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# STATE OF COLORADO

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Colorado Department  
of Public Health  
and Environment

**Air Quality Control Commission's  
Long Term Calendar of  
State Implementation Plan Revisions  
November 2004 – November 2005**

Submitted to the Colorado Legislature  
by the Air Quality Control Commission  
Colorado Department of Public Health and Environment  
November 15, 2004

## **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.*

## **Introduction**

The Colorado Air Quality Control Commission (Commission) has plans to address six revisions to the federally enforceable State Implementation Plan. The Commission plans to consider revisions proposed by the Air Pollution Control Division to the following programs:

- Long Term Strategy for Class I Area Visibility Protection
- Stationary Source Permitting
- Emissions Trading
- Ozone Early Action Compact
- Woodburning
- Vehicle Emissions Inspection

This report does not reflect proposals to revise the State Implementation Plan that may originate from interested members of the public that may be submitted after the completion of this report.

The federal sanctions for failing to submit a State Implementation Plan (referred to in 25-7-133(4)(b)(IV)) 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. EPA has now undertaken both of these measures in cases where states have not made timely submissions.

## **State Implementation Plan Revisions**

Described below are six State Implementation Plan revisions that the Commission currently is projecting to consider. The descriptions follow the requirements set forth in the Colorado Revised Statutes and cited above.

### **1. Regulation Number 3: Class I Area Visibility Long Term Strategy:**

The Commission will consider the appropriateness of the Long Term Strategy to protect visibility in National Parks and designated wilderness areas in the State of Colorado and will determine if the current plan will continue to address 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 November 18, 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. The current plan is required to be reviewed by the Commission and submitted to EPA by January 31, 2005.

#### **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:**

Federal Land Managers are required to submit visibility monitoring plans for each of the Class I areas they manage. These plans are required to be included in the federally enforceable State Implementation Plan. The federal land managers have signaled their intention to rely on the IMPROVE (Interagency Monitoring for Protected Visual Environments) monitoring network and protocols to comply with this requirement. The visibility monitoring network in Colorado relies on monitors at the Class I area or relies on monitors that are representative of visibility in the Class I area.

### **2. Regulation Number 7: Emissions of Volatile Organic Compounds**

The Commission will consider proposed revisions to the Ozone Action Plan adopted in March 2004 as a part of the Ozone Early Action Compact for the Denver, Fort Collins, Greeley areas.

**Schedule for Local Action and Commission Consideration:**

The Denver Regional Air Quality Council may consider these proposed revisions at its December 2, 2004 monthly meeting. The Air Quality Control Commission plans to take final action on the proposal at its December 16, 2004 regular monthly meeting.

**Statutory Deadline for Submittal to EPA:**

Colorado was required to submit a plan, under the terms of the Ozone Early Action Compact, to EPA by December 31, 2004. That plan was submitted to EPA in June of this year. EPA has conducted its review and identified revisions to the Commission action that they have stated are necessary for their approval of the plan. EPA is required to issue its approval or disapproval by September 30, 2005. The proposed revisions will be submitted to EPA following review and approval by the Legislature.

**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:**

The proposed revisions to the regulation will add definition and specificity to the requirements of the rule. The proposed revisions will decrease the flexibility that was originally sought in the initial regulation adopted by the Commission in March 2004. The added specificity and definition will also make the requirements of the rule easier to enforce by the State and by EPA. The Air Pollution Control Division of the Department of Public Health and Environment has worked with EPA regarding comments on the Commission's original adoption and have addressed many of the concerns EPA raised with the adopted rule revisions. EPA has expressed that without the proposed changes to the language of the regulation, EPA will need to disapprove the Commission action to participate in the ozone Early Action Compact and return the Denver metropolitan area to compliance with the 8-hour ozone standard sooner than would otherwise be required.

3. **Regulation Number 3: Air Pollution Emission Notice and Permitting Requirements:**  
The Commission will consider a proposal to clarify the provisions of the rule that refer to nonattainment area requirements versus those areas classified as attainment/maintenance.

**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 16, 2004 regular monthly meeting.

**Statutory Deadline for Submittal to EPA:**

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

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

**Technical Issues:**

Interested members of the public and staff have identified provisions in the rule that are confusing. These provisions regard the application of requirements for attainment/maintenance areas versus those for nonattainment. The proposed revisions will clarify which provisions apply and when they apply.

**Policy Issues:**

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

**4. Regulation Number 5: Generic Emissions Trading Rule:**

The Commission will consider a proposal to repeal the rule regarding Generic Emissions Trading.

**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 18, 2005 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:**

**Technical Issues:**

The Environmental Protection Agency has identified several provisions of the rule that it believes require modification in order for EPA to continue with further review, 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 Commission will hold the hearing to consider the alternatives, but has taken the initial approach of repeal and begin again due to the number of issues raised.

**Policy Issues:**

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

**5. Regulation Number 4: New Wood Stoves and the Use of Certain Woodburning Appliances During High Pollution Days**

The Commission will consider a proposal to revise the requirements of the rule to allow for the use of a masonry fireplace in new construction homes.

**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 February 17, 2005 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 Issues:**

The Commission has provided in the existing regulation the opportunity for new wood burning devices to be considered and approved for use during high pollution events in different areas of the state. The testing of new wood burning devices is difficult to conduct, verify and repeat. It is especially difficult to repeat the process once in use by the homeowner.

**Policy Issues:**

Each new wood burning device that is approved for use is another source of uncontrolled particulate pollution in the state. The widespread use of fireplaces in Colorado's population centers caused and contributed to violation of the national standard for particulate matter. Continued approval and installation of new style fireplaces may cause future pollutant problems as population increases in the future. The Commission will consider the approval of the new technology masonry fireplace and the standards that it must comply with as well as the no action approach of not approving it for use in Colorado.

**6. Regulation Number 11 - Vehicle Emissions Inspection Program**

The Commission will consider possible revisions to the rule regarding the vehicle emission repair cost waiver.

**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 October 20, 2005 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 Issues:**

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

**Policy Issues:**

Individuals are allowed to forgo repairs to their vehicles' emissions control systems if they spend more than a specified limit set in the regulation. Currently that amount is \$715.00 and is adjusted annually for the Consumer Price Index. The number of exempted vehicles does not create significant amounts of excess emissions, but these vehicles are some of the highest emitting vehicles on the road in the program area. Historically, the Commission has considered decreasing the waiver amount, raising the waiver amount to a very high dollar limit; making it very expensive to use, or taking no action at all. The Commission will consider these options as well as the no action alternative at the rulemaking hearing.

