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**Air Quality  
State Implementation Plan Revisions  
Report C.R.S. 25-7-133**

**Submitted to the Colorado Legislature  
by the Air Quality Control Commission  
January 15, 2003**

## **Introduction**

The Colorado Air Quality Control Commission appreciates the opportunity to submit the following report describing the revisions made to the air quality State Implementation Plan (SIP), pursuant to the provisions of 25-7-133, C.R.S. This report includes eight actions taken to revise the State Implementation Plan in the time period from December 2001 through December 2002. The Commission is also including a SIP revision not previously submitted to EPA, but adopted in a November 16, 2000 action, revising the motor vehicle emissions inspection program.

Each revision made to the State Implementation Plan and the date of Commission action are summarized below. Following the summary is a discussion of each action the Commission took to revise the State Implementation Plan.

1. Regulation Number 11: Motor Vehicle Emissions Inspection Program  
- November 16, 2000
2. Regulation Number 11: Motor Vehicle Emissions Inspection Program  
- December 20, 2001
3. Regulation Number 3: Air Contaminant Emission Notices  
- February 21, 2002
4. Common Provisions Regulation and  
Regulation Number 3: Air Contaminant Emission Notices  
- June 20, 2002
5. Regulation Number 11: Motor Vehicle Emissions Inspection Program  
- August 15, 2002
6. Regulation Number 3: Air Contaminant Emission Notices  
- October 17, 2002
7. Regulation Number 11: Motor Vehicle Emissions Inspection Program  
- October 17, 2002
8. Regulation Number 11: Motor Vehicle Emissions Inspection Program  
- November 21, 2002
9. Greeley Carbon Monoxide Attainment/Maintenance Plan:  
- December 19, 2002
  - o Regulation Number 11: Motor Vehicle Emission Inspection Program
  - o Regulation Number 13: Oxygenated Fuels Program
  - o Ambient Air Quality Standards

## **State Implementation Plan Revisions**

### **1. Regulation Number 11: Motor Vehicle Emissions Inspection Program**

On November 16, 2000, the Commission considered and adopted a proposal to revise the regulation to increase the amount of time allowed between valid remote sensing readings from 90 days to 120 days. This proposal was adopted to provide additional time for motorist notification and to increase the amount of vehicles that could qualify to take advantage of the Clean Screen Program. The proposal adopted by the Commission also revised the statutory citation referencing the licensing requirements for clean screen inspectors.

### **2. Regulation Number 11: Motor Vehicle Emissions Inspection Program**

On December 20, 2001, the Commission considered and adopted a proposal to revise the regulation to establish the Clean Screen Authority provided for by the General Assembly in 2001 House Bill 1402. This action of the Commission only established the Clean Screen Authority, it did not initiate the pay upon registration system that accompanied the 2001 legislation. It was determined in the hearing process that additional time was necessary to establish the computerized systems required to implement the program through the registration process. The rule revisions expanded the clean screen program to include the enhanced vehicle emissions inspection program area, essentially the Denver metropolitan area, into the program. The proposal adopted by the Commission also excluded the El Paso County program area from in the clean screen program and repealed the requirement to have a windshield sticker displayed on the vehicle to signify that a vehicle had passed the emissions test.

### **3. Regulation Number 3: Air Contaminant Emission Notices**

On February 21, 2002, the Commission considered and adopted a proposal to revise the regulation to clarify the process for public comment hearings on construction permits and operating permits held before the Commission. The Commission explained that while the hearings are held before the Commission, the Commission acts only as the convening authority and the permits themselves are still issued by the Air Pollution Control Division. The Commission clarified that there is an opportunity for adjudication once the permit is issued. The Commission also adopted a proposal to allow the Division to effectuate public notice for permit applications and the Air Pollution Control Division's preliminary analysis by posting such documents on the Division's internet site and by publication of notice in a newspaper of statewide distribution.

### **4. Common Provisions Regulation and**

#### **Regulation Number 3: Air Contaminant Emission Notices**

On July 18, 2002, the Commission considered and adopted proposals to revise the regulations as a part of a comprehensive review of the two regulations. The Commission adopted revisions to the Common Provisions regulation to 1) delete

outdated and duplicative provisions, 2) ensure the stylistic, grammatical, and formatting consistency of the document, and 3) make clarifying changes to the rule that would ensure consistency with other Commission regulations.

The Commission also adopted a proposal to revise Regulation Number 3 to 1) delete outdated and duplicative provisions, 2) ensure the stylistic, grammatical, and formatting consistency of the document, 3) clarify ambiguous provisions in several definitions and other requirements throughout the regulation, 4) delete some existing requirements, and 5) to add some exemptions from the requirements of the regulation. The Commission also modified some provisions, such as the agricultural exemption, to more closely reflect statutory provisions.

**5. Regulation Number 11: Motor Vehicle Emissions Testing Program**

On August 15, 2002, the Commission considered and adopted a proposal to revise the regulation to implement the pay-upon-registration system for the Larimer and Weld Counties' clean screen program. The pay-upon-registration system allows vehicles that have been clean screened to pay for the clean screen test during the annual registration process for their vehicle. The Commission also adopted a proposal to change the timing requirements for remote sensing readings from two remote sensing readings within one year of the registration renewal date with one of the two being required within 120 days of the registration date to simply requiring two remote sensing readings within the one-year time period. The Commission adoption reflects the minimum federal requirements. The Commission action on this rule also revised provisions to reflect statutory changes made in 2001 House Bill 1402.

**6. Regulation Number 3: Air Contaminant Emission Notices**

On October 17, 2002, the Commission considered and adopted revisions to the regulation regarding the exemptions for crude oil and condensate storage tanks and for crude oil and condensate truck loading equipment. The Commission had originally adopted blanket exemptions for these facilities in 1993. The 1993 adoption did not consider the substantial amount of emissions from the operations due to depressurization of the liquids when added to the tanks or the volatilization of hydrocarbons during tank filling. The Commission adopted provisions that would require these facilities to begin meeting the same requirements as other sources with similar amount of emissions. The revisions to the rule will require these sources to begin reporting their emissions and may require some sources to obtain permits. The Commission provided a phase-in period for the initial collection of this information.

The Commission also adopted provisions that clarify the requirements that may continue to apply to a source even if it can take advantage of an air pollution emission notice exemption. Sources may be exempt from the filing of air pollution emission notices, but may still need to apply for permits to comply with other general requirements of the overall regulatory program.

**7. Regulation Number 11: Motor Vehicle Emissions Inspection Program**

On October 17, 2002, the Commission considered and adopted a proposal to revise the regulation to initiate the pay-upon-registration system for the clean screen program in the Denver metropolitan area and to repeal the requirement for a vehicle to fail the emission test if the malfunction indicator or check engine light is illuminated. The pay-upon-registration system allows owners of vehicles that have been clean screened to pay for the clean screen test during the annual registration process for their vehicle. The Clean Screen program will begin monitoring vehicles at the end of 2002, and will begin exempting vehicles from the IM240 test starting in April of 2003.

**8. Regulation Number 11: Motor Vehicle Emissions Inspection Program**

On November 21, 2002, the Commission considered and adopted a proposal to revise the monetary amount of the vehicle emissions repair waiver limit. The Commission adopted a proposal to require the Air Pollution Control Division to adjust the emissions repair waiver limit by the consumer price index for the next two years and then to return to the Commission for further review of this requirement. The Commission also extended the effective date of the repeal of the pass/fail criteria for the malfunction indicator light to April of 2003 to allow time for the development of computer programming software.

**9. Greeley Carbon Monoxide Attainment/Maintenance Plan Revisions:**

- Regulation Number 11: Motor Vehicle Emissions Inspection Program
- Regulation Number 13: Oxygenated Fuels Program
- Ambient Air Quality Standards Regulation

On December 19, 2002, the Commission considered and adopted a proposal from the Air Pollution Control Division to reduce the requirements that would be necessary to demonstrate long-term compliance with the national air quality standard for carbon monoxide in the Greeley area. The Commission made revisions to the below listed regulations.

**Regulation Number 11: Motor Vehicle Emissions Inspection Program**

This regulation was modified to remove this program from the federally enforceable State Implementation Plan beginning on January 1, 2004. The Commission, at the request of the City of Greeley and with the support of the North Front Range Metropolitan Planning Organization, retained the vehicle emissions testing program as a state-only program. These organizations based their request, in part, on the desire to maintain consistency with the existing program in Fort Collins. The Commission directed the Air Pollution Control Division to return in mid-2003 with a proposal to completely repeal the vehicle emissions testing program in Greeley as well as in Fort Collins. It was demonstrated that the program is no longer needed to maintain long term compliance with the national standard for carbon monoxide.

**Regulation Number 13: Oxygenated Fuels Program**

The Commission adopted a proposal to revise the regulation to repeal the requirement for the use of oxygenated fuels in the Greeley carbon monoxide nonattainment area. The repeal of this requirement is effective on January 1, 2004. At that point in time, fuel suppliers will no longer be required to add oxygenates to gasoline sold in the area in order to reduce vehicle tailpipe emissions of carbon monoxide.

**Ambient Air Quality Standards Regulation**

The Commission adopted a proposal to modify the transportation emission budgets for the purposes of determining transportation conformity. The emission budgets were modified to reflect the analysis of the most recent data.