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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
November 2003 – November 2004**

Submitted to the Colorado Legislature
by the Air Quality Control Commission
Colorado Department of Public Health and Environment
November 15, 2003

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	11-20-03	<p>Regulation Number 7 – Emissions of Volatile Organic Compounds</p> <p>Rulemaking hearing for the Commission to consider a proposal to repeal or revise provisions of the rule that the U.S. EPA has identified as unapprovable for inclusion into the State Implementation Plan..</p>	Kirsten King 303-692-3111	Tony Trumbly 303-866-5054
2	12-18-03	<p>Colorado Springs Carbon Monoxide Attainment Area Maintenance Plan Revisions Regulation Number 11 – Motor Vehicle Emissions Inspection Program</p> <p>Rulemaking hearing for the Commission 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. The Commission will also consider the adoption of new mobile source emission budget for the Colorado Springs area.</p>	Mike Silverstein 303-692-3113	Frank Johnson 303-866-5039
3	12-18-03	<p>Longmont Carbon Monoxide Attainment Area Maintenance Plan Revisions Regulation Number 11 – Motor Vehicle Emissions Inspection Program</p> <p>Rulemaking hearing for the Commission to consider revisions to the long term maintenance plan for demonstrating compliance with the national standard for carbon monoxide in the Longmont metropolitan area. The Commission will consider the revision of the maintenance plan with the newly required MOBILE6 vehicle emissions model and the establishment of a new mobile source emission budget or allowance for mobile source emissions in the Longmont area.</p>	Mike Silverstein 303-692-3113	Frank Johnson 303-866-5039
4	12-18-03	<p>Regulation Number 11- Vehicle Emissions Inspection Program</p> <p>A rulemaking hearing for the Commission to consider a proposal to revise the implementation schedule of new vehicle emission limitations established in the regulation using the MOBILE5b model for 1996 and newer model year vehicles. The Division has proposed waiting until the analysis of the program is conducted under the MOBILE6 model to make further emission "cut point" modifications.</p>	Rick Barrett 303-692-3123	Frank Johnson 303-866-5039
5	12-18-03	<p>Regulation Number 5- Generic Emissions Trading Rule</p> <p>A rulemaking hearing for the Commission to consider a proposal to implement the provisions House Bill 1015 of 2003 that repeals Part B of the rule regarding the Permit Fee Credit Program in its entirety. The Commission will also consider the removal of Part A of the rule regarding Emissions Trading from the State Implementation Plan, however, will not consider making any revisions to the language of Part A.</p>	Kirsten King 303-692-3111	Tony Trumbly 303-866-5054
6	2-19-04	<p>Regulation Number 3: Air Pollution Emission Notice and Permitting Requirements</p> <p>A rulemaking hearing for the Commission to consider a proposal to revise the rule to incorporate federal revisions to the New Source Review permitting requirements.</p>	Jean Terry 303-692-3255	Tony Trumbly 303-866-5054

7	3-18-04	<p>Ozone Early Action Compact Regulation Number 3: Air Pollution Emission Notice & Permitting Requirements Regulation Number 11: Vehicle Emissions Inspection Program Regulation Number 13: Oxygenated Fuels Program</p> <p>A rulemaking hearing for the Commission to consider a proposal to adopt a plan that would return the Denver metropolitan area to compliance with the new 8-hour ozone standard and demonstrate long term compliance with this standard. The Commission will consider making revisions to the provisions of Regulation Number 3, Regulation Number 11, and Regulation Number 13.</p>	<p>Mike Silverstein 303-692-3113</p>	<p>Frank Johnson 303-866-5039</p>
8	9-16-04	<p>Regulation Number 3, Class I Area Visibility Long Term Strategy</p> <p>A rulemaking hearing for the Commission to consider making revisions to the permitting requirements regulation, Section XI.F, otherwise known as Colorado's Class I Visibility SIP Long-Term Strategy. These provisions apply to U.S. EPA's Phase I (reasonable attribution) visibility protection program.</p>	<p>Dan Ely 303-692-3228</p>	<p>Tony Trumbly 303-866-5054</p>

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.

TABLE REFERENCE NUMBER: 1

State Implementation Plan Revision Title:

Regulation Number 7 – Emissions of Volatile Organic Compounds

Rulemaking hearing for the Commission to consider a proposal to repeal or revise provisions of the rule that the U.S. EPA has identified for disapproval and exclusion from the State Implementation Plan.

Schedule for Local Action and Commission Consideration:

Local action on this agenda item is not anticipated. The Commission plans to consider a proposal at its November 20, 2003 regular monthly meeting.

Statutory Deadline for Submittal to EPA:

There is no statutory deadline for submission of these proposed revisions to EPA. If the Commission does not repeal these provisions, EPA will publish their disapproval in the federal register. The schedule for EPA disapproval has not been established.

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

Technical Issues:

The Commission adopted a 5-ton per day de minimis allowance for the 1-hour ozone long-term maintenance plan. This allowance provided, on a first come first served basis, the application of a 5-ton per day de minimis exemption for the emissions of volatile organic compounds. Region VIII EPA believes that this provision is inconsistent with the requirements for permitting of emissions and the federal program to ensure long-term compliance with the 1-hour ozone standard in the Denver-Boulder area. The Commission also adopted provisions to allow stationary industrial sources to submit “alternative operating scenarios” under their permits that would provide additional flexibility to the source regarding how it causes volatile organic compounds to be emitted. Region VIII EPA believes that the provisions adopted by the Commission lacked enough definition to fulfill the permitting requirements of the federal program and to be included in the federally enforceable State Implementation Plan. The Air Pollution Control Division of the Department of Public Health and Environment will work to add the necessary definition to satisfy the federal requirements and submit a proposal for adoption by the Commission..

Policy Issues:

The Commission has sought to provide flexibility to stationary industrial sources in complying with the requirements to meet the 1-hour Ozone National Ambient Air Quality Standard, however, recent ambient ozone concentrations in the Denver metropolitan area have been problematic. The Commission will continue to provide as much flexibility to stationary industrial sources as possible while meeting the federal requirements for compliance with the 1-hour national standard for ozone.

TABLE REFERENCE NUMBER: 2

State Implementation Plan Revision Title:

Colorado Springs Carbon Monoxide Attainment Area Maintenance Plan Revisions Regulation Number 11 – Motor Vehicle Emissions Inspection Program Ambient Air Quality Standards Regulation

The Commission will consider the removal of the vehicle emissions inspection and maintenance program from the federally enforceable State Implementation Plan and retention of the program with State-only enforceability. The Commission will also consider the revision of the overall plan to incorporate the MOBILE6 vehicle emissions model and the establishment of new mobile source emissions budget.

Schedule for Local Action and Commission Consideration:

The Pikes Peak Area Council of Governments considered this action at its September 4, 2003 regular monthly meeting and voted to approve of its adoption by the Air Quality Control Commission. The Commission will consider the proposal at its December 18, 2003 regular monthly meeting.

Statutory Deadline for Submittal to EPA:

Revision of the Colorado Springs carbon monoxide maintenance plan with the MOBILE6 model does not have a statutory deadline for submission to EPA. However, the Pikes Peak Area Council of Governments is required to use the mobile source emissions budget established under the new model for all transportation plan development initiated after January 2004. The emissions budget established by the proposal must be approved by EPA before it can be used by the Pikes Peak Area Council of Governments.

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

Technical Issues:

The revision of the Colorado Springs carbon monoxide maintenance plan using the MOBILE6 model identifies an apparent increase in the overall amount of allowable carbon monoxide emissions that the area can experience and continue to demonstrate compliance with the national standard. The apparent increase is due to the new model's method of counting the emissions from mobile sources and is not an actual increase in emissions. The new model counts emissions from a more specific set of vehicle operations than the older model previously counted. The revision of the plan using the new model (MOBILE6) does not allow an actual increase in mobile source emissions.

Policy Issues:

The emissions budget proposed for adoption by the Commission would allow for a greater amount of emissions from mobile sources than are projected by the model. This allowance of a greater amount of emissions would continue to demonstrate long-term compliance with the national standard and is proposed to provide for additional flexibility in the transportation planning process typically referred to as "transportation conformity".

TABLE REFERENCE NUMBER: 3

State Implementation Plan Revision Title:

**Longmont Carbon Monoxide Attainment Area Maintenance Plan Revisions
Ambient Air Quality Standards Regulation**

The Commission will consider the revision of the overall plan to incorporate the MOBILE6 vehicle emissions model and to establish a new mobile source emissions budget.

Schedule for Local Action and Commission Consideration:

The Longmont City Council considered this action at its September 9, 2003 regular monthly meeting and voted to approve of its adoption by the Air Quality Control Commission. The Commission will consider the proposal at its December 18, 2003 regular monthly meeting.

Statutory Deadline for Submittal to EPA:

Revision of the Longmont carbon monoxide maintenance plan with the MOBILE6 model does not have a statutory deadline for submission to EPA. However, the Denver Regional Council of Governments is required to use the mobile source emissions budget established under the new model for all transportation plan development initiated after January 2004. The emissions budget established by the proposal must be approved by EPA before it can be used by the Denver Regional Council of Governments.

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

Technical Issues:

The revision of the Longmont carbon monoxide maintenance plan using the MOBILE6 model identifies an apparent increase in the overall amount of allowable carbon monoxide emissions that the area can sustain and continue to demonstrate compliance with the national standard. The apparent increase is due to the new model's method of counting the emissions from mobile sources and is not an actual increase in emissions. The new model counts emissions from a more specific set of vehicle operations than the older model previously counted. The revision of the plan using the new model (MOBILE6) does not allow an increase in mobile source emissions.

Policy Issues:

The emissions budget proposed for adoption by the Commission would allow for a greater amount of emissions from mobile sources than are projected by the model. This allowance of a greater amount of emissions would continue to demonstrate long-term compliance with the national standard and is proposed to provide for additional flexibility in the transportation planning process typically referred to as "transportation conformity".

TABLE REFERENCE NUMBER 4

State Implementation Plan Revision Title:

Regulation Number 11- Vehicle Emissions Inspection Program

The Commission will consider a proposal to revise the implementation schedule of more stringent vehicle tailpipe emission limitations. The current emission limitations were established in the regulation using the MOBILE5b model for 1996 and newer model year vehicles. The proposal would delay the implementation of any new standards until further analysis of the program is conducted under the MOBILE6 model.

Schedule for Local Action and Commission Consideration:

Local action on this agenda item is not anticipated. The Commission plans to consider this proposal at its December 18, 2003 regular monthly meeting.

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 submitted to EPA.

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

Technical:

The vehicle emission tailpipe standards currently in the regulation are being considered for revision as a part of the analysis to determine how best to ensure long-term compliance with the 8-hour ozone national ambient air quality standard. The vehicle emission tailpipe standards are currently set to become more stringent on January 1, 2004. Implementing the change in the emission standards will require a significant amount of human resource investment in order to put the new standards into operation. The Department of Public Health & Environment and Department of Revenue program staff believe that any changes to the vehicle tailpipe emission standards should be put on hold until the analysis of the program using the MOBILE6 model and the analysis of how best to mitigate ozone problems are complete.

Policy:

The vehicle emission tailpipe standards that are set to become more stringent on January 1, 2004 would reduce the emissions of the pollutants that are precursors to the formation of the pollutant ozone. Analyses conducted by the Air Pollution Control Division at the Department of Public Health & Environment demonstrate that the amount of projected ozone precursor emission reductions that would occur would not have a significant effect on ambient ozone concentrations in the metro area.

TABLE REFERENCE NUMBER: 5

State Implementation Plan Revision Title: Regulation Number 5- Generic Emissions Trading Rule

The Commission will consider a proposal to implement the provisions of House Bill 1015 of 2003 that repeals the Permit Fee Credit Program in its entirety. The Commission will also consider the removal of the rule from the federally enforceable State Implementation Plan in lieu of EPA's stated position disapproving the rule in its entirety. The Commission will revisit the rule in a later rulemaking hearing to consider revisions making it consistent with the federal program.

Schedule for Local Action and Commission Consideration:

This is a matter of statewide concern; local action on this matter is not applicable. It is anticipated that the commission will take final action on the proposal at its December 18, 2003 regular monthly meeting.

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:

There are no technical or policy issues with the implementation of the requirements of HB 1015-03 and the repeal of the permit fee credit program.

The Environmental Protection Agency has identified aspects of the remaining portions of the rule that it believes require modification in order for EPA to continue with further review and approval and incorporation of the rule into the State Implementation 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. The Division and Commission will be working to establish responses to the issues identified by EPA in a subsequent action, not yet scheduled.

TABLE REFERENCE NUMBER: 6

State Implementation Plan Revision Title: Regulation Number 3: Air Pollution Emission Notice and Permitting Requirements

The Commission will consider a proposal to incorporate new permitting program provisions adopted by EPA in the federal program.

Schedule for Local Action and Commission Consideration:

This is a matter of statewide concern; local action on this matter is not applicable. It is anticipated that the commission will take final action on the proposal at its February 19, 2004 regular monthly meeting.

Statutory Deadline for Submittal to EPA:

Revisions that comply with the requirements of the federal program are required to be submitted to EPA by December 31, 2005.

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

Technical:

It has been asserted that the proposed changes in the federal program will allow large stationary industrial sources to increase emissions and will cause an adverse impact on air quality. Critics of the proposal argue that by allowing facilities to replace broken equipment at the emission source with new and improved equipment that there will be less time that the equipment is off-line for maintenance and more resultant air pollution. Supporters of the proposal argue that the new, and sometimes improved, equipment replacements will improve efficiency and that improved efficiency will result in overall emissions reductions.

Policy:

The changes in the federal permitting program are applicable only to large or major stationary industrial sources of air pollutant emissions. The revisions to the federal program provide additional flexibility to large sources of emissions. These changes in the federal program are not planned for small or minor air pollutant emission sources.

TABLE REFERENCE NUMBER: 7

State Implementation Plan Revision Title:

Ozone Early Action Compact

Regulation Number 3: Air Pollution Emission Notice & Permitting Requirements

Regulation Number 11: Vehicle Emissions Inspection Program

Regulation Number 13: Oxygenated Fuels Program

A rulemaking hearing for Commission to consider a proposal to adopt a plan that would return the Denver metropolitan area to compliance with the new 8-hour ozone standard and demonstrate long-term compliance with this standard. The Commission will consider making revisions to the provisions of Regulation Number 3, Regulation Number 11, and Regulation Number 13.

Schedule for Local Action and Commission Consideration:

The Denver Regional Air Quality Council is scheduled to consider for approval a proposed plan to ensure long-term compliance with the 8-hour Ozone National Ambient Air Quality Standard at its December 4, 2003 regular monthly meeting. The Denver Regional Air Quality Council will consider revisions to the proposed plan at its January 8th, February

5th, and March 4, 2004 regular monthly meetings. The Commission plans to take final action on a plan at a March 11, 2004 public hearing.

Statutory Deadline for Submittal to EPA:

The deadline for submission to the U.S. EPA is December 31, 2004. This deadline is not in federal law, but is a part of the Ozone Early Action Compact between several Denver area agencies and the U.S. EPA that would avoid an ozone nonattainment area designation for several Front Range counties including Denver, Boulder, Weld, Arapahoe, Adams, Douglas, Broomfield, Larimer, Jefferson, Morgan, and Elbert.

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

Technical:

The Ozone Early Action Compact or agreement with EPA to avoid an ozone nonattainment designation requires the use of a sophisticated modeling tool to predict future ambient concentrations of the pollutant ozone in and around the Denver metropolitan area. The modeling inputs and the technical performance of the model in its ability to accurately predict future ambient concentrations is an issue. The Department of Public Health and Environment staff, as well as the staff of the Denver Regional Air Quality Council are working with interested stakeholders to develop technically sound model inputs within the guidelines set forth by the EPA. Meeting the EPA guidelines for operation of the model are the target, however, some may argue that more technical accuracy is achievable and should be pursued.

Policy:

Determining the best emission control strategy or set of emission control strategies to address the excess emission of ozone forming pollutants will be an issue. There are several potential emission control strategies that could be implemented to address the issue. The Air Pollution Control Division will be working to identify strategies that can be implemented by early 2005 and each potential strategy's cost effectiveness. The Commission will make selection of emission control strategies based upon these parameters as they are set forth by the legislature.

TABLE REFERENCE NUMBER: 8

State Implementation Plan Revision Title:

Regulation Number 3, Class I Area Visibility Long Term Strategy

A rulemaking hearing for the Commission to consider the appropriateness of the Long Term Strategy to protect visibility in National Parks and designated wilderness areas in the State of Colorado to determine if the current plan will continue to ensure improvement of visibility impairment and preserve good visibility where it exists.

Schedule for Local Action and Commission Consideration:

This is a matter of statewide concern; local action on this matter is not applicable. It is anticipated that the commission will take final action on the proposal at its September 16, 2004 regular monthly meeting.

Statutory Deadline for Submittal to EPA:

The Commission's review of the existing plan is required to be conducted every three years and submitted to EPA. On that schedule, the current plan is required to be reviewed by the Commission and submitted to EPA by October 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. Division staff will be working with interested stakeholders to identify any issues that may exist in the second quarter of 2004.

Policy Issues:

There are no policy issues that have been identified at this time. Division staff will be working with interested stakeholders to identify any issues that may exist in the second quarter of 2004.