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STATE OF COLORADO



Colorado Department
of Public Health
and Environment

**Air Quality Control Commission's
Long Term Calendar of
State Implementation Plan Revisions
December 2002 – November 2003**

Submitted to the Colorado Legislature
by the Air Quality Control Commission
Colorado Department of Public Health and Environment
November 15, 2002

Summary

Long Term Calendar – State Implementation Plan Revisions

Reference Number	Scheduled Date of Commission Action	State Implementation Plan Revision	Staff Contact/Phone	Attorney Contact/Phone
1	12-19-02	<p>Greeley Carbon Monoxide Attainment Area Maintenance Plan Revisions Regulation Number 11 – Motor Vehicle Emissions Inspection Program Regulation Number 13 – Oxygenated Fuels Program Rulemaking hearing to consider revisions to the long term maintenance plan for demonstrating compliance with the national standard for carbon monoxide in the Greeley area. The purpose of the review is to consider the removal or decrease in the stringency of the program requirements necessary to be federally enforceable to demonstrate compliance with the national standard.</p>	Kirsten King 303-692-3111	Frank Johnson 303-866-5039
2	6-19-03	<p>Denver Carbon Monoxide Attainment Area Maintenance Plan Revisions Regulation Number 11 – Motor Vehicle Emissions Inspection Program Regulation Number 13 – Oxygenated Fuels Program Rulemaking hearing to consider revisions to the long term maintenance plan for demonstrating compliance with the national standard for carbon monoxide in the Denver Metro area. The purpose of the review is to consider a revision to the mobiles source emission budgets for transportation conformity purposes.</p>	Mike Silverstein 303-692-3113	Frank Johnson 303-866-5039
3	7-17-03	<p>Regulation Number 1 - Air Contaminant Emission Notices Rulemaking hearing to consider revisions to the requirements of the rule to address issues of implementation and enforcement that have been raised by the Environmental Protection Agency and to provide an opportunity for any others to raise issues for review.</p>	Kirsten King 303-692-3111	Garry Kaufman 303-866-5043
4	8-21-03	<p>Regulation Number 7 – Emissions of Volatile Organic Compounds Rulemaking hearing for the Commission to consider issues that will be identified through a stakeholder process scheduled to be initiated in December 2002. The Commission will sponsor subcommittee meetings for the regulated community, the general public and the division to identify issues with the requirements of the rule and proposed modifications.</p>	Kirsten King 303-692-3111	Tony Trumbly 303-866-5054
5	9-18-03	<p>Colorado Springs Carbon Monoxide Attainment Area Maintenance Plan Revisions Regulation Number 11 – Motor Vehicle Emissions Inspection Program Regulation Number 13 – Oxygenated Fuels Program Rulemaking hearing to consider revisions to the long term maintenance plan for demonstrating compliance with the national standard for carbon monoxide in the Colorado Springs Metropolitan area. The purpose of the review is to consider the removal or decrease in the stringency of the program requirements necessary to be federally enforceable to demonstrate compliance with the national standard.</p>	Mike Silverstein 303-692-3113	Frank Johnson 303-866-5039
6	11-20-03	<p>Regulation Number 5 – Generic Emissions Trading and Banking Rulemaking hearing for the Commission to consider proposed revisions to the rule to address issues that EPA has raised in its refusal to approve the rule as previously submitted.</p>	Kirsten King 303-692-3111	Tony Trumbly 303-866-5054

Statutory Requirement

This report is submitted in fulfillment of the requirements of 25-7-133 (4)(b), which states:

On or before November 15 of each year, the commission, in coordination with designated organizations for air quality planning in local areas, shall provide the legislative council:

- (I) A comprehensive listing of SIPs (State Implementation Plans) or revisions thereto that the commission and local areas will consider during the following year;*
- (II) The projected schedule for local action and commission consideration of such measures;*
- (III) The projected schedule for submittal by the commission to legislative council for the SIP or any revisions thereto;*
- (IV) The statutory deadline, if any, for submittal to the administrator of the SIP or revision, and the corresponding federal sanctions or consequences for failure to submit the SIP or revisions thereto by the deadline under the federal act; and*
- (V) A brief description of the principal technical and policy issues and available options presented for decision in each SIP or revision thereto.*

The federal sanctions for failing to submit a State Implementation Plan (referred to in 25-7-133(4)(b) as SIP) or revision are the same in all cases. The EPA may withhold funding for federal highway projects and/or may move to implement a federal implementation plan or FIP. EPA has now undertaken both of these measures in cases where states have not made timely submissions.

REFERENCE NUMBER: 1

State Implementation Plan Revision Title:

Greeley Carbon Monoxide Maintenance Plan revisions; with revisions to be considered for the following regulations:

Ambient Air Quality Standards Regulation

Regulation Number 11: Motor Vehicle Emissions Inspection Program

Regulation Number 13: Oxygenated Fuels Program

Schedule for Local Action and Commission Consideration:

Local hearings and adoption should be completed by December 2002 by the North Front Range Metropolitan Planning Organization. The Air Quality Control Commission hearing is scheduled for December 2002. It is anticipated that the commission will take final action at the hearing.

Statutory Deadline for Submittal to EPA:

There is no deadline for submission to EPA. The review of long-term air quality maintenance plans is conducted at the discretion of the state; the anticipated submittal date to EPA is July 2003.

Brief Description of the Principal Technical and Policy Issues and the Available Options to Address those Issues:

Technical Issues:

There are no technical issues that have been identified at this time.

Policy Issues:

Determining if emissions control programs should be implemented is the principal policy issue. Local governments will provide input to a proposal made by the local area lead air quality planning agency; the North Front Range Metropolitan Planning Organization. The North Front Range Metropolitan Planning Organization will then consider the input and make a recommendation to the Air Quality Control Commission. There is agreement by the interested parties to eliminate the oxygenated fuels program from State and federal regulations by January 1, 2004. The Department of Public Health and Environment has recommended that the Inspection and Maintenance (I/M) program also be eliminated from the State and federal regulations at the same time as the oxygenated fuels program. The department makes this recommendation on the basis that these programs are not required to demonstrate long-term compliance with the national standard. Local governments have expressed a position to retain the I/M program in some form, even though the program is not needed to demonstrate long-term compliance with the national carbon monoxide standard. Local governments want to pursue a path of retaining the I&M program for a period of time and joining Fort Collins in exploring options to implement a local program to achieve similar emissions reductions through another, as yet undefined, mobile source emission control program.

REFERENCE NUMBER: 2

State Implementation Plan Revision Title:

Denver Carbon Monoxide Maintenance Plan

Ambient Air Quality Standards Regulation - Emission Budget revisions for purposes of transportation conformity

Schedule for Local Action and Commission Consideration:

Local hearings and adoption should be completed by February 2003 by the Denver Regional Air Quality Council (RAQC). The Air Quality Control Commission hearing is scheduled for June 2003. It is anticipated that the commission will take final action at the hearing.

Statutory Deadline for Submittal to EPA:

There is no deadline for submission to EPA. The review of long-term air quality maintenance plans is conducted at the discretion of the state; the anticipated submittal date to EPA is August 2003.

Brief Description of the Principal Technical and Policy Issues and the Available Options to Address those Issues:

Technical Issues:

The methodology that will be used to conduct the analysis to determine the appropriate emission budget(s) for transportation conformity purposes needs to be approved by the EPA. The MOBILE6 emissions model, the latest transportation data and demographics information will be utilized in conducting the analysis. As the analysis proceeds, issues may arise, but no technical issues had been identified at this time.

Policy Issues:

The Denver Regional Council of Governments, beginning January 1, 2005, are required to make transportation conformity determinations based on a new mobile source emissions model approved by EPA; MOBILE6. The transportation conformity analysis process is a lengthy process, often requiring months of analysis to complete. The Denver Regional Council of Governments may be attempting to seek pre-approval for this State Implementation Plan Revision during the 2003 legislative session.

The commission does not anticipate considering any revisions to the control measures for the determination of long-term compliance with the national standard for carbon monoxide.

REFERENCE NUMBER: 3

State Implementation Plan Revision Title:

Regulation Number 1: Particulates, Smokes, Carbon Monoxide and Sulfur Oxides
Revisions to the rule are proposed to address EPA concerns about the approval of specific elements of the State Implementation Plan

Schedule for Local Action and Commission Consideration:

A rulemaking hearing will be proposed for in July 2003, contingent on discussions with EPA and stakeholders. It is anticipated that the commission will take final action at the hearing. This is a matter of statewide concern; local action on this matter is not applicable.

Statutory Deadline for Submittal to EPA:

There is no statutory deadline for submission to EPA of the anticipated revisions to Regulation Number 1.

Brief Description of the Principal Technical and Policy Issues and the Available Options to Address those Issues:

The Environmental Protection Agency has identified aspects of the rule that they believe require modification in order for them to continue with further review and approval of previous submissions of this rule into the overall state plan. The concerns identified by the Environmental Protection Agency include developing a better definition of applicability for sources that must comply with the rule, the role of the Environmental Protection Agency in approving alternative compliance methods for stationary sources subject to the rule, and discrepancies between the rule and the Denver PM10 long term air quality maintenance plan. It is hoped that many of the issues can be resolved through discussion between the Environmental Protection Agency and the Air Pollution Control Division. The rulemaking hearing is scheduled to ask the commission to consider making revisions to the rule that cannot be resolved through informal discussion with EPA.

REFERENCE NUMBER 4

State Implementation Plan Revision Title:

Regulation Number 7: Emissions of Volatile Organic Compounds
Revisions from periodic review of the requirements of the rule.

Schedule for Local Action and Commission Consideration:

A rulemaking hearing will be requested for August 2003. It is anticipated that the commission will take final action at the hearing. This is a matter of statewide concern; local action is not applicable in this matter.

Statutory Deadline for Submittal to EPA:

There is no statutory deadline for submission of these proposed revisions to EPA. The proposed revisions are not required to be considered.

Brief Description of the Principal Technical and Policy Issues and the Available Options to Address those Issues:

The specific technical and policy issues have not yet been developed. The Commission has scheduled subcommittee meetings with interested stakeholders beginning in December 2002. These subcommittee meetings will consider such broad topics as exemptions from the requirements of the rule, the applicability thresholds for sources and emission units subject to the requirements of the rule, and the inclusion of pollution prevention requirements in the rule. The commission will also consider other issues that may be raised during the stakeholder review discussions.

REFERENCE NUMBER: 5

State Implementation Plan Revision Title:

Colorado Springs Carbon Monoxide Maintenance Plan revisions; with revisions to be considered for the following regulations:

Ambient Air Quality Standards Regulation

Regulation Number 11: Motor Vehicle Emissions Inspection Program

Schedule for Local Action and Commission Consideration:

Local hearings and adoption should be completed by September 2003 by the Pikes Peak Area Council of Governments. The Air Quality Control Commission hearing is scheduled for December 2003. It is anticipated that the commission will take final action at the hearing.

Statutory Deadline for Submittal to EPA:

There is no deadline for submission to EPA. The review of long-term air quality maintenance plans is conducted at the discretion of the state; the anticipated submittal date to EPA is July 2004.

Brief Description of the Principal Technical and Policy Issues and the Available Options to Address those Issues:

Technical Issues:

There are no technical issues that have been identified at this time.

Policy Issues:

Determining the necessity of the I/M program is the principal policy issue. The oxygenated fuels program was removed from State and federal regulations in calendar year 2000. The need for the I/M program will be evaluated during calendar year 2003. Local governments will provide input to the proposal made by the local area lead air quality planning agency; the Pikes Peak Area Council of Governments. The Pikes Peak Area Council of Governments will then make a recommendation to the Air Quality Control Commission. The Department of Public Health and Environment will recommend that the Inspection and Maintenance Program be retained only to the extent that it is need to demonstrate long-term compliance with the national standard for carbon monoxide.

REFERENCE NUMBER: 6

State Implementation Plan Revision Title:

Regulation Number 5: Generic Emissions Trading and Banking Program
Update to Regulation Number 5 to address changes in the Environmental Protection Agency policy on economic incentive programs.

Schedule for Local Action and Commission Consideration:

This is a matter of statewide concern; local action on this matter is not applicable. A rulemaking hearing will be proposed to occur in November 2003 contingent on discussions with EPA and stakeholders. It is anticipated that the commission will take final action at the hearing.

Statutory Deadline for Submittal to EPA:

There is no statutory deadline for submission to EPA of the anticipated revisions to Regulation Number 5.

Brief Description of the Principal Technical and Policy Issues and the Available Options to Address those Issues:

The Environmental Protection Agency has identified aspects of the rule that they believe require modification in order for them to continue with further review and approval of this rule into the overall state plan. The concerns identified by the Environmental Protection Agency include the amount of air quality benefit that should be received from each emission trade, what emission reduction credits can be used for, the generation and use of mobile source emission reduction credits, the certification of emission reduction credits, record keeping requirements for sources, the frequency of program audits, enforcement, and the overall structure of the banking provisions. It is hoped that many of the issues can be resolved through discussion between the Environmental Protection Agency and the Air Pollution Control Division. The rulemaking hearing is scheduled to ask the commission to consider making revisions to the rule that cannot be resolved through informal discussion with EPA.