

STATE OF COLORADO

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COLORADO AIR QUALITY CONTROL COMMISSION

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Colorado Department
of Public Health
and Environment

Air Quality Control Commission Long Term Regulatory Calendar

**Report to:
Legislative Council
1999**

In fulfillment of the
requirements of §25-7-133(4)(b), C.R.S.

PART I

Long Term Regulatory Calendar & Schedule: Summary Table

Air Quality Control Commission Long Term Regulatory Calendar & Schedule

November 2, 1999

Report ID#	Hearing Topic	Hearing Date	Staff Contact
November 18 & 19, 1999			
1	Regs 3, 6 & 8A rulemaking hearing to incorporate Any Credible Evidence (ACE) and Compliance Assurance Monitoring (CAM) requirements as appropriate	10-21-99 continued to 11-18-99	Julie Wrend
December 16 & 17, 1999			
	<i>The Commission is currently not planning to consider any proposed revisions to the State Implementation Plan.</i>		
January 10 & 11, 2000 (Please note that the Commission will hold their regularly scheduled meeting at a different time and location for the month of January)			
2	Carbon Monoxide SIP, Ambient Air Quality Standards & Regs 11 & 13 revisions regarding Denver Carbon Monoxide Nonattainment Area request for redesignation & maintenance plan.	1-10-00	Mike Silverstein
February 17 & 18, 2000			
3	Reg 9 - to repeal this regulation from the state regs, and the ozone State Implementation Plan	2-17-00	Mike Silverstein
4	Ambient Air Quality Standards & Nonattainment Areas Regulations to redesignate Pagosa Springs PM10 nonattainment area, and adoption of a maintenance plan	2-17-00	Mike Silverstein
5	Ambient Air Quality Standards & Nonattainment Areas Regulations to redesignate Telluride PM10 nonattainment area, and adoption of a maintenance plan	2-17-00	Mike Silverstein
March 16 & 17, 2000			
6	Reg 12 - The Reduction of Diesel Vehicle Emissions to remove Larimer, Weld and El Paso county program areas from the PM State Implementation Plan	3-16-00	Rick Barrett
7	Reg 13 - Oxygenated Fuels Program revisions to address modifications to Colorado Springs Carbon Monoxide State Implementation Plan, and discontinue the program in El Paso County	3-16-00	Rick Barrett
April 20 & 21, 2000			
8	Regulatory Incentives; Voluntary Reduction Program public hearing	4-20-00	Kirsten King
9	Permit Fee Credits public hearing	4-20-00	Kirsten King
10	Reg 11 - Inspection & Maintenance Program revisions to address carbon monoxide redesignation	4-20-00	Rick Barrett
11	Reg 17 - Clean Fuel Fleet Program to remove this regulation from the State Implementation Plan for carbon monoxide	4-20-00	Rick Barrett
May 18 & 19, 2000			
	<i>The Commission is currently not planning to consider any proposed revisions to the State Implementation Plan.</i>		
June 15 & 16, 2000			
	<i>The Commission is currently not planning to consider any proposed revisions to the State Implementation Plan.</i>		

PART II

Long Term Regulatory Calendar & Schedule: Individual Reports

Colorado Air Quality Control Commission

LEGISLATIVE COUNCIL STATE IMPLEMENTATION PLAN - SUBMITTAL REPORT
FOR NOVEMBER 1999 TO OCTOBER 2000

I. Regulation or State Implementation Plan Revision

Revisions to incorporate the federal requirements for the use of Any Credible Evidence (ACE) in determination of compliance.

II. Projected schedule for consideration (local & Commission)

Local Hearing: Not applicable
AQCC Hearing: November 18, 1999

III. Projected schedule for submittal to Legislative Council

October 2000

IV. Environmental Protection Agency submittal deadline

The Environmental Protection Agency has set a deadline of June 2000.

V. Description of Technical and Policy Issues and Available Options

Several issues are raised by the adoption and implementation of these requirements. From a technical perspective, the matter of how and where the requirements are placed in the regulatory program is at issue. The issue of how specific the regulatory language needs to be also has been raised by interested parties. The more specific the language, the greater the certainty and nature of the requirement; however, because this requirement will apply in such a large number of situations, it may be unrealistic to attempt such definition in regulatory language. (Case specific guidance documents may be another option to consider.)

Also at issue will be the determination of what is "credible evidence." This determination must be on a case-by-case basis and provide further certainty to the regulated entity. Providing as much definition of how this requirement can be applied is desired by the regulated community, while not limiting its application is an essential part of the requirement.

Available options that may be considered will focus on the amount of definition provided in the regulation; how narrowly or broadly the requirements are defined; and simply satisfying the technical federal requirement versus making the regulation more useful and understandable for the regulated community and the public.

The Ambient Air Quality Standards regulation must include an emissions budget. This emissions budget is essentially a cap on the amount of tons per day of carbon monoxide that can be emitted in the metropolitan area. The budget will be the standard against which the air quality impact of future transportation project's will be measured.

Other options that were considered involved:

- Maintaining the current Inspection & Maintenance Program, without clean screening, and phasing out oxygenated gasoline more quickly.
- Maintaining the current Oxygenated Gasoline Program and phasing in the Clean Screening Program more quickly.

The Regional Air Quality Council and the Air Quality Control Commission anticipate revising the maintenance plan in the next one to two years once a new mobile source emissions model is approved by the Environmental Protection Agency. The new model is expected to result in accelerating the proposed program changes.

Colorado Air Quality Control Commission

**LEGISLATIVE COUNCIL STATE IMPLEMENTATION PLAN - SUBMITTAL REPORT
FOR NOVEMBER 1999 TO OCTOBER 2000**

I Regulation or State Implementation Plan Revision

Pagosa Springs PM-10 Redesignation Request and Maintenance Plan

Revisions to "Ambient Air Quality Standards" Regulation

Revisions to "State Implementation Plan Specific Regulations for Nonattainment Areas (Local Elements)"

II Projected schedule for consideration (local & Commission)

Local Hearing: January, 2000

AQCC Hearing: February 17, 2000

III Projected schedule for submittal to Legislative Council

March, 2000

IV Environmental Protection Agency submittal deadline

No deadline; anticipated submittal date: 8/31/00

V Description of Technical and Policy Issues and Available Options

This proposed State Implementation Plan revision and the accompanying regulations require additional street sweeping in the future so that the area can continue to comply with the National Ambient Air Quality Standards for PM-10 through the year 2010. This additional sweeping is already being performed by the Town of Pagosa Springs on a voluntary basis; the sweeping will become mandatory on December 1, 2000. The Town of Pagosa Springs has agreed to accept this as a long-term requirement.

Additional options considered were stronger reliance on wood burning control programs and additional street paving. These options would not provide sufficient emission reductions to demonstrate compliance with the national standards.

Colorado Air Quality Control Commission

**LEGISLATIVE COUNCIL STATE IMPLEMENTATION PLAN - SUBMITTAL REPORT
FOR NOVEMBER 1999 TO OCTOBER 2000**

I Regulation or State Implementation Plan Revision

Regulation 12 - The Reduction of Diesel Vehicle Emissions

Remove Larimer, Weld, and El Paso County program areas from the PM State Implementation Plan

II Projected schedule for consideration (local & Commission)

Local Hearing: Not applicable
AQCC Hearing: March 16, 2000

III Projected schedule for submittal to Legislative Council

June 20, 2000

IV Environmental Protection Agency submittal deadline

The Environmental Protection Agency has not established a deadline for submittal of this action.

V Description of Technical and Policy Issues and Available Options

The Office of Legislative Legal Services staff has indicated that they will suggest this regulation be sunsetted because it has been included in the State Implementation Plan for areas outside the Denver metro area and is not required to be in the State Implementation Plan for other areas of the Front Range. The Division will propose revisions to this regulation to address the issue raised by Legislative Council. If the regulation should sunset, it will expire as of July 1, 2000. However, the Division will likely propose re-adoption of the entire regulation at the time of the scheduled hearing and a new Regulation No. 12 will be in place when the old Regulation No. 12 is sunsetted. The new version of Regulation No. 12 would then be reviewed by the 2001 session of the General Assembly.

The amount of emissions reduction benefit attributable to this program is contested. The amount of emission reductions are greater from older vehicles than from newer vehicles.

Colorado Air Quality Control Commission

LEGISLATIVE COUNCIL STATE IMPLEMENTATION PLAN - SUBMITTAL REPORT
FOR NOVEMBER 1999 TO OCTOBER 2000

VIII. Regulation or State Implementation Plan Revision

Permit Fee Credits

IX. Projected schedule for consideration (local & Commission)

Local Hearing: Not applicable
AQCC Hearing: September 2000

X. Projected schedule for submittal to Legislative Council

October 2000

XI. Environmental Protection Agency submittal deadline

It may not be necessary to submit these revisions to the Environmental Protection Agency for approval. It will depend on the scope of the program as to whether the Environmental Protection Agency approval is necessary.

XII. Description of Technical and Policy Issues and Available Options

Pursuant to state law these revisions establish a program that will allow sources to obtain credits toward their permit fees, or other incentives described in the rule, as a benefit for reductions in air pollutant emissions. The permit fee credits could be applied to all regulated pollutants, and are intended to encourage sources to reduce air pollutant emissions beyond the levels required by law. These revisions are designed to help reduce air pollutant emissions and improve air quality without additional command and control regulations.

This will be a new, incentive-based and voluntary program for the regulated community. Program development has not been initiated at the time of this report and additional issues may arise. No technical issues have been identified at this time. The Department currently is working to identify a source of program funding.

Colorado Air Quality Control Commission

LEGISLATIVE COUNCIL STATE IMPLEMENTATION PLAN - SUBMITTAL REPORT
FOR NOVEMBER 1999 TO OCTOBER 2000

I Regulation or State Implementation Plan Revision

Regulation 17 - Clean Fuel Fleet Program

Removal of Regulation 17 from the State Implementation Plan for Carbon Monoxide

II Projected schedule for consideration (local & Commission)

Local Hearing:	Not applicable
AQCC Hearing:	April 20, 2000

III Projected schedule for submittal to Legislative Council

July 31, 2000

IV Environmental Protection Agency submittal deadline

The Environmental Protection Agency has not established a deadline for submittal of this action.

V Description of Technical and Policy Issues and Available Options

The Clean Fuel Fleet Program is a federally required program for Colorado. This program was originally submitted to the Environmental Protection Agency for inclusion into the State Implementation Plan, however, Colorado applied for no emission reduction credit for this program when it was submitted to the Environmental Protection Agency for inclusion in the State Implementation Plan. The Environmental Protection Agency has provided an "opt out" provision that Colorado wants to take advantage of. The Environmental Protection Agency has indicated that Colorado can opt out, but needs to determine the amount of credit this program provides for carbon monoxide and toxic air pollutants and replace it with a program that provides similar or greater benefits. The Department is currently evaluating alternatives for further consideration.

Senate Bill 99-117 directs the Commission to withdraw Regulation 17 from the State Implementation Plan yet retain the program as a state-only control measure. The requirements of this program continue to be questioned by some of the regulated community as the Department works to implement the program.

Colorado Air Quality Control Commission

**LEGISLATIVE COUNCIL STATE IMPLEMENTATION PLAN - SUBMITTAL REPORT
FOR NOVEMBER 1999 TO OCTOBER 2000**

I Regulation or State Implementation Plan Revision

Class I Area Visibility Protection State Implementation Plan Revision regarding resolution of the Certification of Visibility Impairment in relation to emissions from the Craig Generating Station (Units 1 and 2).

II Projected schedule for consideration (local & Commission)

Local Hearing:	Not applicable
AQCC Hearing:	September 21, 2000

III Projected schedule for submittal to Legislative Council

November 1, 2000

IV Environmental Protection Agency submittal deadline

September 22, 2000

V Description of Technical and Policy Issues and Available Options

In 1993, the U.S. Forest Service appeared before the Air Quality Control Commission and certified that visibility was impaired in the Mt. Zirkel Wilderness Area in northwestern Colorado. At that time, the forest service identified the Craig and Hayden power plants as suspected contributing sources of the visibility impairment. In 1996, the issues with the Hayden facility were resolved and the State Implementation Plan was amended.

The issues with the Craig facility remain unresolved. In the process of discussing possible options for resolution of issues at the Craig facility, the U.S. Forest Service has expressed concerns about adverse impacts from acid deposition at Mt. Zirkel and is considering triggering the Air Quality Related Values (AQRV) requirements in C.R.S. §25-7-10. The Sierra Club has sued the owners of the Craig station regarding alleged opacity violations at Units 1 and 2. This lawsuit and the resolution of the certification of visibility impairment are interrelated and resolution of each has been held up by the other.

On September 22, 1999, the Environmental Protection Agency issued a letter to the State ("SIP Call") providing Colorado one year to resolve the long-standing certification of visibility impairment. If not resolved by that date, the Environmental Protection Agency will consider rescinding its delegation of this portion of the Class I Area visibility protection program.

Formal mediation between Sierra Club, U.S. Forest Service, the owners of the Craig station, the Environmental Protection Agency, and the State began in October 1999, although informal discussions

Colorado Air Quality Control Commission

LEGISLATIVE COUNCIL STATE IMPLEMENTATION PLAN - SUBMITTAL REPORT
FOR NOVEMBER 1999 TO OCTOBER 2000

I Regulation or State Implementation Plan Revision

Ft. Collins Carbon Monoxide Redesignation Request and Maintenance Plan

Revisions to "Ambient Air Quality Standards" Regulation

Revisions to Regulation No. 11 - Motor Vehicle Emissions Inspection Program

Revisions to Regulation No. 13 - Oxygenated Fuels Program

II Projected schedule for consideration (local & Commission)

Local Hearing: June, 2000

AQCC Hearing: October 19, 2000

III Projected schedule for submittal to Legislative Council

October 31, 2000

IV Environmental Protection Agency submittal deadline

No deadline; anticipated submittal date: 8/31/01

V Description of Technical and Policy Issues and Available Options

Historically, the Ft. Collins metropolitan area has experienced elevated levels of carbon monoxide. However, in recent years these concentrations have been reduced below the level of the national standard. The process of redesignating the area to attainment status for carbon monoxide requires modeling analysis for transportation impacts to air quality and future ambient air quality modeling. The metropolitan planning organization has conducted a conservative modeling analysis which projects that long-term emissions (2020) will increase above the level of the national standard. The use of the refined model requires that new modeling assumptions be developed and input into the model. Development and validation of these new assumptions is currently underway. Agreement on the validity of the inputs may be difficult to achieve because of differing opinions.

If future emissions are projected to increase over present levels, then additional control measures may be needed to demonstrate attainment. Conversely, if projected emissions are equal to or less than present levels, the current control strategies may be relaxed.

The local unit of government is concerned about the relaxation of current control strategies and has expressed some concern. The local unit of government has indicated that they do not want the concentrations of carbon monoxide to increase over present levels and are actually trying to further reduce the concentrations of carbon monoxide. Present levels are one-half to two-thirds the national standard. The Commission is prohibited by law from including control measures in the State

Colorado Air Quality Control Commission

**LEGISLATIVE COUNCIL STATE IMPLEMENTATION PLAN - SUBMITTAL REPORT
FOR NOVEMBER 1999 TO OCTOBER 2000**

I Regulation or State Implementation Plan Revision

Revisions to the Longmont Carbon Monoxide Redesignation Request and Maintenance Plan

Revisions to "Ambient Air Quality Standards" Regulation

II Projected schedule for consideration (local & Commission)

Local Hearing: June, 2000
AQCC Hearing: October 19, 2000

III Projected schedule for submittal to Legislative Council

October 31, 2000

IV Environmental Protection Agency submittal deadline

No deadline; anticipated submittal date: 8/31/01

V Description of Technical and Policy Issues and Available Options

The control measure revisions adopted in the Denver maintenance plan for carbon monoxide (relaxation of the oxyfuels program and the implementation of clean screening) must be reflected in the current Longmont maintenance plan. The regulation revisions that are proposed for the Denver plan will be applicable in the Longmont area. No local objections to the revised controls are expected.

The Ambient Air Quality Standards regulation will be proposed for revision to establish a mobile source emission budget as part of this redesignation effort. The level at which this budget is set will need to provide for growth in stationary source emissions over time. The amount of growth and budget levels may be an issue.

Additional options have not been developed or considered. This plan needs to conform to the Denver plan. The proposed revisions will be consistent with the Denver plan.

Colorado Air Quality Control Commission

LEGISLATIVE COUNCIL STATE IMPLEMENTATION PLAN - SUBMITTAL REPORT
FOR NOVEMBER 1999 TO OCTOBER 2000

I. Regulation or State Implementation Plan Revision

Denver PM-10 Redesignation Request and Maintenance Plan

Potential revisions to regulations:

Regulation No. 1 - Emission Control for Particulates, Smokes, Carbon Monoxide and Sulfur Oxides

Regulation No. 12 - Reduction of Diesel Vehicle Emissions

Regulation No. 16 - Street Sanding Emissions

Ambient Air Quality Standards Regulation

II. Projected schedule for consideration (local & Commission)

Local Hearing: August 2000

AQCC Hearing: November 16, 2000

III. Projected schedule for submittal to Legislative Council

December 2000

IV. Environmental Protection Agency submittal deadline

No deadline; anticipated submittal date June 2000.

V. Description of Technical and Policy Issues and Available Options

The Denver metropolitan area has not violated the federal standard for PM-10 (particulate matter less than 10 microns in diameter) since 1993 and is therefore eligible for redesignation to attainment by the Environmental Protection Agency. A requirement of this process is development of a 10-year maintenance plan that demonstrates the area will continue attaining the standard over this time period.

The Regional Air Quality Council and the Air Pollution Control Division have not yet begun the technical and policy analysis for developing the plan, but anticipate starting this process in early 2000. Technical issues may include: modeling requirements; secondary particulate matter sources and relative contributions. Policy issues include: additional control measures, if any, that are necessary to maintain the standard; transportation emissions budgets for PM-10 and nitrogen oxides.