of today's presentation is to give Council information on how air quality planning has developed in the region including past issue and future challenges. RAQC staff worked with ACPD staff to develop the presentation. Martha Rudolph introduced Paul Tourangeau, Director of the Air Pollution Control Division, who provided Council with the Air Quality Managers perspective on the planning efforts. She emphasized that the purpose of the presentation is for Council to have discussion and encouraged Council to make comments and have discussion as part of the presentation.

Paul Tourangeau presented the air quality management overview. He also noted that Callie Videtich from EPA was in attendance and available to answer questions during the presentation as necessary. He explained the responsibilities of various agencies and what information is

included in a State Implementation Plan (SIP). Paul also reviewed the attainment status of “criteria” pollutants in Colorado and noted that Colorado has met all the challenges to-date for compliance. In response to questions, Paul said the State uses emissions inventories, predictive modeling and weight of evidence to demonstrate attainment of pollutants.

There was discussion on whether federal highway funding has actually been withheld due to non-compliance with a standard. Paul noted that it happened in Atlanta Georgia. He said that Oregon chose to allow EPA to prepare its SIP, which prompted businesses to insist that the state create its own plan. Brad Beckham said there is a nexus with the National Environmental Policy Act and transportation projects must conform to SIPs.

Callie Videtich, EPA, stated it is not EPA’s intention to take over SIPs, they want collaboration. She further indicated that the Denver metropolitan area has a great track record of collaboration, specifically with the last Ozone SIP. EPA has used the Metro Denver process as an example to other states. Callie also introduced Monica Morales and Jim Kenney, who will be working with the RAQC and State on the new SIPs.

Paul Tourangeau provided detail background on the ozone challenge for the region, including what contributes to ozone formation, EPA standards, compliance trends and status, and the overlap with transportation. There was discussion regarding the secondary standard being proposed by EPA.

In response to questions, Callie recapped why EPA has made so many changes to the ozone standard. The EPA is required to review standards every five years. While, the EPA Science Advisory Committee recommended a range of 60-70 parts per billion (ppb), EPA chose 75 ppb as the new standard. EPA through its review process has reconsidered its decision and will finalize the new standard in August 2010.

Paul outlined the current planning that is underway, which included ozone modeling to project 2020 attainment status, testing of “what if” attainment scenarios, scenario evaluations of emissions reductions, mobile source fuels study, large NOx stationary source evaluations, and coordination with ongoing initiatives (Regional Haze, RMNP & GHG goals). There was discussion regarding the Reid Vapor Pressure (RVP) and fuels study. Paul indicated the fuels study should provide information on market supply and costs.

Public Comment

Kerri Crawford, Rule Engineering, said that she had some experience with RVP reduction. She said there is a national security issue associated with strategic pricing and RVP reductions because the reduction drives up the cost of refining and can cause increased off-shore refining closer to regions that do not share the United States’ national interests. She also asked for clarification on the logic for the placement of monitors. Paul Tourageau explained that placement of monitors is based on an EPA regulation that requires monitors to be placed where high concentrations are expected in order to protect public health. The logic is that if those areas can maintain the standard, then public health is protected within the unmonitored areas.

Pam Milmoie, Boulder County Health Department, asked about the timing for the next SIP. Paul explained the SIP will need to be adopted by the Air Quality Control Commission by December 2012 for the Legislative review and submission by the Governor in 2013.

Discussion of RAQC's 2010 Work Program and Budget

Ken Lloyd provided Council with an overview of the work program areas. He explained that he, Jerry Dilley and Stephanie Lind will be working on the transportation and ozone planning efforts. He then introduced Sarah Anderson, Communications Manager. Sarah Anderson noted that she, Trevor Noel and Stephanie Lind will be working on the OzoneAware outreach program. She summarized the OzoneAware Outreach program for Council, detailed the on-going efforts and explained the direction for the 2010 campaign. Ken then introduced Steve McCannon, Mobile Source Program Manager. Steve, along with Kate Riegle and Aneka Patel, works on mobile source programs. Steve provided background on the RAQC's Clean Air Fleets program and Repair Your Air Campaign. He also outline for opportunities for future project development. Ken outlined the local government assistance program. Ken then reviewed funding sources and major expense areas with Council.

Council discussed how educational efforts are quantified, how the CMAQ process works through DRCOG, and funding for modeling. Ken explained that the funding included in the budget for modeling is for work that is currently underway. Any additional modeling for the SIP is not funded at this time. RAQC and APCD staff are working to determine the modeling need and the funding sources.

Council also discussed whether staff salary increases were included in the budget. Ken Lloyd indicated that Cost of Living Increases (COLA) were not included but that normal merit increases were included.

Skip Spensely moved to approve the budget as proposed. Seconded by John Putman.

Some Council Members were not comfortable keeping merit increases in the budget given that the State and many local communities have frozen salaries during this economic downturn. Other Council Members expressed that the work of the RAQC is important and increases should be included.

Ben Manvel made a substitute motion to remove the salary increases from the budget. Seconded by Nancy Sharpe. Motion passed 10-6-1.

The motion to approve the budget as amended by the substitute motion passed unanimously.

Darryl Jones moved to approve the contracts as outlined in the memos. Seconded by Susan Kirkpatrick. Motion passed without objection.

Discussion of Proposed Revised RAQC Bylaws

Ken Lloyd explained that the red-line versions of the bylaws provided to Council reflect changes necessary to make the documents consistent with the new Executive Order.

There was discussion on how the Executive Order defined a majority for Board decisions. Council agreed it should be a majority of Council members and not a majority of a quorum to make policy decisions. This is how the document language currently reads.

Under current Bylaws, Council cannot vote on the changes until the April 1 meeting.

Next Meeting

Kate Fay informed Council that the April meeting will include a facilitated panel discussion to provide additional perspectives on ozone SIP planning. Peter Kenney from Civic Results will be facilitating the discussion.

Adjournment

There being no further business before the Council, the meeting was adjourned at 12:45 p.m.