



COLORADO
Department of Public
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

January 12, 2018

Colorado Legislative Council
029 State Capitol Building
200 East Colfax
Denver, Colorado 80203

Subject: Air Quality State Implementation Plan Revisions Report

Honorable Members of the Colorado Legislative Council:

Attached is the Colorado Air Quality Control Commission's *State Implementation Plan Revisions Report* submitted pursuant to the requirements of § 25-7-133(1), C.R.S.

Respectfully,

Michael Silverstein, Administrator and Technical Secretary
Colorado Air Quality Control Commission

cc: Jana Milford, Chairperson, Air Quality Control Commission
Martha Rudolph, Environmental Programs Director, CDPHE
Karin McGowan, Deputy Executive Director, CDPHE
Garry Kaufman, Air Pollution Control Division Director, CDPHE





COLORADO
Department of Public
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

Air Quality State Implementation Plan Revisions Report

**Submitted to the
Colorado Legislative Council
pursuant to the provisions of C.R.S. 25-7-133**

**Colorado Air Quality Control Commission
January 12, 2018**



INTRODUCTION

Under the Colorado Air Pollution Prevention and Control Act, the Colorado Air Quality Control Commission (Commission) is charged with the development of a comprehensive State Implementation Plan (SIP), which will assure attainment and maintenance of National Ambient Air Quality Standards and which must meet all other requirements of the federal Clean Air Act (CAA). This SIP shall be revised when necessary and appropriate and any revisions must be submitted to the United States Environmental Protection Agency (EPA) for review and approval. Under state law, prior to submitting any SIP revision to EPA, the Commission must submit a report to the legislature each year summarizing any changes or additions to the SIP made in the previous calendar year. See § 25-7-133, C.R.S. Pursuant to this statutory directive the Commission submits the following report describing its revisions to Colorado's SIP.

STATUTORY REQUIREMENT

Section 25-7-133(1), C.R.S. sets forth the requirements governing the Commission's annual SIP Revisions Report to the legislature as follows:

Notwithstanding any other provision of law but subject to subsection (7) of this section, by January 15 of each year the commission shall certify in a report to the chairperson of the legislative council in summary form any additions or changes to elements of the state implementation plan adopted during the prior year that are to be submitted to the administrator for purposes of federal enforceability. Such report shall be written in plain, nontechnical language using words with common and everyday meaning that are understandable to the average reader. Copies of such report shall be available to the public and shall be made available to each member of the general assembly. The provisions of this section shall not apply to control measures and strategies that have been adopted and implemented by the enacting jurisdiction of a local unit of government if such measures and strategies do not result in mandatory direct costs upon any entity other than the enacting jurisdiction.

STATE IMPLEMENTATION PLAN REVISIONS

In 2017, the Commission adopted the following revisions/additions to Colorado's SIP, which are being submitted for legislative review pursuant to Section 25-7-133(1), C.R.S.:

Regulation Number 4, Applicable to Woodburning Stove Requirements

The Commission adopted revisions to Regulation Number 4 that reestablish a new wood stove definition and clarify that testing, certification and labeling requirements apply to new wood stoves on a state-wide basis and to used wood stoves only along the Front Range, as required by statute.

Notably, these surgical revisions represent no real change to Regulation Number 4 or how it is being implemented, and do not result in regulatory impacts for subject sources. Colorado's wood burning stoves have complied with the federal standards since 1988.

Those affected by these revisions are owners and distributors of woodburning equipment. There was no opposition expressed during the rulemaking process.

Regulation Number 7, Applicable to Oil and Gas Emissions

The Commission adopted revisions to Regulation Number 7 that address EPA's Oil and Gas Control Techniques Guidelines, and emissions from pneumatic controllers.

As a result of the reclassification of the Front Range region as a moderate ozone nonattainment area, Colorado must adopt reasonably available control technology measures as part of the ozone SIP for certain oil and natural gas sources. In summary, the Commission revised existing requirements for compressors, pneumatic controllers, equipment leaks at natural gas processing plants, and fugitive emissions at well production facilities and natural gas compressor stations. The Commission also adopted new requirements for pneumatic pumps. Finally, the Commission adopted the necessary provisions to ensure compliance with the emission control requirements.

Those affected by these revisions include oil and gas sources subject to the requirements of the rule. There was little opposition to these rules during the rulemaking process, though there were alternative proposals that would have expanded the applicability and/or stringency of the requirements (these were not approved by the Commission).

Regulation Number 11, Applicable to Motor Vehicle Inspection and Maintenance Requirements

The Commission adopted revisions to Regulation Number 11, Part C to reflect procedural changes and criteria used in the emissions inspection of motor vehicle on-board diagnostics and to Part F to modify the on-road remote sensing clean screen low emitter index qualifying criteria, to incorporate the use of on-board diagnostics test data collected from newer vehicles.

The specific revisions modify the on-road remote sensing clean screen low emitter index qualifying criteria, to incorporate the use of on-board diagnostics (“OBD”) test data collected from newer vehicles; correct an administrative error where the readiness requirements for Envirotest public lanes and the readiness requirements for self-inspecting vehicle fleets are transposed in the regulation; remove readiness language from OBD “Inspection Passing Criteria” to clarify that readiness is a determinant of whether or not a vehicle will undergo an OBD inspection; correct the language on the 5% of OBD vehicles that also undergo IM 240 tailpipe testing such that if the vehicle fails IM 240, the IM 240 failure requires repairs and is not advisory; establish enforceable language regarding OBD test procedures where tampering is detected; and delete obsolete language by removing antiquated equipment requirements for repairs.

Those affected by these revisions include the motoring public in the Front Range region subject to emission testing, the contractor (Envirotest) responsible for conducting inspections, and the vehicle repair industry. There was no opposition expressed during the rulemaking process.