



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

January 14, 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,

A handwritten signature in purple ink, appearing to read "Trisha Oeth", is located below the "Respectfully," text.

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

cc: Chuck Grobe, Chairperson, Air Quality Control Commission
Jill Hunsaker-Ryan, Executive Director, CDPHE
Karin McGowan, Deputy Executive Director, CDPHE
John Putnam, Environmental Programs 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 14, 2020**



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 2019, 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 21: Control of Volatile Organic Compounds from Consumer Products and Architectural and Industrial Maintenance Coatings

The Commission established a new Regulation Number 21 on July 18, 2019 to limit the VOC content in architectural coatings and consumer products, similar to Ozone Transport Commission (OTC) model rules.

Those affected by these revisions are any person who sells, supplies, offers for sale, distributes for sale, or manufacturers for sale consumer products may be directly affected. Any person who supplies, sells, offers for sale, manufacturers, applies, or solicits the application of any AIM coating may be directly affected. Users of consumer products and AIM coating may be indirectly affected.

Regulation Number 3: Stationary Source Permitting and Air Pollutant Emission Notice Requirements

The Commission adopted revisions to Regulation Number 3 on December 19, 2019 to the APEN reporting and construction permitting requirements specific to oil and gas well production facilities, aligning Part B permit requirements with statutory language, updating transfer of ownership requirements, and clarifying APEN and permitting exemptions. Those affected by these revisions are owners and operators in the oil and gas sector.

Regulation Number 7: Control of Ozone via Ozone Precursors and Control of Hydrocarbons via Oil and Gas Emissions (Emissions of Volatile Organic Compounds and Nitrogen Oxides)

The Commission adopted revisions to Regulation Number 7 on December 19, 2019 including a full reorganization of the Regulation into Parts A-E, and changes both to the State Implementation Plan (SIP) and to state-only requirements;

Revisions to the SIP include but are not limited to: 1) establishing a storage tank control threshold in lieu of the current system-wide control strategy; 2) strengthening storage tank monitoring requirements; 3) aligning related recordkeeping and reporting; 4) updating reasonably available control technology (RACT) requirements for major sources of VOC and/or NO_x in the 8-hour Ozone Control Area; and 5) other SIP cleanup and strengthening measures.

Changes to state-only requirements include but are not limited to: 1) lowering the threshold for storage tank controls; 2) establishing automatic tank gauging and tank loadout control requirements; 3) strengthening tank monitoring requirements and increasing the frequency of Approved Instrument Monitoring Method (AIMM) inspections; 4) expanding the requirement to employ Best Management Practices (BMPs) to well plugging activities; 5) aligning and updating recordkeeping and reporting requirements; 6) expanding the “find and fix” pneumatic controller program state-wide; and 7) establishing an annual inventory for equipment used in oil and gas activities .

Those affected by these revisions are owners and operators in the oil and gas sector; owners and operators of major sources of VOC and/or NO_x (≥ 50 tpy) in the ozone nonattainment area; sources that use solvents and owners and operators of gasoline transport trucks, gasoline service stations, and bulk terminals.