



COLORADO
Department of Public
Health & Environment

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

January 11, 2019

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,

Trisha Oeth, Director Environmental Boards and Commissions
Colorado Department of Public Health and Environment

cc: Peter Butler, 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





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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 11, 2019**



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 2018, 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 7, Applicable to Reasonably Available Control Technology (RACT)

The Commission adopted revisions to Regulation Number 7 on July 19, 2018 that establish reasonably available control technology (RACT) via categorical rules for boilers, turbines, glass melters, lightweight aggregate kilns, and compression ignition reciprocating internal combustion engines (CI Engines) in a continued effort to establish RACT for major sources of volatile organic compounds (VOCs) and/or oxides of nitrogen (NOx) in the Denver Metropolitan North Front Range (DMNFR) Moderate Ozone Nonattainment Area.

The revisions to Regulation Number 7 support Colorado's reasonable further progress toward attainment of the ozone NAAQS and strengthen the major source RACT in Colorado's ozone SIP. The monitoring, recordkeeping, and reporting revisions to Regulation Number 7 ensure that Colorado's ozone SIP is enforceable.

Those affected by these revisions are the owners and operators of CI engines, boilers, turbines, glass melters and lightweight aggregate kilns at major sources of NOx (i.e. sources that have the potential to emit greater than or equal to 100 tons per year of NOx) in the DMNFR. There was no opposition expressed during the rulemaking hearing.

Regulation Number 3, Applicable to Stationary Source Fees

The Commission adopted revisions to Regulation Number 3, Stationary Source Permitting and Air Pollutant Emission Notice Requirements, on October 18, 2018 to correspond to House Bill 18-1400.

The revisions to Regulation Number 3 include increasing emission, permitting, and Air Pollutant Emission Notice filing fees in Part A, Section VI. in accordance with House Bill 18-1400. These revisions cover anticipated revenue shortfalls and ensure continued program viability.

Those affected by these revisions include all stationary sources of air pollution that are required to pay emission fees, permitting fees, and file Air Pollutant Emission Notices with the Air Pollution Control Division.

Regulation Number 7, Applicable to Reasonably Available Control Technology (RACT)

The Commission adopted revisions to Regulation Number 7 on November 15, 2018, establishing RACT via categorical rules for various brewing related operations in a continued effort to establish RACT for major sources of VOCs in the DMNFR Moderate Ozone Nonattainment Area. Revisions to Regulation Number 7 were also adopted as part of a SIP cleanup effort.

Revisions to Regulation Number 7 included RACT requirements in Section XX. for brewing related activities located at major sources of VOC and in Section IX. for wood furniture surface coating operations. The revisions also added incorporation by

reference dates to rules and reference methods in Sections II., VI., VIII., IX., X., XII., XIII., XVI., and XVII. SIP clean-up revisions were also adopted including to remove a one-time RACT report requirement in Section I., add a surface coating work practice in Section IX., and revise an exemption in the industrial cleaning solvent requirements in Section X. Finally, typographical, grammatical, and formatting corrections were made throughout Regulation Number 7.

Those primarily affected by these revisions include large breweries as well as sources that support these breweries (i.e. considered single sources with these breweries), that are located within the Moderate Ozone Nonattainment area and have the potential to emit or are permitted to emit greater than or equal to 100 tons per year of VOCs.