STATE OF COLORADO

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November 13, 2012

Honorable Frank McNulty, Chair Colorado Legislative Council 029 State Capitol Building 200 East Colfax Denver, Colorado 80203

Subject: Anticipated Changes to the Colorado State Implementation Plan for Air Quality

for Calendar Year 2013

Representative McNulty:

Pursuant to § 25-7-133(4)(b) the Colorado Air Quality Control Commission (AQCC) is directed to provide Legislative Council with a list of anticipated changes to Colorado's federally-approved State Implementation Plan (SIP) for the upcoming year. Based on its current long term calendar, the AQCC will consider the following SIP changes in calendar year 2013:

- 1. Revisions to the Longmont Carbon Monoxide Maintenance SIP. This is a required update to the current Longmont Maintenance Plan to demonstrate that the area will remain in compliance with the National Ambient Air Quality Standard for carbon monoxide. Because the Longmont area is expected to maintain compliance with air quality standards and the relevant federal requirements, no new emission control strategies are anticipated and only up-to-date technical data will be added to the SIP. Thus, it is not expected that this Plan revision will present any particular technical or policy issues. The AQCC is scheduled to consider proposed revisions to this Plan during the spring of 2013. A revised Plan will then be provided to the Legislative Council for consideration in January 2014 for submittal to the U.S. Environmental Protection Agency for approval.
- 2. **Revisions to Regulation Number 3 to Address Director's Discretion.** Regulation Number 3 currently authorizes the Director of CDPHE's Air Pollution Control Division to exercise some discretion when determining terms and conditions in permits issued to commercial and industrial sources.

The EPA has taken issue with certain "Director's Discretion" language contained in Regulation Number 3 and requests that the rule contain more definitive language to further limit where discretion can be applied. The anticipated revisions will attempt to bridge this gap with regulatory language that is acceptable to both the State and the EPA. It is anticipated that the AQCC will consider revisions to Regulation Number 3 during the second half of 2013. Revised regulations will then be provided to the Legislative Council for consideration in January 2014 for submittal to the U.S. Environmental Protection Agency for approval.

3. Revisions to Regulation Number 3 to Address Permitting of Oil and Gas Sources. The Commission will consider proposed changes to Regulation Number 3 that will allow the State to assume federal air quality permitting and compliance authorities for certain oil and gas operations. EPA has adopted federal air quality regulations which apply to a wide range of oil and gas operations and activities throughout the nation, and the State has been delegated authority to implement most of these rules. However, some provisions have not yet been assumed by the State due to the structure of permitting provisions in the current rule. Once these structural issues are addressed, the State can assume delegation of the remaining federal oil and gas provisions. It is anticipated that the AQCC will consider revisions to Regulation Number 3 during the second half of 2013. Revised regulations will then be provided to the Legislative Council for consideration in January 2014 for submittal to the U.S. Environmental Protection Agency for approval.

These scheduled SIP revisions, along with the AQCC's other anticipated air quality-related regulatory activity not intended to become part of the federally-approved SIP, have been included in CDPHE's 2013 Regulatory Agenda at:

http://www.colorado.gov/cs/Satellite/CDPHE-Main/CBON/1251590276910

The Air Quality Control Commission is not anticipating any additional SIP changes in 2013.

Sincerely,

Michael Silverstein, Administrator and Technical Secretary Colorado Air Quality Control Commission

cc: Barbara Roberts, Chairperson, Air Quality Control Commission Martha Rudolph, Environmental Programs Director, CDPHE Karin McGowan, Community Relations Director, CDPHE William Allison, Air Pollution Control Division Director, CDPHE

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