



## MINUTES

Friday, September 9, 2011

### **RAQC MEMBERS PRESENT:**

Andy Spielman, *Chairman, Hogan Lovells*  
Debra Baskett, *City and County of Broomfield*  
Melissa Chalona, *CTL|Thompson Inc.*  
Richard Long, *Citizen*  
Ben Manvel, *City of Fort Collins*  
Linda Morton, *Morton Consulting Co*  
Bob Murphy, *City of Lakewood*  
John Putnam, *Kaplan, Kirsch, & Rockwell, LLP*  
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 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*  
Elise Jones, *Colorado Environmental Coalition*  
Paul Natale, *City of Commerce City*  
Jennifer Schaufele, *Denver Regional Council of Governments*  
Nancy Severson, *Denver Department of Environmental Health*  
Chris Urbina, *Colorado Department of Public Health and Environment*  
Elena Wilken, *Colorado Association of Transit Agencies*

### **RAQC ALTERNATES PRESENT:**

Carla Perez, *Regional Transportation District*  
Debra Perkins-Smith, *Colorado. Department of Transportation*  
Martha Rudolph, *Colorado Department of Public Health and Environment*  
Tareq Wafaie, *Colorado Department of Local Affairs*

### **RAQC STAFF PRESENT:**

Ken Lloyd, Sarah Anderson, Kate Cooke, Misty Howell, Steve McCannon, Aneka Patel, and Kate Riegler.

### **OTHERS PRESENT:**

Renee Allen, ESP; Will Allison, APCD; Theresa Amoroso, APCD; Susan Bautts, Tetra Tech; Kris Bohling, Wagner Equipment; Jim Brandon, ESP; Lisha Burnett, Suncor Energy; Andrew Casper, COGA; Margy Christiansen, RAQC; Steve Cook, DRCOG; Carl Daly, EPA; Greg Davis, EPA; TJ Deora, Governor's Energy Office; Sherman Feter, Arapahoe County; John Gallagher, Suncor Energy; Karen Hancock, City of Aurora; Randy Harrison, Move Colorado; Scott Jackson, EPA; Pete Jacobson, Colorado Stone, Sand & Gravel; Garry Kaufmann, APCD; Mark Kunngi, DIA-Denver; Doug Lempke, Tri-State; Chris Martinez, Noble Energy; Rich McClintock, Transportation Solutions; Mim Mirsky, Denver Environmental Health; Monica Morales, EPA; Jessica Osborne, CDPHE; Jody Ostendorf, EPA; Brandy Radey, Suncor Energy; Ron Shaw, City of Longmont; Lisa Silva, APC; Mike Silverstein, AQCC; Dennis Smith, TMSS; Jeff Sudmeier, CDOT; Natalia Swalnick, American Lung Association; Curt Taipale, APCD; and Celia Vanderloop, Denver Environmental Health.

The meeting was called to order at 9:35 a.m. by Chairman Andy Spielman. A quorum was present.

Andy announced that with the new executive order, the Governor has added the General Manager of the Regional Transportation District to the board. He also noted that this position will be allowed to have an alternate. He introduced and welcomed Carla Perez, alternate for RTD. Andy also welcomed Debra Perkins-Smith, CDOT's new Director of Transportation Development, as Don Hunt's alternate.

### **Approval of Agenda**

**Jep Seman moved to approve the agenda. Seconded by Debra Baskett. Motion passed without objection.**

### **Approval of Minutes**

**Nancy Sharpe moved to approve the minutes. Seconded by John Putman. Motion passed without objection.**

### **Informational Items**

#### *Chair*

Andy Spielman informed Council that he has been appointed, by the Governor, to the Colorado Oil and Gas Conservation Commission (OGCC). He noted that with this appointment there will be no changes to his appointment to the RAQC.

#### *Executive Director*

Ken Lloyd introduced Kate Cooke, who has been hired as the Transportation Program Manager, to Council. Kate was previously a planner with the City of Lakewood.

Ken announced that the RAQC was recently awarded \$1 million through EPA's diesel emissions reduction program (DERA) to work with local fleets to install emission controls and SmartWay equipment and to support idling programs.

#### *Members*

None.

### **Public Comment**

Natalia Swalnick, Director of Environmental Health with the American Lung Association, informed Council that Clean Cities has received a \$500,000 grant from the Department of Energy to develop an electric vehicle charging plan. Currently there are 60 partners involved in the program. This grant is one year funding to prepare a readiness plan that will address the barriers to developing a program. She noted that this grant is not to purchase electric vehicles or pay for infrastructure. She said that initially the plan was for funding for vehicles and infrastructure with

some RAQC grant funding, but that funding situation changed. She stated they will be working through the Phase II approach to get federal funding and local support to implement infrastructure and purchase vehicles. She anticipates a final document in Fall 2012.

Skip Spensley told Council that DRCOG, along with the Mile High Transit Opportunity Cooperative and Reconnect Colorado, is applying for a \$5 million grant through HUD to implement a sustainable communities program, which will provide implementation funding for at least four corridors of the RTD system. He noted that last year the program was within three points of receiving funding.

Jep Seman informed Council that the PUC has opened a docket on CNG and electric vehicle infrastructures. He stated the docket closes on September 25. He said this might be an item the RAQC is interested in following.

### **Update on Summer Ozone Season**

Ken Lloyd provided Council with an overview of the 4<sup>th</sup> maximum ozone table. He reminded Council that there were 20 days above 90°, 18 straight days above 90° in July/August, and August was the hottest August on record. He said, compared to seven years ago, the area is seeing lower values under these conditions. He attributed these lower values to the control measures included in the 2008 SIP, but acknowledged that weather is still a big factor. Andy Spielman said that the table shows the region is making progress but still has more work to do.

Andy Spielman informed Council he has been seeing the RAQC's ozone outreach efforts and is beginning to see those endeavors take hold.

Will Toor said there is a reasonable likelihood that the RAQC's ozone outreach program will receive some CMAQ funds for 2012. He said DRCOG is now seeing statewide excess of 2011 STP and CMAQ funding which will be programmed into 2012 for allocation. Andy Spieman asked RAQC board members who are also DRCOG board members to help move the funding forward. Nancy Sharpe indicated that the commitment to RAQC funding was briefly discussed a DRCOG meeting on Wednesday.

### **Update on EPA's Reconsideration of Ozone Standard**

Andy Spielman introduced Carl Daly, the new Director for EPA's Region 8 Air Program. Mr. Daly told Council that prior to taking this position he was a manager in the permitting/monitoring unit.

Mr. Daly informed Council that based on President Obama's statement last week regarding the ozone standard, the EPA Administrator wants regions to have discussions and collect questions so that EPA can work to provide consistent answers for all. He noted that lawsuits that were on hold because of the pending standard change are now moving forward.

He also provided Council with information on where EPA was with the new standard prior to the announcement. He said EPA was ready to propose an implementation rule for comment, but it is now unclear how that will move forward. The designation guidance for a new standard and the ozone monitoring rule are now pending. He indicated his willingness to meet with Council again once new information is available.

In response to a question regarding the issuance of a new standard, Mr. Daly said the proposed standard would be announced in 2013 and the process would move forward from that date.

Mr. Daly responded that he did not know the exact number of metropolitan areas did not meet the 75 ppb standard; however SW Wyoming and the Denver/North Front Range area are the only two areas in Region 8.

As part of the discussion Council asked for the following information from EPA. Nancy Sharpe said it would be of interest to know what changes took place in areas that were originally on the non-attainment list for the 75 ppb standard that are now meeting the 75 ppb standard (ie. Salt Lake City). Specifically, what programs were implemented that had the greatest impact on ozone concentrations around the country? Jep Seman indicated it would be helpful to the RAQC process to see the implementation rule as soon as possible. Skip Spensley indicated he would like to see some examples of successful SIP measures included for credit that may be applicable to Denver.

#### *Public Comment*

None.

#### **Conversation with TJ Deora, Director, Governor's Energy Office**

Andy Spielman introduced TJ Deora, the Director for the Governor's Energy Office (GEO) and welcomed him to the meeting.

Mr. Deora provided Council with an overview of the new direction being taken by the Governor's Energy Office. He said the mission has shifted from promoting energy efficiency (EE) and renewable energy (RE) to focusing on jobs, energy security, consumer costs and environmental protection. He said GEO considers EE/RE a means to an end (jobs, energy security, consumer costs and environmental protection). Primarily GEO has been handing out stimulus funds. He said most of their work has been evaluating projects for these funds.

He outlined the five goals of Governor's Energy Office, which included:

- Residential energy efficiency – looking at financial efficiency and exploring options
- Energy innovation – determine the appropriate role of the state in the process and how to coordinate efforts to fill gaps
- Energy information – how to get information into people's hands
- Balanced energy portfolio for electric power sector – where the state is and where it is going with electric sector energy mix
- CNG initiative – a balanced energy portfolio for transportation fuels

Mr. Deora said the Governor's Energy Office, to help shape policy, is working to coordinate efforts to fill in gaps within programs. He noted that the work of the RAQC would be helpful in gathering information, providing insights on externalities, technologies and costs for the balanced energy portfolio work. He said the outcome of this effort would be a report that outlines assumptions behind decisions made by the various sectors to promote analytically informed conversations.

Council discussion included clarification of GEO's work with the CNG initiative. Mr. Deora elaborated on the CNG initiative and indicated that GEO is promoting changes that are already happening. He stated GEO is not choosing CNG over electric vehicles, but instead is looking at which niche makes sense and where GEO can help in the process. It was noted that it is important to consider the impacts of additional production of natural gas on the region. The issues around fracking and certification of CNG technologies were also discussed.

Andy Spielman asked Ken Lloyd to have staff work with GEO where practical. Ken indicated staff could help with estimating emissions and help direct GEO staff to studies that area available. Mr. Deora said that Alex Schroeder of his staff would contact the RAQC for assistance.

### **Report from Other Stationary and Energy Sources Subcommittee**

Will Toor, subcommittee chair, provided an overview of the subcommittee's work. He noted that some of the measures require additional analysis that is labor intensive and the RAQC Board should determine the best use of resources to prioritize the work. The subcommittee made the following recommendations:

- Stage II Vapor Recovery – diminishes over time and is not considered to be a strategy with long-term benefits.
- NOx and VOC controls on large stationary sources – explore 15 of 35 facilities. However, the subcommittee recognized that this measure will require substantial time and effort and needs to be prioritized within the other measures under consideration by the subcommittee process.
- RACT and BACT for minor sources – further investigation of subcategories with control potential. The subcommittee recognized this measure will take substantial time and effort to implement categorically and would need to be narrowly defined.
- Tightening NOx limits on boilers and steam generators – focus technical evaluation on larger boiler category which reduces the number for 297 to 17 units.
- Incorporate benefit of Colorado's Energy Efficiency/Renewable Energy (EE/RE) policies and programs into SIP – assess the results of the EPA national baseline modeling effort after November 2011.
- Demand and Response participant controls for compression ignition (CI) reciprocating internal combustion engines (RICE) – The APCD should investigate programs, number of participants and potential emissions. This measure will need to be re-evaluated for viability.

Council discussed whether and how SIP credit might be taken for the measures.

#### *Public Comment*

None.

### **Report from Area Sources Subcommittee**

Debra Baskett, subcommittee chair, provided Council with an overview of the subcommittee's work.

The subcommittee made the following recommendations:

- VOC Content Limits for Architectural and Industrial Maintenance and Consumer Products – continue to explore the state of the federal rule implementation and how this measure could be implemented in a SIP.
- Tree Planting Guidelines/Urban Forest Management - possibly pursue as a voluntary measure because there is no demonstrated ability to take SIP credit.
- Zero Emissions Law and Garden Equipment (Commercial) – continue to keep on list pending ability to quantify emissions reductions.

- Zero Emissions Law and Garden Equipment (Residential) – park due to low emissions benefit, but continue to implement as a voluntary program.
- Indirect Source Rule – continue to explore how other states take SIP credit and refine cost estimates.
- Operational Indirect Source Rule – this should be considered with the land use measures.
- State Funded Off-Road Diesel Emissions Reduction Program – table further discussion due to issues regarding developing a funding source and enforcement mechanism.

Council discussed the low emission benefits of replacing lawn equipment as well as types of trees that are low VOC emitting trees. It was noted that there may be some educational opportunities associated with some of these measures.

*Public Comment*

None.

**Report from Oil and Gas Sources Subcommittee**

Martha Rudolph, subcommittee chair, recommended this agenda item be moved to the October meeting because the subcommittee met earlier in the week and APCD staff is revising the papers to include the most recent information. She indicated this would also allow Council additional time to review the papers for the 14 strategies that have been under review by the subcommittee.

She also suggested that it would be helpful for Council to get information on EPA's recently proposed Oil & Gas rule at the October meeting.

**Discussion of Upcoming Meetings and Topics**

Council discussed including the following items on the October 7 meeting agenda:

- Report from the Oil and Gas Sources Subcommittee
- Briefing on the Oil & Gas Regulations - APCD staff
- Follow up on PUC open docket item (CGN/Electric vehicles)
- Invite Joshua Epel, Public Utilities Commission Chair, to have a conversation with Council
- Discussion on focus of the RAQC activities given President Obama's announcement on the ozone standard and update on status of EPA's guidance

Scott Jackson, EPA, informed Council of EPA's Public Meeting for Oil and Natural Gas Air Pollution Standards scheduled for September 28 at the Colorado Convention Center. More information will be sent to Council via email.

**Adjournment**

There being no further business before the Council, the meeting was adjourned at 12:15 p.m.