



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 11, 2022**



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 2021, 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

On February 19, 2021, the Commission adopted revisions to Regulation Number 7, Part D, Section III, to bolster the commission's existing requirements pertaining to pneumatic controllers in the oil and gas sector as recommended by the Pneumatic Controllers Task Force. These revisions were made in accordance with SB19-181 to reduce emissions of ozone forming pollution, hazardous air pollutants, and methane. Pneumatic controllers are small emission sources in the oil and gas sector that collectively can be a much larger source of emissions.

Procedural Rules

On July 15, 2021, the Commission adopted revisions to its Procedural Rules to clarify the requirements pertaining to adjudicatory hearings.

Regulation Number 7

On July 16, 2021, the Commission adopted requirements for incorporation into the 2008 Ozone State Implementation Plan to address EPA comments concerning a required element of the SIP, called Reasonably Available Control Technology. The revisions included new requirements for small emission sources at industrial facilities called process heaters and for metal surface coating operations.

Regulation Number 11

On August 19, 2021, the Commission adopted revisions to its motor vehicle inspection and maintenance program to repeal provisions that are no longer effective and general cleanup. As a part of this hearing, the commission also adopted more stringent motor vehicle emission standards for nitrogen oxides and hydrocarbons that were not incorporated into the State Implementation Plan but may be incorporated in the future after further discussions with the Environmental Protection Agency.

Common Provisions

On October 21, 2021, the Commission adopted revisions to the Common Provisions regulation to allow for inflation adjustments for maximum fines and penalties for air quality control violations as required by HB20-1143.

Regional Haze State Implementation Plan and Regulation Number 23

On December 17, 2021, the Commission adopted revisions to the Regional Haze State Implementation Plan to address the second planning period of the Plan. The Regional Haze Program is a federal program implemented by the states and is intended to reduce man-made pollution that can cause visibility impairment in national parks and other protected areas, known as Class 1 areas. The Commission also adopted revisions to Regulation Number 23, which only pertains to Regional Haze. This included provisions related to the control of nitrogen oxides, sulfur dioxide, and particulate matter (visibility impairing pollutants) emissions from specific sources identified through federal guidance as impacting visibility Class I areas.

Regulation Number 7

On December 17, 2021, the Commission adopted into the State Implementation Plan targeted revisions to Regulation Number 7 related to more stringent requirements for the control of ozone forming pollutants from compressors and storage vessels in the oil and gas sector. These revisions were made in accordance with comments from the Environmental Protection Agency as necessary for an approvable SIP. These target SIP revisions were adopted in conjunction with significant changes to Regulation Numbers 7 and 22 for the control of greenhouse gas emissions from the Oil and Gas sector per the directive from HB21-1266 that were not incorporated into the SIP.