

# STATE OF COLORADO

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**COLORADO AIR QUALITY CONTROL COMMISSION**  
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Colorado Department  
of Public Health  
and Environment

## Colorado Air Quality Control Commission

### June 15, 16 & 17, 2011

### MEETING MINUTES

**Location:** Doubletree Hotel  
501 Camino Del Rio  
Durango, CO 81301

**Members Present:** Robert Arnott                      Saeed Barhaghi                      Ashley Campsie  
Teresa Coons                                      John Loewy                              Dawn Meyers  
Barbara Roberts                                Jon Slutsky                              Jim Wilson

**Members Absent:** none

**Commission Staff:** Mike Silverstein                      Theresa Martin

**Division Staff:** Paul Tourangeau                      Garry Kaufman                      Kirsten King  
Dena Wojtach                                      Curt Taipale                              Doug Decker                      Gordon Pierce

**Attorney General's Office:** Will Allison

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### Wednesday June 15, 2011

#### CALL TO ORDER AND DETERMINATION OF A QUORUM

Chair Roberts called the meeting to order at 4:07 PM and determined that a quorum was now present with nine Commissioners. Chair Roberts opened the meeting thanking the representatives and citizens for welcoming the Commission to their beautiful town of Durango. Commissioner Coons noted that it might be helpful for the public if everyone at the table introduced themselves and Roberts agreed and began the introductions. Wally White on behalf of La Plata County Board of County Commissioners thanked the Commission for coming to Durango and showing an interest in Southwest Colorado. White noted that the County was very proud of what they had in their southwestern region and was appreciative of the interest that the Commission was taking in the air quality and their citizens well being.

## **Air Quality Issues in Southwest Colorado**

Curt Taipale provided a handout to the Commission and presented the Division's data regarding southwest Colorado's emissions and the monitoring. Taipale noted that the emissions reflected comparisons between SW Colorado and Adams County Colorado. Taipale discussed the emissions inventory as well as the monitoring sites involved across the state. Taipale provided an overview of the Four Corner sites and the various pollutants such as ozone, carbon dioxide and nitrogen dioxide as well as the area trends for the 8-hour ozone such as PM10 and PM2.5. Tourangeau noted that the graph reflecting the current Four Corners Area trends indicated that depending on what the EPA does in the near future it there would be the potential exceedances. An audience member asked about the oxides of nitrogen sites in the region. Pierce answered that there was a NOx monitor near Bayfield and a couple more in New Mexico. The same audience member asked about the power plant and whether it affected the sites. Pierce commented that if there were downward winds it could. Taipale noted that the monitoring sites also included those on the Southern Ute Indian Reservation as well. Taipale reviewed the visibility and the worst days associated in Mesa Verde National Park; this was based upon monitoring data from the past ten years. Taipale reviewed the visibility improvement projections. Taipale reviewed other various sites visibility worst days and improvement projections.

Loewy asked what conclusions could be drawn from the data provided. Taipale commented that the trends were fairly stable with some down trend with PM2.5 and the only exceedances of PM2.5 in the area were with high winds. An audience member asked how you would rate the air quality in the Four Corners region as he didn't understand the data and the explanation provided; specifically how does it relate to mercury contamination in the region and at what level do we accept it as being ok. Silverstein commented that the Four Corners region actually has very good air quality and the State is currently working with the Southern Ute Indian Tribe to implement major and minor source programs to assist with emissions and air quality in the Four Corners region. Roberts provided an explanation of what the six criteria pollutants were: ozone, nitrogen dioxide, particulate matter (PM), carbon monoxide, sulfur dioxide, and lead. Roberts noted that these were the six health standards monitored for under the Clean Air Act in order to protect public health with an adequate margin of safety. Roberts commented that mercury falls under a different part of the Clean Air Act; the Hazardous Air Pollutants (HAPs). Tourangeau noted that there had been two recent actions to reduce mercury emissions from large sources. Tourangeau commented that one of them was adopted by this Commission to reduce emissions from Colorado's largest sources: the coal fired power plants and the second action is from EPA which would be targeting coal fired power plants across the whole country not just in Colorado and the EPA expects to finalize that rule in 2011/early 2012 and the compliance period would be in 2015.

Dani Lorrigan noted that she was a Research Analyst with the La Plata County Attorney's Office and appreciated the Commission bringing their meeting to Durango and providing opportunities to speak. Lorrigan expressed the concerns of the La Plata County Board of Commissioners including: the coordination process, emission reduction efforts, ozone standards, mercury contaminations and visibility issues. Lorrigan noted that the Four Corners region was a very complex jurisdiction because of the multiple states, EPA regions, various tribal entities, and federal land managers. Lorrigan also noted that they were looking forward to the rejuvenation of the Four Corners Task Force and participating in upcoming meetings.

Lorrigan commented that the Board was very pleased with the work that the Southern Ute Indian Tribe was doing with their air quality program and all the efforts being made to ensure appropriate and effective air quality management on the reservation. Lorrigan noted that La Plata County had undertaken their own emission reduction efforts for local businesses which included an energy audit, implementation of solar thermal water heating, vending misers, upgraded heating and cooling systems, amongst many other initiatives.

Chris Peltz with Mountain Studies Institute (MSI) provided handout to the Commission and gave an overview of the group noting that MSI was an independent not-for-profit mountain research and education center based in Silverton, CO. Peltz noted that MSI developed science that people could use to address environmental issues facing the San Juan Mountains through conducting and facilitating research, providing educational opportunities and internships, and conducting environmental monitoring. Peltz commented that MSI connects scientists and stakeholders across the San Juan Mountain region to go beyond scientific inquiry to the meaningful application of knowledge that makes a difference for the quality of the environment. Peltz reviewed two studies that MSI had recently conducted: an assessment of foliar ozone injury and a pilot study of the ecological effects of mercury deposition and contamination in southwestern Colorado. Peltz commented that they had been working with EPA in broadening public outreach for ozone and mercury in rural Colorado and New Mexico through education, empowerment, and participation of rural people in SW Colorado-NW New Mexico that were impacted by air, water, and toxics pollution from oil and gas and energy production facilities. Peltz commented that awareness of the potential health impacts of ground-level ozone and mercury had increased over recent years and MSI, via its research, outreach, and collaborative activities had determined that mercury and ozone were priority environmental and human health concerns in the Four Corners Region and with the Four Corners Task Force. Peltz concluded noting that MSI had developed a booklet titled "How's the Air Out Here?" and a website which had been done in English and Spanish.

### **Air Quality Concerns in Southwest Colorado: Public Comment**

Roberts noted that the Commission would now take public comment regarding air quality concerns facing Southwest Colorado's communities.

Eric Janes noted that he was a resident of Montezuma County and was speaking for the Montezuma League of Women Voters which was a national nonpartisan political organization. Janes noted that he had sent a letter prior to this meeting to the Commission regarding their concerns. Janes commented about the incredible long distance views and the visibility impairment from regional haze, power plant plumes from the Four Corners and San Juan plants, and other air pollutants. Janes highlighted one major concern: the League was looking for better communication regarding the air quality issues in southwestern Colorado amongst agencies such as this Commission, the Division, the four BLM regions, the various counties and the three EPA regions. Janes commented that the citizens and local officials need to know the views of the experts and the decisions made and asked that the Commission and Division find a way to provide this communication to everyone so that all interested parties could work together with the various agencies to restore the many treasures of Colorado that have been impaired.

Roberts asked if there was a means to email comments, notices, etc. to outside entities. Silverstein commented that this was traditionally done by the Division and asked if the Commissioners would like a system to be developed for the Commission. Roberts noted that there should be a system created. Tourangeau commented that formal comment letters could be posted on both the Division and Commission websites. Silverstein commented that it could also be posted on the Four Corners Task Force website as well. Coons commented that providing to the websites does not get it out to the public and we should look into other means of communication in the communities such as free publicity through the newspapers.

Deanna Collins with League of Women Voters of La Plata County provided a handout and noted that they had advocated for full implementation of the Clean Air Act and strengthening air pollution controls since the early 70s. Collins noted at a local level the League had recently urged the most stringent BART controls be installed at coal-fired power plants in the Four Corners region, proposed a local EPA office to coordinate air quality issues, and cosponsored a forum to educate the public on air quality issues in southwest Colorado. Collins noted that many of the precursors to ozone in the region, such as nitrogen oxide and the VOC, come from coal-fired power plants and gas wells not located in La Plata county, let alone Colorado. Collins noted that the San Juan Basin had 35,000 oil and gas wells, 10% that were located in La Plata county and a majority of the remaining located in Northwest New Mexico. Collins commented that two of the dirtiest coal-fired power plants in the country -- Four Corners Power Plant and San Juan Generating Station -- were located in Northwest New Mexico and that the citizens of La Plata County breathe pollutants from these sources, yet Colorado has no jurisdictional authority over them. Collins commented that the League was asking for the Commissions help in ensuring that other counties and states could not unilaterally make decisions without considering the impacts upon their neighbors, such as the recent decision by the New Mexico Environmental Improvement Board to reduce BART for the San Juan Generating Station in their State Implementation Plan. Collins urged the Commission to consider regulations to address the unique circumstances impacting air quality in Southwest Colorado in order to preserve the physical, chemical and biological integrity of the ecosystems and to protect public health.

Josh Joswick with San Juan Citizens Alliance provided a handout regarding a dehydrator facility located near the Sunnyside Kindergarten playground and the results of an air sampling project that had been completed.

Mike Meschke with San Juan Basin Health Department thanked the Commission for having the meeting in Durango and expressed similar concerns with the Four Corners and San Juan plants.

Mark Sies and Michelle Reott both citizens from the area also expressed similar concerns regarding the Four Corners and San Juan plants.

Jennifer Thurston with the Sheep Mountain Alliance expressed concerns regarding the uranium mill that had recently been in the news and how it would affect the local areas. Thurston also expressed concerns about the closing of the mill in Paradox Valley.

Rita Shirley representing Montezuma Climate Action Network (M-CAN) expressed concerns regarding the San Juan and Four Corners Power Plant and the many bureaucracies involved.

Paul Schmitzsee, a citizen expressed concerns about wind changes and would like investigations into disease conditions.

Dan Randolph acting director with San Juan Citizens Alliance expressed concerns regarding the many gas wells in the San Juan Basin on BLM lands, the San Juan and Four Corners Power plants, and also noted that he didn't believe that voluntary mitigation worked.

*The Commission adjourned for the day at 6:30 PM*

## **Thursday June 16, 2011**

### **CALL TO ORDER AND DETERMINATION OF A QUORUM**

Chair Roberts called the meeting to order at 8:44 AM and determined that a quorum of Commissioners was now present with nine Commissioners.

### **APPROVAL OF MEETING MINUTES FOR MAY 19, 2011**

Chair Roberts asked the Commission if there were any modifications to the minutes. Allison provided a couple of typo corrections to be made to Martin.

Motion: To approve the May 19, 2011 Meeting Minutes  
Moved: Commissioner Campsie  
Second: Commissioner Slutsky  
Discussion: none  
Carried: 9-0

### **Colorado Air Quality Challenges and Accomplishments over the Years**

The Commission and Division discussed air quality challenges that the State of Colorado had faced during the past 30 years and how the Commission, the Division and local communities had met these challenges. The Division provided a handout to the Commission detailing efforts that were being made at improving air quality in Colorado as well as the successful and unsuccessful efforts at reducing air pollution in order to meet Colorado's air quality goals. Kaufman discussed the non-attainment areas and the pollutants involved, strategies and technologies established to improve air quality, future reductions to be made and the challenges involved such as oil and gas wells.

*The Commission to a break at 10:00 AM and reconvened at 10:14 AM*

### **Ozone Non-Attainment Planning Process**

At 10:15 AM Pat Cummins with the Western Regional Air Partnership (WRAP) provided the Commission and Division with a handout and noted that the WRAP was a voluntary partnership of states, tribes, federal land managers, local air agencies and the US EPA whose purpose was to understand current and evolving regional air quality issues in the West. Cummins commented that the WRAP develops, maintains, and shares databases, supports technical analyses, and provides access to data and results from various information sources to produce consistent, comparable and complete results for use by individual WRAP member jurisdictions and agencies. Cummins reviewed with the Commission the West-wide Jumpstart Air Quality Modeling Study and why the West-wide Jumpstart was important to stakeholders.

At 10:52 AM Silverstein provided a handout to the Commission and Division members and began the discussions of the timelines and procedures for developing a State Implementation Plan to address the anticipated 8-hour ozone non-attainment designations for the Colorado Front Range. Silverstein commented that the Four Corners area could possibly violate a new ozone standard and that the largest potential reduction could come from controls on the two largest emission sources: oil and gas and the power plants. The Commission heard from Ken Lloyd of the Regional Air Quality Council (RAQC) and Lesli Ellis of the North Front Range Metropolitan Planning Organization (NFRMPO) regarding how to best organize efforts to develop a new 8-hour Ozone SIP.

*The Commission broke for lunch at 12:05 PM and reconvened at 12:50 PM*

Commissioner Coons suggested that there be introductions of all participating parties; Roberts began the introductions.

### **Southern Ute Indian Reservation Air Quality Issues**

At 12:52 PM The Commission met with members of the Joint Southern Ute Indian Tribe/State of Colorado Environmental Commission which included: Dan Fauth – Chair, Ethan Hinkley – Air Quality Specialist for Red Cedar Gathering, Pete Foster – State Appointed Commissioner, and Jeff Jefferson, Jr. – Tribal Commissioner, and Virgil Frazier – Tribal Commissioner. There were discussions regarding the work of the Joint Commission and air quality issues facing the Southern Ute Indian Reservation for the near future upon ozone standard changes. The Tribe reviewed the various programs that were in progress and what the status were with each. It was noted that a possible issue raised with EPA in public comments by the Tribe was the need to provide an elevation factor for volumetric standards for criteria pollutants.

### **Ozone and Southwest Colorado**

At 1:50 PM Mark Jones and Rita Bates with the New Mexico Environment Department provided a handout to the Commission and the Division and presented information regarding ozone concentrations, ozone precursor sources and regional transport of ozone affecting the area. This included the various emission sources, the permitting challenges related to the oil and gas locations, the air quality initiatives, and the mitigation options that were being implemented in New Mexico. Also discussed was the BLM Condition of Approval and New Source Performance standards for compressor engines, their Regional Haze Plan, diesel vehicle retrofits, and their new monitoring stations.

*The Commission to a break at 3:20 PM and reconvened at 3:33 PM*

### **Update on Southwest Colorado Air Quality Efforts**

At 3:35 PM Laura Lewis of the Durango Train Smoke Mitigation Task Force briefed the Commission on their efforts over the past several years to work in partnership with the Durango and Silverton Narrow Gauge Railroad to reduce smoke and emissions in Durango and La Plata County. Lewis noted that currently the Task Force was seeking funding to construct the expansion of the scrubber system.

*The Commission adjourned for the day at 4:44 PM*

## **Friday June 17, 2011**

### **CALL TO ORDER AND DETERMINATION OF A QUORUM**

Chair Roberts called the meeting to order at 8:07 AM and determined that a quorum of Commissioners was now present with nine Commissioners.

**Election of Officers:** Silverstein facilitated the nomination and election process. The Commission elected Officers (Chair, Vice-Chair, and Secretary) to the Executive Committee of the Commission for the upcoming year.

Motion: To elect Roberts as Chair, Wilson as Vice Chair and Slutsky as Secretary  
Moved: Commissioner Loewy  
Second: Commissioner Coons  
Discussion: none  
Carried: 9-0

Roberts presented Kaufman with a plaque for his eight months as acting Administrator to the Commission.

Roberts noted that she omitted bringing something to the attention of the Executive Committee for review. Silverstein noted that it was about the DRCOG letter. Silverstein commented that he would email the letter to Commissioners for review and comment. Arnott suggested the letter indicated to DRCOG the Commission's belief that the AQ categorical set aside be continued and projects selected for this special funding adhere to DRCOG's stated selection criteria. Lloyd commented about the letter noting that funding and future processes regarding conformity should be addressed.

### **BRIEFINGS & DISCUSSIONS**

#### **Ozone Non-Attainment Planning Process**

The Commission continued its discussion from Thursday regarding the timelines and procedures for developing a State Implementation Plan to address the anticipated 8-hour ozone non-attainment designations for the Colorado Front Range. The Commission also discussed non-ozone long term planning issues for items that were currently on the long term calendar or that may be placed on the calendar based on the Commission's discussions. Silverstein noted that the Action Item list would be updated and emailed to the Commission. The Commission requested that an ozone summary be emailed to the Commission as it occurred.

Pulmonary discussion – Wilson asked to hold briefing, Tourangeau noted that he could provide comments from APCD, SUIT, and BP. Gordon noted he would look into discussion points. Arnott asked about National Jewish involvement. Wilson asked about state epidemiologist. Coons noted that respiratory should be looked at as well. Slutsky noted that this would be good to have this discussion with the Board of Health meeting. Roberts noted that the Division needed to provide comments and then have briefing in October with the Board of Health and to possibly include information from EPA's CASAC.

## NOTES FROM WHITEBOARD

- Vision
- Communication
- Interaction (intergovernmental)
- Involvement (increased Commissioner time)
- Ozone Action Plan (OAP)
  - Focus our vision - What are our options to meet the new standard?
    - Quarterly Forums ( with agencies, industries, citizens)
    - Stakeholder meetings with individual Commissioner attendance
    - Statewide involvement and outreach to all communities
    - Informal process – ask other individuals to host or facilitate meeting
    - Share Point interaction or something similar
    - Outreach – who are the people involved, how do you get the involvement out to everyone and get those individuals involved or to participate
    - N/A areas' stakeholders
    - Outside groups
    - County Commissioners involvement, Public Information Officers
  - Non-Attributable Areas
    - Communication strategies
    - Solicit ideas from: regulated, public, local governments, regional governments
    - Selected issues: stakeholder process

## NEXT STEPS

- Communication/Outreach Plan
- WHEN: bring to the July meeting a conceptual outreach plan (bullet points)
- WHO: the Division

At least one meeting out of town. Boettcher Mansion is acceptable for the Retreat. Check into outside communities hosting the AQCC in order to increase out-of-town meetings and then utilize lower cost hotels to save money.

Interactive Web Site, Document Retention, Alert System, List Serv, Advertisements. Roberts, Loewy and Arnott will provide feedback for web site – have meeting to include Brittney (temp), Mike, Kirsten, Theresa, and Mike Skorupka. (August)

Monitoring location subcommittee: current location, new location, purpose of monitor, funding for new monitors, rationale of location. Wilson noted that every major population area in Colorado should have a monitoring system. Coons noted that once we begin the Forums then there should be a meeting with monitoring folks to discuss what was appropriate. Tourangeau noted that there should be a meeting to discuss where the monitors are located, what type of monitors, the reasons why they are located there, and where monitors should actually be located, and funding resources. Wilson asked for one sentence goal, Tourangeau input, Slutsky input. Briefing to occur at November meeting.

Look into Strategic Facility Planner/Facilitator (have preliminary plan and have the Executive Committee meet with Planner in January to prepare for Retreat)

Silverstein reviewed action items developed from today's meeting:

#### Calendar Items

- Ozone Briefing moved to October
- Regulation 12 set for September
- GHG Briefing in July
- Ozone and Elevation Briefing – need to schedule

#### Outreach from the Commission

- Public Comments
- Letters
- Other agency sites
- Media advisories

Consider Public Hearing in San Miguel County regarding Pinon Ridge Radiation Mill

Periodic review of regulations, have an inventory of what is on the books, or program review, or sunset requirements – what is already scheduled i.e asbestos every 5 years, I/M every 3 years.

Present a tally of all ozone emission efforts and reduction planning.

Present for ozone trends – try to include what the background assumption might be.

Show emission reductions per well or similar type of metric.

Explore policy relevant background concept for ozone and brief the Commission.

Potential for monitoring air toxics (HAPs).

Develop AQCC mission/tactics.

*The Commission adjourned the Retreat at 10:56 AM*