



MINUTES

Wednesday, March 16, 2011

RAQC MEMBERS PRESENT:

Andy Spielman, *Chairman, Hogan Lovells*
Debra Baskett, *City and County of Broomfield (via phone)*
Melissa Chalona, *CTL/Thompson Inc. (via phone)*
Elise Jones, *Colorado Environmental Coalition (via phone)*
Richard Long, *Citizen*
Ben Manvel, *City of Fort Collins (via phone)*
Linda Morton, *Morton Consulting Co (via phone)*
Paul Natale, *City of Commerce City*
John Putnam, *Kaplan, Kirsch, & Rockwell, LLP (via phone)*
Jennifer Schaufele, *Denver Regional Council of Governments (via phone)*
Jep Seman, *Corporate Advocates (via phone)*
Nancy Severson, *Denver Department of Environmental Health (via phone)*
Skip Spensley, *Environmental Consultant (via phone)*
David Stewart, *EnCana Oil & Gas (USA) (via phone)*
Will Toor, *Boulder County (via phone)*

RAQC MEMBERS NOT PRESENT:

Reeves Brown, *Colorado Department of Local Affairs*
Eric Doering, *Town of Frederick*
Bob Fitzgerald, *City of Aurora*
Rick Garcia, *Department of Urban Housing and Development (advisory)*
Don Hunt, *Colorado Department of Transportation*
Darryl Jones, *Coventry Development*
Bob Murphy, *City of Lakewood*
Nancy Sharpe, *City of Greenwood Village*
Elena Wilken, *Colorado Association of Transit Agencies*
Chris Urbina, *Colorado Department of Public Health and Environment*

RAQC ALTERNATES PRESENT:

Martha Rudolph, *Colorado Department of Public Health and Environment (via phone)*

RAQC STAFF PRESENT:

Ken Lloyd; Misty Howell

OTHERS PRESENT:

Andrew Casper, *Colorado Oil & Gas Association*; Dennis Creamer; Laurel Dygowski, *EPA*
and Mike Silverstein *(via phone), ACPD.*

The meeting was called to order at 9:40 a.m. by Chair Andy Spielman. Misty Howell took a roll-call attendance and a quorum was present.

Approval of Agenda

Elise Jones moved to approve the agenda. Seconded by Dick Long. Motion passed without objection.

Public Comment

None.

Informational Items

Andy Spielman informed Council that a letter was recently sent to DRCOG outlining the RAQC's concerns over the consideration of change in policy regarding allocating CMAQ funding. He asked Ken Lloyd to provide Council with an update. Ken noted the DRCOG MetroVision Issues Committee thought a Denver roadway project was important enough to deviate from DRCOG's policies on allocating CMAQ funding. He said DRCOG's Regional Transportation Committee, composed of members from RTD, CDOT, DRCOG, RAQC, and others from the business and citizen community, met yesterday to make a recommendations to the DRCOG Board. During the meeting the committee had a discussion on this issue and made a strong recommendation to the DRCOG Board that the RAQC's projects be at the top of the waiting list if additional funds become available. Ken said that CDOT supported the RTP's recommendation. The DRCOG Board is scheduled to consider the committee's recommendations at its meeting March 16.

Ken Lloyd said there is possibility of additional funding becoming available during the 2012-2015 timeframe. He noted that the RAQC's future budgets will require some adjustments based on the DRCOG Board decision. Will Toor indicated he thought that adding the RAQC to the top of the waiting list should be non-controversial with the DRCOG Board.

Andy Spielman asked Council Members to be ready to help staff with future funding and education efforts.

Discussion of Legislation of Interest

Martha Rudolph directed Council to the background information on Legislative Review of the Regional Haze SIP. She then explained the process. Martha noted that the Regional Haze SIP includes more than the HB 1365 controls. The Legislative Council hearing to review whether the AQCC followed its authority and procedures in adopting the Regional Haze SIP is scheduled for March 25.

Martha said that the AQCC has to accept the PUC-adopted plan for the affected sources and has no authority to determine whether Xcel's choices need to be reconsidered. She said that the PUC considered the ramifications of the HB 1365 controls on jobs.

Martha told Council that it is conceivable that one or more bills may come out of the Legislative Council hearing which could support the SIP as presented, oppose the SIP as presented and/or change some of the details. Martha requested RAQC support in favor of the SIP and Council's willingness to oppose any bills against the SIP. Council discussion included member's level of comfort to support or oppose bills that may come out of the hearing. Martha clarified that EPA is under a consent decree so if it appears that the Regional Haze SIP will not be approved by the State then EPA will have to evaluate and make a determination, which may include a FIP.

Jennifer Schaufele suggested the RAQC develop and approve broad policy statements to allow staff to work with the Legislature should a bill be introduced.

Elise Jones moved that the RAQC support approval of the Regional Haze SIP as adopted by the AQCC and legislation that would affirm the SIP and while Council reserves the right to review individual bills, as a general matter of course would oppose legislation that is in opposition of the Regional Haze SIP. Seconded by Jep Seman.

Paul Natale expressed concern that Council dropped the “no action” option and would be reacting to the threat of a FIP. He said the State would be giving up its choice. He also expressed concern that the region will get clean air at the expense of jobs.

Andy Spielman said the RAQC is not being asked to approve the SIP; the AQCC had a public process for that action. He reiterated that that Council needs to decide if they want to weigh in on the current process. He emphasized that based on information from Paul Tourangeau’s Regional Haze SIP presentation to the RAQC at the February meeting, the SIP measures are clearly in-line with RAQC goals for ozone planning.

Dick Long said in his experience with EPA, the agency is tasked to use best retrofit technologies in cases where States do not submit an acceptable SIP. He stated that Xcel chose to retire or replace facilities rather than use retrofit technologies. EPA cannot push Xcel into a direction regarding its business decisions. Dick said if the SIP fails, the outcome could be worse than just the job issue. He stated that some believe that more jobs will be created by the Xcel changes in the plan.

John Putman disclosed to Council that he represented independent power companies during the HB 1365 process. He strongly agreed with Dick’s comments. He said, from the RAQC’s perspectives, other choices may be more damaging to the economy.

A roll-call vote was taken on the motion. The motion passed 15-1.

Ken Lloyd provided Council with background on House Bill 11-1275, concerning the creation of an engine idling standard for certain commercial diesel vehicles. He said this bill creates a uniform idling ordinance that communities can opt into. He reminded Council that Greg Fulton, Colorado Motor Carriers Association, provided information to Council at its February meeting. Ken informed Council that there are very few commercial idling ordinances in the metro area. The Colorado Motor Carriers Association consulted with Denver, CDPHE and RAQC staff to determine consistency with current idling ordinances.

John Putman expressed concern that the bill preempts local control. He also stated that he is not sure that the bill adequately addresses the needs of the State, which may include the use of an idling ordinance as a control measure for air quality planning.

Ken Lloyd asked Council to decide if they want to take a position, monitor the bill or have staff work with the sponsors on the language.

Nancy Severson indicated that Denver has reviewed the bill and believes it needs some clarifications. She noted that Denver wants to work with the bill sponsors to address limitations and other issues. She said they will continue to review the bill.

Council discussion revolved around concerns with the pre-emption of local control. Many commended the intent of the bill, but thought the language needed clarification. Paul Natale indicated that Commerce City and Colorado Municipal League have taken a wait and see approach.

Council directed staff to share their comments with the sponsor. Council will provide any additional comments to Ken Lloyd via email.

Adjournment

There being no further business before the Council, the meeting was adjourned at 10:40 a.m.