STATE OF COLORADO

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Colorado Department of Public Health and Environment

Colorado Air Quality Control Commission

December 20, 2012

Colorado Department of Public Health & Environment
4300 Cherry Creek Drive South, Sabin Room
Denver, Colorado

MEETING MINUTES

Location:	Colorado Department of Public Health & Environment 4300 Cherry Creek Drive South, Sabin Room Denver, CO 80246		
Members Present:	Barbara Roberts (Chair) John Loewy (Vice Chair) Ashley Campsie Teresa Coons (teleconference)		John Clouse David Brown Jim Wilson
Members Absent:	Laura Teague (Secretary)		Saeed Barhaghi
Commission Staff:	Mike Silverstein	Theresa Martin	
Division Staff:	Will Allison Doug Decker Stefanie Rucker Pat McLaughlin	Garry Kaufman Gordon Pierce Leah Martland	Kirsten King Dena Wojtach Curt Taipale
Attorney General's Office:	Andrea Gelfuso-Goetz, Erin Overturf, Clay Clarke		

CALL TO ORDER AND DETERMINATION OF A QUORUM

Chair Roberts called the meeting to order at 9:00 AM and determined that a quorum of Commissioners was present with seven Commissioners.

PUBLIC COMMENT

Chair Roberts asked if there were any members of the public who wished to make a comment on any air pollution issue not on the agenda. There were none.

APPROVAL OF MEETING MINUTES FOR OCTOBER 18, 2012
Chair Roberts asked the Commission if there were any modifications to the minutes. There were no modifications.

Motion:	To approve the October 18, 2012 Meeting Minutes
Moved:	Commissioner Clouse
Second:	Commissioner Campsie
Discussion:	none
Carried:	7-0

CONSENT AGENDA

REQUEST FOR PUBLIC HEARING – FEBRUARY 21, 2013

- Set a public hearing to consider the National Park Service's revised significant user prescribed fire planning document.

- Set a public hearing to consider transportation conformity determinations for DRCOG's 2035 Regional Transportation Plan and Transportation Improvement Program. This conformity determination has been determined to be "non-routine" because there are several regional transit projects proposed for removal from the 2035 Plan and revisions of high occupancy vehicle lane usage rules are being proposed; these plan revisions necessitate the Commission's consideration in accordance with Regulation Number 10.

REQUEST FOR WRITTEN COMMENT ONLY RULEMAKING HEARINGS – MARCH 21, 2013

- Set a written comment only rulemaking hearing to consider revisions to the Commission's Procedural Rules. The proposed revisions would eliminate or update obsolete provisions, delete duplicate language, and improve their "readability" so that the rules can be more easily understood by the general public. A redline version will be made available to the Commissioners in the mailing packet and to the public via the Commission's website.

RULEMAKING HEARINGS

- Consider proposed changes to the Lamar PM10 Maintenance Plan. This is the second of the 10-year plans required by the Clean Air Act. Additionally, a change to the "Air Quality Standards – Air Quality Standards, Designations and Emission Budgets" regulation is proposed to update the PM10 emission budget for the Lamar area.

- Consider proposed changes to Regulation 3, Parts A, B, C and D that will correct and clarify existing provisions to ensure consistency with federal regulations and Colorado's implementation of these rules.

Motion:	To adopt the Consent Agenda items as proposed by the Division
Moved:	Commissioner Wilson
Second:	Commissioner Brown
Discussion:	none
Carried:	7-0

REGULAR AGENDA

REQUEST FOR RULEMAKING HEARINGS – MARCH 21, 2013

Regulation Number 6, Part B

At 9:04 AM Stefanie Rucker of the Division requested that the Commission set a rulemaking hearing to consider proposed changes to Regulation Number 6, Part B, Section I.B. specific to relocation of newer engines into Colorado from outside of Colorado. The Division will research the number of engines that this rule revision might impact. The Notice of Rulemaking Hearing will allow for the consideration of relocating larger engines (greater that 500 hp) into the state based on data obtained through the pre-hearing process.

Motion:	To set Regulation Number 6, Part B as proposed by the Division for hearing on March 21, 2013
Moved:	Commissioner Wilson
Second:	Commissioner Brown
Discussion:	none
Carried:	7-0

RULEMAKING HEARINGS

Regulation Number 7

At 9:14 AM The Commission considered proposed changes presented by Stefanie Rucker of the Division to Regulation 7 to address regulatory provisions for oil and gas operations that EPA did not approve for inclusion into Colorado's State Implementation Plan (SIP). The Division noted that that the initial proposal was narrowed to just address EPA SIP deficiencies. The more significant revisions: 1) remove the sunset date for the system-wide condensate storage tank control requirement applicable in the Denver/North Front Range ozone nonattainment area, 2) clarify that federally enforceable monitoring requirements cannot be replaced by state-only options, and 3) clarify that the first 90 day controls on condensate tanks are state-only requirements. Rucker noted that the Colorado Oil and Gas Association (COGA) had provided comments on December 14, 2012; an erratum containing additional rule language revisions was provided based on the COGA comments that Division concurred with. The tardiness of the COGA comments called out by the Chair. Additional COGA comments would be considered for possible future action

Motion:	To adopt Regulation Number 7 revisions as proposed by the Division
Moved:	Commissioner Coons
Second:	Commissioner Campsie
Discussion:	None
Carried:	7-0

Regulation Number 11
At 9:28 AM the Commission considered modifications to Regulation 11, Motor Vehicle Emissions Inspection Program by Doug Decker and Garry Kaufman of the Division that would take effect in January 2015. An overview of the rule revisions, program emission reduction benefits, implementation issues, public comments and the recent legislative audit were discussed. Significant proposed program changes include increasing model year exemptions from four to seven model years and implementing and on-board diagnostics testing program for model years' eight through eleven.

Motion:	To adopt Regulation Number 11 revisions as proposed by the Division
Moved:	Commissioner Wilson
Second:	Commissioner Clouse
Discussion:	None
Carried:	7-0

BRIEFINGS, DISCUSSIONS AND REPORTS

Regulation Number 9: Annual Update
At 10: 22 AM Gordon Pierce and Pat McLaughlin of the Division provided an annual update to the Commission on the projected costs for the Smoke Management Program. The regulatory five percent cost increase threshold was not triggered and, thus, no fee increase is necessary. The necessity of an annual update was questioned and the Division may consider a legislative change to remove this requirement.

Commissioner Informational Discussions
Coons noted that she sits on an advisory committee with National Jewish Hospital and recommended that a NJH study on air pollution impacts on pediatric health, particularly asthma, be presented to the Commission Coons will provide Martin with the contact information.

Division Director's Report – Will Allison

- Overview of the upcoming legislative initiatives was presented. Likely legislation will touch on: nutrients (water quality), waste tire disposal, heavy duty diesel program, oil and gas, and the inspection maintenance program.
- EPA finalized a new PM2.5 standard with a lower annual standard of 12 micrograms per cubic meter (from 15 ug/m3). The controversial secondary standard addressing urban visibility was deferred.
- The Division's oil and gas stakeholder process to address the remaining portions of NSPS 0000 not adopted by the Commission and other O&G emission issues to begin in January 2013 for a potential November 2013 rulemaking hearing.

Attorney General's Report – Andrea Gelfuso-Goetz

- Wild Earth Guardians is suing the state regarding a Lamar power plant permit related the applicability of MACT standards.
- CMA versus Urbina: CMA is suing the Commission over the AQCC's implementation of the Clean Air Clean Jobs Act. CMA's brief is due to the Court of Appeals on December 26; our Answer brief is due January 30th. WEG also filed an unusual request (a Rule 50 Petition) for the Colorado Supreme Court to review the case even though the case is already at the Court of Appeals.

Administrator's Report – Mike Silverstein

- EPA's Regional Haze SIP approval should be published by the end of the year.
- Reviewed February agenda items and noted that there will not be a meeting in January.
- Review of Action Items from today's meeting: Commissioner Coons to provide Martin with NJH pediatric asthma study contact information; Division to investigate removing the statutory requirement for the Reg. 9 program costs annual briefing.

Adjourn at 11:10 AM