STATE OF COLORADO

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Colorado Department of Public Health and Environment

Colorado Air Quality Control Commission

October 18, 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:	Saeed Barhaghi John Clouse Barbara Roberts	David Brown Teresa Coons Laura Teague	Ashley Campsie John Loewy
Members Absent:	Jim Wilson		
Commission Staff:	Mike Silverstein	Theresa Martin	
Division Staff:	Will Allison Mark McMillan Dena Wojtach	Garry Kaufman Leah Martland Kirsten King	Gordon Pierce Stefanie Rucker

Attorney General's Office: Andrea Gelfuso-Goetz

CALL TO ORDER AND DETERMINATION OF A QUORUM

Chair Roberts called the meeting to order at 10:00 AM and determined that a quorum of Commissioners was now present with nine 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. David Wofsey spoke to the Commission about lean burn engine systems and the need to ban them because of the detrimental impact on the economy, the environment, and the food and energy sources.

APPROVAL OF MEETING MINUTES FOR SEPTEMBER 20, 2012
Chair Roberts asked the Commission if there were any modifications to the minutes. There were no modifications.

Motion:	To approve the September 20, 2012 Meeting Minutes
Moved:	Commissioner Coons
Second:	Commissioner Brown
Discussion:	none
Carried:	8-0

CONSENT AGENDA

RULEMAKING HEARINGS

- Consider incorporating by reference new and revised federal National Emission Standards for Hazardous Air Pollutants (NESHAP) into Colorado Regulation Number 8, Parts A&E, Control of Hazardous Air Pollutants.

- Consider incorporating by reference revisions to the federal Acid Rain Program into Colorado Regulation Number 18, Control of Emissions of Acid Deposition Precursors.

Motion:	To adopt the Consent Agenda items as proposed by the Division
Moved:	Commissioner Teague
Second:	Commissioner Coons
Discussion:	none
Carried:	8-0

REGULAR AGENDA

WRITTEN COMMENT ONLY RULEMAKING HEARINGS

Regulation Number 6, Part A

At 10:10 AM Leah Martland and Stefanie Rucker of the Division presented to the Commission considerations for incorporating by reference new and revised federal New Source Performance Standards (NSPS) into Colorado Regulation Number 6, Part A, Standards of Performance for New Stationary Sources. Loewy asked for a report back to the Commission to inform them of updates associated with EPA and the Division's processes moving this partial adoption forward. Roberts asked that these be provided in the Division Director monthly report. Chair Roberts asked if there were any members of the public who wished to make a comment on this issue. Elizabeth Paranhos representing Environmental Defense Fund expressed their concerns regarding a partial adoption versus an adoption in its entirety. Campsie, Brown and Clouse made disclosures about their involvement with industry but noted they were able to keep open minds to this particular hearing.

Motion:	To adopt Regulation Number 6, Part A revisions as proposed by the Division
Moved:	Commissioner Coons
Second:	Commissioner Teague
Discussion:	Clouse asked for definitions to be included within the regulation. Roberts asked if any of the Commission wanted a delay and there was none.
Carried:	8-0

REGULAR AGENDA

BRIEFINGS, DISCUSSIONS AND REPORTS

Division Director's Report – Will Allison

- Regulation Number 11 alternate proposal request by Commission – the Division doesn't believe it is the best way to move forward primarily because of costs associated and noted that this was a discussion and decision agreed upon by the Executive Committee

Attorney General's Report – Andrea Gelfuso-Goetz

- WEG v. Lamar Utilities - a federal court determined that Lamar was required to complete a MACT determination. In February, the federal court will hold a hearing to determine Lamar's penalty for noncompliance, but both sides have petitioned for reconsideration of the Court's decision. WEG has also sued the Division in state court on some issues identical to the federal case; the outcome of the federal case may result in dismissal of some of the issues in the state case.

Administrator's Report – Mike Silverstein

- No November meeting
- Regulatory agenda being provided to legislation for not only the Commission but CDPHE
- Review of Action Items from today's Commission meeting – NSPS partial delegation should not be included in Written Comment Only hearings in the future and will be discussed in the future as part of the Division Director reports

JOINT MEETING WITH THE BOARD OF HEALTH

Annual Report to the Public

At 12:30 PM Mike Silverstein, Administrator for the Commission, reviewed the annual report to the public and discussed air quality in the various regions of the state. The Commission provided an opportunity for additional comments. Laura Davis asked about the additional trend reports. Coons asked for an identification marker for other resources i.e. National Park Service. Teague noted that outreach with the State Science Fair might be a good place to make a presence.

Pharmaceutical Wastes and Environmental Impacts of Disposal

At 12:58 PM Lillian Gonzalez of the Hazardous Materials and Waste Management Division presented how pharmaceutical waste from health care facilities can legally be disposed of in Colorado, how it is actually being disposed, and what is occurring to make the two match. The role of incinerators in the disposal of pharmaceuticals was also addressed.

Annual Assessment of Oil and Gas Operations

At 1:33 PM Mark McMillan of the Division presented an overview of oil and gas activities in Colorado and how the Division is responding to the rapidly changing air quality issues. The impacts on permitting and staffing along with significant air-related topics were also presented.

Review of the 2012 Ozone Season
At 2:10 PM Ken Lloyd from the Regional Air Quality Council and Gordon Pierce from the Division presented the 2012 summertime ozone monitoring data and report on any exceedances or violations of the ozone standards. The historical ozone trends, the latest control measures that reduce emissions and an overview of the latest ozone modeling results were also presented.

Impacts of Wildfires on Air Quality
At 2:45 PM Gordon Pierce from the Division discussed this summer's fire impact on air quality. Pierce also discussed the Division's health effects messaging, air quality monitoring data, and how the Division determines whether fire adversely effects compliance with air quality standards.

Suncor Underground Leaks and Resulting Air/Water Contamination
At 3:09 PM Rob Beierle of the Hazardous Materials and Waste Management Division and Marley Bain of the Air Pollution Control Division presented an overview of the underground hydrocarbon leaks from the Suncor refinery (located in Commerce City) and the remediation efforts underway. Roberts asked if Beierle and Bain could come back after resolution so that there can be a full discussion with the Commission.

Tightening of Particulate Matter Standards
At 3:38 PM Curt Taipale from the Division presented an overview of EPA's proposed revisions to the National Ambient Air Quality Standards for fine particulate matter. The levels of the proposed standards, EPA's projected health and environmental benefits from implementing the rule and implications for Colorado were also presented.

Adjourn at 3:54 PM