

# STATE OF COLORADO

Bill Ritter, Jr., Governor  
James B. Martin, Executive Director

*Dedicated to protecting and improving the health and environment of the people of Colorado*

## **COLORADO AIR QUALITY CONTROL COMMISSION**

<http://www.cdphe.state.co.us>

EDO-AQCC-A5  
4300 Cherry Creek Drive South  
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**Colorado Department  
of Public Health  
and Environment**

## **NOTICE OF PUBLIC RULEMAKING HEARING BEFORE THE COLORADO AIR QUALITY CONTROL COMMISSION**

Regarding proposed revisions to:

### **Ambient Air Quality Standards Regulation, SIP Specific Regulation, and the Canon City PM10 Maintenance Plan**

#### **SUBJECT:**

The Air Quality Control Commission will hold a public rulemaking hearing to consider the Division's proposed revisions to the PM10 Maintenance Plan for Canon City. This is the second of two 10-year plans that are required by the Clean Air Act. The Ambient Standards rule is proposed to revise the emission budgets for mobile sources and the SIP Specifics regulations are proposed to repeal the contingency measures.

#### **FEDERAL REQUIREMENTS:**

The federal act does not require the Commission to make any of the rule revisions that are the subject of this Notice of Public Rulemaking Hearing. A proposed Statement of Basis, Specific Statutory Authority, and Purpose and a regulatory analysis (if one has been requested) will be available for inspection no later than five (5) days prior to the hearing. The proposed language for the rule revision is attached to and made a part of this notice.

#### **HEARING SCHEDULE:**

DATE: November 20, 2008  
TIME: 9:00 AM  
PLACE: Colorado Department of Public Health & Environment  
4300 Cherry Creek Drive South, Sabin Conference Room  
Denver, Colorado 80246

*The hearing may be continued at such places and time as the Commission may announce.  
Interested parties may contact the Commission Office at 303-692-3476 to confirm meeting dates  
and times.*

### **PUBLIC COMMENT:**

The Commission encourages all interested persons to provide their views either orally at the hearing or in writing prior to or at the hearing. The Commission especially solicits comments and analyses from persons who will incur directly some cost or benefit from the proposed revisions. Public testimony will be taken as close to the start of the hearing as possible and during the hearing as necessary. Written and/or electronic submissions prior to the hearing are requested to allow review prior to presentation at the hearing. Written and/or electronic submissions should be mailed to the Commission Office at least 14 days prior to the hearing.

### **PARTY STATUS:**

In order to obtain party status at the hearing, compliance with several requirements as defined in the Commissions Procedural Rules is necessary. A petition for party status must be filed by electronic mail with the Office of the Air Quality Control Commission no later than close of business on **September 15, 2008**. The petition must: *1) identify the applicant; 2) provide the name, address, telephone and facsimile numbers, and email address of the applicants representative; and 3) briefly summarize what, if any, policy, factual, and legal issues the applicant has with the proposal(s) as of the time of filing the application.* Electronically mailed copies must also be received, by this same date, by the Division staff person and the Assistant Attorneys General representing the Division and the Commission identified below. Any person may petition the Commission to file documents in paper copy format if they are unable for any reason to not comply with the requirements of 1.3.8(2) of the Commissions Procedural Rules. An original and a specified number of paper copies must be filed in the Office of the Air Quality Control Commission, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado 80246.

Individuals may also obtain party status through the submittal of an initial alternative rule to the proposed rule. The submittal of an alternative proposal must be accompanied by an electronic copy of the initial alternative proposed rule and all other associated documents as required by the Commission's procedural rules and must be filed by electronic mail with the Office of the Commission by the date specified for party status requests. Initial alternative rules must also be filed by electronic mail with the Division staff person and with each of the Assistant Attorneys General.

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Requests received beyond the above stated deadline shall only be considered upon a written motion for good cause shown. The Commission reserves the right to deny party status to anyone that does not comply with the Commission's procedural rules.

**STATUS CONFERENCE:**

A status conference will be held **September 19th at 9:00 a.m.**, at the Department of Public Health and Environment to ascertain and discuss the issues involved, and to ensure that parties are making all necessary efforts to discuss and resolve such issues prior to the submission of prehearing statements. Attendance at this status conference is mandatory for anyone who has requested party status.

**PREHEARING CONFERENCE/PREHEARING STATEMENTS:**

Attendance at the prehearing conference is mandatory for all parties to this hearing. A prehearing conference will be held **October 23, 2008 at 9:00 a.m.** in the Commission Offices at 4300 Cherry Creek Drive South, Denver. All parties must submit by electronic mail a preliminary prehearing statement to the Commission Office by close of business **October 17, 2008**. In addition, electronically mailed copies of these documents must be delivered by that date to all persons who have requested party status. A copy of the prehearing statement must also be electronically mailed to the Division point of contact and each of the Assistant Attorney's General identified above by close of business **October 17, 2008**. Any revisions to the prehearing statement must be submitted to the Administrator of the Commission at the prehearing conference and by electronic mail to the Commission Office on the day of the prehearing conference. Any exhibit included in the prehearing statements will be electronically mailed to individual Commissioners for review prior to the hearing, provided the party files electronic copies of such exhibit. Rebuttals to the prehearing statement may be submitted to the Commission Office and all other parties by close of business **October 30, 2008**.

**EXCEPTIONS TO FILE DOCUMENTS BY ELECTRONIC MAIL**

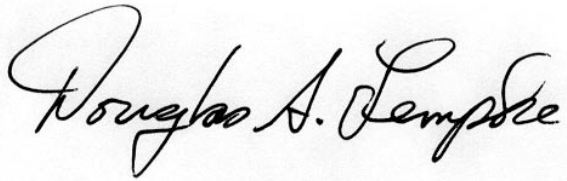
The Commission's Procedural Rules provide for an exception to file documents by electronic mail. If granted an exception to electronic filing pursuant to the provisions of 1.3.8(3) of the Commissions Procedural Rules, the applicant for party status shall file an original and fifteen copies of the prehearing statement in the Office of the Air Quality Control Commission, and shall also deliver copies to each other party, applicant for party status, the Assistant Attorneys General representing the Commission and Division, and the Division staff person for the proceedings, by electronic mail or as otherwise provided by the exception granted under Subsection 1.3.8(3), by that same day.

**STATUTORY AUTHORITY FOR THE COMMISSION'S ACTIONS:**

The Commission proposes these regulatory changes pursuant to its authority under Sections 25-7-105(1) and 25-7-109(1) and (2), C.R.S. The rulemaking hearing will be conducted in accordance with sections 24-4-103 and 25-7-110, C.R.S., as amended, the Procedural Rules of the Commission and as otherwise stated in this notice. This list of statutory authority is not intended as an exhaustive list of the Commission's statutory authority to act in this matter.

Dated this 25th day of August 2008 at Denver, Colorado

Colorado Air Quality Control Commission

A handwritten signature in black ink, reading "Douglas A. Lempke". The signature is written in a cursive style with a large, stylized 'D' and 'L'.

Douglas A. Lempke, Administrator

# DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

## Air Quality Control Commission

### AMBIENT AIR QUALITY STANDARDS

#### 5 CCR 1001-14

#### I. Sulfur Dioxide (SO<sub>2</sub>) Ambient Air Standards for the State of Colorado<sup>1</sup>

- I.A. The actual concentration of sulfur dioxide at any given receptor site (no greater than five meters above ground level) in the State of Colorado shall not exceed a three-hour maximum of 700 micrograms per cubic meter (ug/m<sup>3</sup>) more than once in any twelve-month period.
- I.B. The following ambient standards for sulfur dioxide are expressed as allowable amounts of increase in ambient concentration (increments) over an established baseline. All concentrations are expressed in micrograms per actual cubic meter under local conditions of temperature and pressure.

	<u>CATEGORY I</u> <u>(Incremental)</u>	<u>CATEGORY II</u> <u>(Incremental)</u>	<u>CATEGORY III</u> <u>(Incremental)</u>
Annual Arithmetic Mean	2	10	15
24-Hour Maximum	5	50	100
3-Hour Maximum	25	300	700

- I.B.1. The above 24-hour and 3-hour standards are not to be exceeded at any given receptor site more than once in the twelve-month period.
- I.B.2. The “baseline” for these incremental standards is defined as that concentration of sulfur dioxide either measured or estimated by the Division to exist on the effective date of this amended regulation.
- I.C. The analytical methods to be employed for the determination of ambient air concentrations of sulfur dioxide shall be any reference method approved by the Federal Environmental Protection Agency. An equivalent method may be used if approved by the Environmental Protection Agency and the Division. Concentrations shall be reported as micrograms per cubic meter referred to a temperature of 25NC and a pressure of one atmosphere (1013 millibars).
- I.D. A written statement of the basis and purpose of this revision to Section C has been prepared and adopted by the Commission. This written statement entitled, “Rationale and Justification for the Adoption of Revisions to the Ambient Air Quality Standards for Sulfur Dioxide Regarding the Method of Testing and Reporting (Section)” is hereby incorporated in this regulation by reference in accord with C.R.S. 1973, 24-4-103 as amended.
- I.E. A written statement of the basis and purpose of these ambient air standards, which includes a detailed analytical evaluation of the scientific and technical rationale justifying these standards, has been prepared and adopted by the Commission. This written statement, entitled, “Rationale for the Promulgation of a New Source Emissions Control Regulation and Ambient Air Quality

Standards for Sulfur Dioxide” is hereby incorporated in these ambient air standards by reference, in accord with C.R.S. 1973, 24-4-103 as amended.

- I.F. A written statement of Basis and Purpose explaining the transfer of sections relating to Category I areas and redesignations is hereby incorporated by reference and is available from the Air Quality Control Commission Office.

<sup>1</sup>Sulfur Dioxide: Revised: 3/10/83 Effective 4/30/83.

## II. Ambient Air Quality Standards for the State of Colorado\*

<u>Ambient Air†</u>			
<u>Pollutant</u>	<u>Averaging Time</u>	<u>Quality Standards</u>	<u>Methods‡</u>
<u>Ozone</u>	<u>1-Hour</u>	<u>235 ug/m<sup>3</sup></u>	<u>Ethylene Chemiluminescent</u>
<u>Carbon Monoxide (CO)</u>	<u>8-Hour</u>	<u>10 mg/m<sup>3</sup></u>	<u>Non-Dispersive Infrared Spectroscopy</u>
<u>Carbon Monoxide (CO)</u>	<u>1-Hour</u>	<u>40 mg/m<sup>3</sup></u>	<u>Non-Dispersive Infrared Spectroscopy</u>
<u>Nitrogen Dioxide (NO<sub>2</sub>)</u>	<u>Annual Average</u>	<u>100 ug/m<sup>3</sup></u>	<u>Chemiluminescent</u>
<u>PM10</u>	<u>24-Hour</u>	<u>150 ug/m<sup>3</sup></u>	<u>Size Selective Inlet/Gravimetric</u>
<u>PM10</u>	<u>Annual Average</u>	<u>50 ug/m<sup>3</sup></u>	<u>Size Selective Inlet/Gravimetric</u>

All measurements of air quality are corrected to a reference temperature of 25NC and to a reference pressure of 760 millimeters of mercury (1,013.2 Millibars).

\*Ambient Standards: Revised 6/24/93 Effective: 8/30/93.

†Standards other than annual averages are not to be exceeded more than once per year.

‡Reference method as described by E.P.A. An equivalent method may be used if it has consistent relationship to reference method and is approved by E.P.A. and the Air Pollution Control Division.

## III. Classification of Nonattainment and Attainment/Maintenance Areas in Colorado\*

<u>Carbon Monoxide</u>		
<u>Area</u>	<u>Classification</u>	<u>Boundary</u>
Denver Metro Area	Attainment/Maintenance (effective 1/14/02)	See attached legal description and map.
Colorado Springs	Attainment/Maintenance (effective 10/25/99)	Urban Transportation Planning Study Area as defined in 1989. See

<u>Carbon Monoxide</u>		
<u>Area</u>	<u>Classification</u>	<u>Boundary</u>
		attached map.
Fort Collins	Attainment/Maintenance <sup>*2</sup>	Fort Collins Urban Growth Area boundary as adopted by the city of Fort Collins and the Larimer County Commissioners and in effect as of July 30, 1991. See attached map.
Greeley Area	Attainment/Maintenance (effective 5/10/99)	Urban Boundaries defined in the North Front Range Regional Transportation Plan, May 1990. See attached map.
Longmont	Attainment/Maintenance (effective 11/23/99)	Begin at Highway 52 and Boulder/Weld county line and go west to 95th Street/Hooker Road to the intersection of Plateau Road, then west on Plateau Road to the intersection of N. 75th Street, then north to the Boulder/Larimer County line, then east along the Boulder/Larimer County line to the Boulder/Weld county line, then south along the Boulder/Weld County line to Highway 52, plus the portion of the City of Longmont east of the Boulder/Weld County line in Weld County. See attached map.

\*Nonattainment Areas

<sup>2</sup>The designation of asterisked areas as attainment/maintenance shall become effective upon publication in the Federal Register of EPA approval of such designation. Until such approval, and publication, the areas remain nonattainment for the respective pollutant.

#### **Description of Boundaries for Denver Metropolitan Carbon Monoxide Attainment/Maintenance Area**

The Boundaries for the Denver metropolitan attainment/maintenance area for carbon monoxide (CO) are described as follows:

Starting at Colorado Highway 52 where it intersects the eastern boundary of Boulder County;

Follow Highway 52 where it intersects Colorado Highway 119;

Follow northern boundary of Boulder city limits west to the 6000-ft. elevation line;

Follow the 6000-ft. elevation line south through Boulder and Jefferson counties to US 6 in Jefferson County;

Follow US 6 west to the Jefferson County-Clear Creek County line;

Follow the Jefferson County western boundary south to the southern boundary of Range 72 West, Township 6 South, Section 24;

Follow the southern section line east to the eastern boundary of Range 71 West, Township 6 South, Section 24;

Follow the eastern section line north to South Turkey Creek;

Follow South Turkey Creek northeast to Deer Creek Canyon Road;

Follow Deer Creek Canyon Road to the eastern boundary of Range 69 West, Township 6 South, Section 5;

Follow the Pike National Forest boundary southeast through Douglas County to the Douglas County - El Paso County line;

Follow the southern boundary of Douglas County east to the Elbert County line;

Follow the eastern boundary of Douglas County north to the Arapahoe county line;

Follow the southern boundary of Arapahoe County east to Kiowa Creek;

Follow Kiowa Creek northeast through Arapahoe county and Adams counties to the Adams County - Weld County line;

Follow the northern boundary of Adams County west to the Boulder County line;

Follow the eastern boundary of Boulder County north to Highway 52.

#### Descriptions and Maps

##### **III.A. Denver Attainment/Maintenance Area for Carbon Monoxide**

III.A. [Denver Attainment/Maintenance Area for Carbon Monoxide](#)  
[IIIA\\_DenverCO.jpg](#)

##### **III.B. Colorado Springs Attainment/Maintenance Area for Carbon Monoxide**

III.B. [Colorado Springs Attainment/Maintenance Area for Carbon Monoxide](#)  
[IIIB\\_ColoSpringsCO.jpg](#)

##### **III.C. Fort Collins Attainment/Maintenance Area for Carbon Monoxide**

III.C. [Fort Collins Attainment/Maintenance Area for Carbon Monoxide](#)  
[IIIC\\_FtCollinsCO.jpg](#)



### III.D. Greeley Attainment/Maintenance Area for Carbon Monoxide

III.D. Greeley Attainment/Maintenance Area for Carbon Monoxide  
IIID\_GreeleyCO.jpg

### III.E. Longmont Attainment/Maintenance Area For Carbon Monoxide

III.E. Longmont Attainment/Maintenance Area For Carbon Monoxide  
IIIE\_LongmontCO.jpg

PM10		
Area	Classification	Boundary
Denver Metro (effective 10/16/02)	Attainment/Maintenance #	All of Denver, Jefferson, and Douglas Counties; Boulder County (excluding Rocky Mountain National Park) and the Automobile Inspection and Readjustment Program portions of Adams and Arapahoe Counties. See attached map.
Steamboat Springs	Attainment/Maintenance*	Steamboat Springs Area Airshed as adopted by the Routt County Commissioners May 28, 1991. See attached map.
Pagosa Springs (effective 8/14/01)	Attainment/Maintenance	See attached map.
Telluride/Mt. Village/ San Miguel County (effective 8/14/01)	Attainment/Maintenance	See attached map.
Aspen/Pitkin County (effective 7/14/03)	Attainment/Maintenance	See attached map.
Cañon City/Fremont County (effective 7/31/00)	Attainment/ Maintenance	See attached map.
Lamar	Attainment/Maintenance*	Lamar City Limits as of July 30, 1991. See attached map.
Ozone		
Denver 1-Hour Ozone Attainment/Maintenanc e Area (effective 10/11/01)	Attainment/Maintenance	The Counties of Jefferson and Douglas, the Cities and Counties of Denver and Broomfield, Boulder County (excluding Rocky Mountain National Park), Adams County west of Kiowa Creek, and Arapahoe County west of Kiowa Creek. See attached map.
Denver 1-Hour Ozone	Attainment/	All of Denver, Jefferson, and Douglas Counties; Boulder County (excluding Rocky Mountain

Area (effective 10/11/01)	Maintenance	National Park) and the Automobile Inspection and Readjustment Program portions of Adams and Arapahoe Counties. See attached map.
8-Hour Ozone Control Area	Designation Deferred	All of the Counties of Adams, Arapahoe, Boulder, Douglas, Elbert, Jefferson, Larimer, Morgan, and Weld, and all of the Cities and Counties of Denver and Broomfield. See attached map.
8-Hour Ozone Control Area	Designation Deferred	<p>The Counties of Adams, Arapahoe, Boulder (includes part of Rocky Mountain National Park), Douglas, and Jefferson; the Cities and Counties of Denver and Broomfield; and the following portions of the Counties of Larimer and Weld:</p> <p>For Larimer County (includes part of Rocky Mountain National Park), that portion of the county that lies south of a line described as follows: Beginning at a point on Larimer County's eastern boundary and Weld County's western boundary intersected by 40 degrees, 42 minutes, and 47.1 seconds north latitude, proceed west to a point defined by the intersection of 40 degrees, 42 minutes, 47.1 seconds north latitude and 105 degrees, 29 minutes, and 40.0 seconds west longitude, thence proceed south on 105 degrees, 29 minutes, 40.0 seconds west longitude to the intersection with 40 degrees, 33 minutes and 17.4 seconds north latitude, thence proceed west on 40 degrees, 33 minutes, 17.4 seconds north latitude until this line intersects Larimer County's western boundary and Grand County's eastern boundary.</p> <p>For Weld County, that portion of the county that lies south of a line described as follows: Beginning at a point on Weld County's eastern boundary and Logan County's western boundary intersected by 40 degrees, 42 minutes, 47.1 seconds north latitude, proceed west on 40 degrees, 42 minutes, 47.1 seconds north latitude until this line intersects Weld County's western boundary and Larimer County's eastern boundary.</p> <p>See attached map.</p>

\*The designation of asterisked areas as attainment/maintenance shall become effective upon publication in the Federal Register of EPA approval of such designation. Until such approval and publication, the areas remain nonattainment for the respective pollutant.

#The classification of the Denver Metro Area as an attainment/maintenance area shall not affect Air Quality Control Commission Regulations ~~No-Number~~ 1, 5 CCR 1001-3, ~~section-Section~~ VIII; or ~~No-Number~~ 3, 5 CCR 1001-5, Part B, ~~section-Section~~ IV.D.2(d)(i) or (ii). Such provisions shall apply in the Denver Metro Area in the same manner as they would apply if the Denver Metro Area were nonattainment area for PM10.

### III.F. Denver PM10 and Ozone Attainment/Maintenance Area

III.F. Denver PM10 and Ozone Attainment/Maintenance Area  
 IIIF\_DenverPM10.jpg

### III.G. Steamboat Springs Attainment/Maintenance Area for PM10

III.G. Steamboat Springs Attainment/Maintenance Area for PM10  
IIIG\_SteamboatPM10.jpg

**III.H. Pagosa Springs Attainment/Maintenance Area for PM10**

III.H. Pagosa Springs Attainment/Maintenance Area for PM10  
IIIH\_PagosaSpringsPM10.jpg

**III.I. Telluride/Mt. Village/San Miguel County Attainment/Maintenance Area for PM10**

III.I. Telluride/Mt. Village/San Miguel County Attainment/Maintenance Area for PM10  
IIII\_TelluridePM10.jpg

**III.J. Aspen/Pitkin County Attainment/Maintenance Area for PM10**

III.J. Aspen/Pitkin County Attainment/Maintenance Area for PM10  
IIIJ\_AspenPM10.jpg

**III.K. Cañon City/Fremont County Attainment/Maintenance Area for PM10**

III.K. Cañon City/Fremont County Attainment/Maintenance Area for PM10  
IIIK\_CanonCityPM10.jpg

**III.L. Lamar Attainment/Maintenance Area for PM10**

III.L. Lamar Attainment/Maintenance Area for PM10  
IIIL\_LamarPM10.jpg

**III.M. 8-Hour Ozone Control Area**

III.M. 8-Hour Ozone Control Area  
IIIM\_8hrOzone.jpg

**IV. Visibility Standard**

To be added to the Colorado Air Quality Control Commission document “Ambient Air Standards for Metropolitan Denver Air Quality Control Region, State Air Pollution Control Areas and the State of Colorado.”

Visibility Standard for the AIR Program Area

Level: The Visibility Standard for the AIR program area is an atmospheric extinction of  $0.076/\text{km}^1$ , equivalent to a standard visual range of 32 miles<sup>2</sup>

Averaging Time: The Averaging time is four hours. All four hours must be contiguous. No four-hour average in violation of the standard can have hours in common with any other four-hour period in violation of the standard.<sup>3</sup>

Applicability: The visibility standard is applicable in the AIR program area.<sup>4</sup> The visibility standard applies during an eight-hour period from 8:00 a.m. (0800) to 4:00 p.m. (1600) each day Mountain Local Time. The visibility standard applies only during hours when the hourly average relative humidity is less than 70 percent.<sup>5</sup>

<sup>1</sup>Extinction is a measure of the ability of the atmosphere to attenuate light. It is traditionally expressed in light attenuation per kilometer. It is measured directly with a long-path transmissometer or by other equivalent methods as determined by the Air Pollution Control Division.

<sup>2</sup>Extinction (Bext) can be converted to standard visual range (SVR) in miles as follows:

$$\text{SVR (Miles)} = (3.912/(\text{Bext} + .01 \text{ km})) * .06214$$

where Bray is the Rayleigh scattering coefficient (.0099/km) for Denver's altitude and the visual range is standardized to a Rayleigh scattering coefficient of .01/km or an altitude of 1.55km. The formula assumes a contrast threshold of two percent.

<sup>3</sup>There are five possible contiguous four-hour periods from 0800 to 1600 each day (0800 to 1200, 0900 to 1300, 1000 to 1500, and 1200 to 1600). Only the periods from 0800 to 1200 and from 1200 to 1600 do not have overlapping hours. Therefore, a maximum of two standard violations are possible each day that have no overlapping hours or hours in common.

<sup>4</sup>The AIR program area is defined in C.R.S. 42-4-307 (8).

<sup>5</sup>Any hour with a relative humidity of 70 percent or over would not be included in the four-hour running averages.

\* Visibility: Adopted: 12/21/89 Effective: 1/1/95

## **V. Emission Budgets for Attainment/Maintenance Areas in the State of Colorado**

### **V.A. Budgets**

V.A.1. The following Motor Vehicle Emission Budgets shall be utilized to assess the conformity of Transportation Plans, TIPs, and where appropriate, Projects, for the applicable periods and geographic areas indicated:

<u>Denver</u> <u>Attainment/Maintenance</u> <u>Area (Modeling</u> <u>Domain)</u>	<p><u>PM10</u>: 2015 through 2021: 54 tons/day; 2022 and beyond: 55 tons/day.</p> <p><u>Nitrogen Oxides</u>: 2015 through 2021: 70 tons/day; 2022 and beyond: 56 tons/day</p> <p>Trading provisions: Trading of PM10 for NOx, or NOx for PM10 to adjust emission budgets for purposes of demonstrating transportation conformity shall be allowed using the emission trading formula as follows:</p> <p>For trades necessary to increase a primary PM10 budget, 15.0 tons/day of NOx will be taken from the NOx budget to increase the primary PM10 budget by 1.0 tons/day, a ration of 15 to 1.</p> <p>For trades necessary to increase a NOx budget, 1.0 tons/day of primary PM10 will be taken from the primary PM10 budget to increase the NOx budget by 12.0 tons/day, a ratio of 1 to 12.</p> <p>Implementation of trading provisions: In the event the MPO cannot demonstrate consistency with the specific PM10 and NOx mobile source emission budgets, the trading provisions may be utilized only after the MPO has considered all reasonably available local control measures to meet the budgets. The MPO must demonstrate the need for trading through the usual consultation procedures for state implementation plan development delineated in Section IV(F) of AQCC Regulation <del>No.</del><u>Number</u> 10, Criteria for Analysis of Conformity.</p> <p>If trading is utilized, the MPO shall include the</p>
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	<p>following information in the transportation conformity determination:</p> <p>(1) The budget for primary PM10 and NOx for each required year of the conformity determination, before trading is employed; (2) The portion of the original budget to be used to supplement a wanting budget, for each required year for the conformity determination; (3) The increased budget that results from trading, along with relevant calculations, and (4) the resulting primary PM10 and NOx budgets for each required year of the conformity demonstration.</p> <p>The MPO shall then compare projected emissions to the adjusted PM10 and NOx motor vehicle emission budgets to demonstrate conformity.</p>
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<u>Denver Attainment Maintenance Area</u>	<u>Ozone Precursors (attainment/maintenance area boundary) NOx 2002 and beyond 134 tpsd VOC 2002 and beyond 119 tpsd tpsd = tons per summer day Carbon Monoxide (attainment/maintenance area boundary) 2013 through 2020: 1625 tons/day; 2021 and beyond: 1600 tons/day.</u>
<u>Aspen (Modeling Area)</u>	<u>PM10 2015 and Beyond: 16,244 lbs./day</u>
<u>Cañon City</u>	<u><del>PM10 1994-96: 4,981 lbs./day 1997 and Beyond: 7,439 lbs./day</del> PM10 2020 and Beyond: 1,613 lbs./day</u>
<u>Lamar (Modeling Area)</u>	<u>PM10 2015 and Beyond: 7,534 lbs./day</u>
<u>Pagosa Springs (Modeling Area)</u>	<u>PM10 2012 and Beyond: 7,486 lbs./day</u>
<u>Steamboat Springs (Modeling Area)</u>	<u>PM10 2015 and Beyond: 21,773 lbs./day</u>
<u>Telluride (Modeling Area)</u>	<u>PM10 2012 and Beyond: 10,001 lbs./day</u>
<u>Longmont Attainment/Maintenance Area</u>	<u>Carbon Monoxide 2010 through 2014: 43 tons/day 2015-2019: 43 tons/day 2020 and Beyond: 43 tons/day</u>
<u>Attainment/Maintenance Area</u>	<u>Through 2014: 44 tons/day 2015 through 2019: 44 tons/day</u>
<u>Colorado Springs</u>	<u>Carbon Monoxide 2010 and Beyond: 531</u>

Attainment/Maintenance Area	tons/day
Ft. Collins Attainment/Maintenance Area	Carbon Monoxide 2005 through 2009: 99 tons/day 2010 through 2014: 98 tons/day 2015 and Beyond: 94 tons/day
Greeley Area Attainment/Maintenance Area	Carbon Monoxide 2005 through 2009: 63 tons/day 2010 through 2014: 62 tons/day 2015 and Beyond: 60 tons/day

#### V.A.2. Geographic Coverage

Unless otherwise specified, the geographic coverage of each of the area Motor Vehicle Emissions Budgets shall be the nonattainment or attainment maintenance area as defined in the respective state implementation plans.

V.A.3. The Motor Vehicle Emissions Budget for PM10 applies to total primary PM10 emissions, including emissions from tailpipe exhaust, unpaved roads (except for the Denver PM10 nonattainment area), re-entrained road dust and street sand. It does not include precursor or secondary emissions, which, where appropriate, are covered under separate budgets.

#### V.A.4. Effective Dates

##### V.A.4.a. Denver Carbon Monoxide

The 1,520 tons per day (2013 and beyond) carbon monoxide emission budget established in ~~section~~Section V.A.1. shall take effect as a matter of state law when such budget takes effect as a matter of federal law pursuant to 40 CFR ~~section~~Section 93.118. Until such time as the 1,520 tons per day budget takes effect pursuant to this section and 40 CFR ~~section~~Section 93.118, the carbon monoxide emission budgets for the Denver CO attainment/maintenance area shall be 800 tons per day (2002 and beyond).

##### V.A.4.b. Colorado Springs Carbon Monoxide

The 531 tons per day carbon monoxide emission budget established in ~~section~~Section V.A.1. shall take effect as a matter of state law when such budget takes effect as a matter of federal law pursuant to 40 CFR ~~section~~Section 93.118. Until such time as the 531 tons per day budget takes effect pursuant to this section and 40 CFR ~~section~~Section 93.118, the carbon monoxide emission budget for the Colorado Springs CO attainment/maintenance area shall be 270 tons per day (2001 and beyond).

##### V.A.4.c. Reserved

##### V.A.4.d. Reserved

##### V.A.4.e. Aspen PM10

The 16,244 pounds-per-day PM10 emission budget established in ~~section~~Section V.A.1. shall take effect as a matter of state law when such budget takes effect as a matter of federal law pursuant to 40 CFR ~~section~~Section 93.118. Until such time as the 16,244 pounds-per-day budget takes effect pursuant to this section and 40 CFR ~~section~~Section 93.118, the PM10 emission budget for the Aspen PM10 Nonattainment Area shall be 13,974 pounds-per-day.

V.A.4.f. Reserved

V.A.4.g. Reserved Cañon City PM10

The 1,613 pounds-per-day PM10 emission budget established in Section V.A.1. shall take effect as a matter of state law when such budget takes effect as a matter of federal law pursuant to 40 CFR Section 93.118. Until such time as the 1,613 pounds-per-day budget takes effect pursuant to this section and 40 CFR Section 93.118, the PM10 emission budget for the Cañon City PM10 attainment/maintenance area shall be 7,439 pounds-per-day.

V.A.4.h. Lamar PM10

The 7,534 pounds-per-day PM10 emission budget established in ~~section~~Section V.A.1. shall take effect as a matter of state law when such budget takes effect as a matter of federal law pursuant to 40 CFR ~~section~~Section 93.118. Until such time as the 7,534 pounds-per-day budget takes effect pursuant to this section and 40 CFR ~~section~~Section 93.118, the PM10 emission budget for the Lamar PM10 Nonattainment Area shall be 1,884 pounds-per-day.

V.A.4.i. Steamboat Springs PM10

The 21,773 pounds-per-day PM10 emission budget established in ~~section~~Section V.A.1. shall take effect as a matter of state law when such budget takes effect as a matter of federal law pursuant to 40 CFR ~~section~~Section 93.118. Until such time as the 21,773 pounds-per-day budget takes effect pursuant to this section and 40 CFR ~~section~~Section 93.118, the PM10 emission budget for the Steamboat Springs PM10 Nonattainment Area shall be 20,682 pounds-per-day.

## **V.B. Reserved**

## **V.C. Additional Requirements for the Denver PM10 Attainment/Maintenance Area**

V.C.1. Geographic Coverage

The geographic coverage for the Denver PM10 Motor Vehicle Emissions Budget is the modeling domain contained in the most recent revision to the Denver PM10 state implementation plan and technical support documentation, which are available for inspection at the offices of the AQCC located at 4300 Cherry Creek Drive South, Denver, Colorado.

V.C.2. Regional Emissions Analysis

The emissions budgets set out in this section shall be used for regional emissions analyses required for conformity determinations.

## **V.D. Additional Requirements for the Denver CO Attainment/Maintenance Area**

V.D.1. Geographic Coverage

The geographic coverage for the Denver CO Motor Vehicle Emissions Budget is the Denver CO attainment/maintenance area as defined in the section of this Ambient Air Standards regulation entitled "Description of Boundaries for Denver CO Attainment/Maintenance Area."

## **VI. Carbon Monoxide Standard within the Eisenhower Tunnel\***

Pursuant to the authority of Section 25-7-106 (1), (b) and (c) and of 25-7-107 (1), (a), and (b) of Colorado Revised Statutes 1973, the Colorado Air Pollution Control Commission designated and confines of any traveled portions of the roadways within the Eisenhower Tunnel as a control area in which the adoption and maintenance of an ambient air standard is deemed necessary with particular identification of "carbon monoxide" as the pollutant hereby made subject to the following standard to maintain an acceptable human carboxyhemoglobin level: THE AMBIENT AIR WITHIN THE EISENHOWER TUNNEL SHALL BE MAINTAINED SO THAT THE LEVELS OF CARBON MONOXIDE SHALL NOT EXCEED A 15 MINUTE AVERAGE OF 100 PARTS PER MILLION VOLUME (115 MILLIGRAMS PER CUBIC METER AT 760 TORR AND 25N CENTIGRADE) CONCENTRATION.

\* Carbon Monoxide/Eisenhower Tunnel: Adopted: 9/5/75 Effective: 12/17/75

#### **Method of Testing:**

1. For the purpose of this regulation, primary determinations of CO shall be made by use of instrumentation based on non-dispersive infrared spectrophotometry (NDIR), as specified in Federal Register, 36 (84), 8194-8195 (30 April, 1971), Appendix C. Other methods equivalent, in accuracy, precision, and freedom from interferences may be used if approved in advance by the Air Pollution Control Division.
2. Routine monitoring of CO may be performed by instruments based on other principles, provided that such instruments are demonstrated to yield results equivalent to measurements by NDIR. methods, within the limits of accuracy and precision approved in advance by the Air Pollution Control Division.
3. Instruments used for primary determinations and routine monitoring shall be maintained to at least the minimum standards recommended by their manufacturers. Calibrations shall be made at the location of use according to the procedures set out in "Guidelines for Development of a Quality Assurance Program: Reference Method for the "Continuous Measurement of Carbon Monoxide in the Atmosphere", EPA-R4-028A, June 1973, pp. 8-20.
4. Records of maintenance and calibrations of all instruments shall be kept in a current, timely manner. The sources and identifications of gas mixtures used in calibrations shall be entered in records of calibration. These records of calibration and summaries of operating CO levels shall be made available within 30 days after the end of the calendar quarter to the Air Pollution Control Division for review.

#### **VII. Rationale**

##### **VII.A. Rationale for the Promulgation of Ambient Air Quality Standards for Sulfur Dioxide**

The Commission's review of the large volume of scientific data presented at the hearings led to several conclusions relevant to the establishment of appropriate ambient air quality standards for the State of Colorado.

Sulfur dioxide is a colorless, irritating gas with a taste threshold on the order of 600 to 800 micrograms per cubic meter and an odor threshold approximately twice that value. It is converted in the atmosphere (at a presently undetermined rate) into particulate sulfuric acid droplets, and solid metallic sulfates. The hazards to human health of such sulfates are presently under extensive investigation by EPA and a broad section of the scientific community. This Commission has not considered the question of health impacts of particulate surfaces in its adoption of ambient air standards for Colorado except to note that the information available is often conflicting and confusing. The same remarks are applicable to the effect of particulate sulfates on visibility. The Commission is very much aware that many have questioned the validity of EPA primary and secondary sulfur dioxide standards to protect humans, and animals, and vegetation with regard to (a) long term exposure to low concentrations of sulfur dioxide, (b) effects of altitude



on atmospheric conversion of sulfur dioxide and attendant sulfate hazards, and (c) synergistic action of sulfur dioxide with other pollutants on vegetation.

The concerns of this Commission with regard to such considerations has led to the adoption of ambient air standards more restrictive than the EPA primary and secondary standards because: (1) the Commission is charged under the Colorado Air Pollution Control Act of 1970 with the achievement of the maximum practical degree of air purity throughout the State, (2) the evidence presented before this Commission and the evaluation conducted by the Commission and its staff raises serious unanswered questions about the possible effect of long term exposure of certain low levels of sulfur dioxide on vegetation and on the agricultural industry in our State, (3) the Commission desired to ensure that the policy of this State with regard to maximization of air purity and the Federal Prevention of Significant Deterioration policies, under which Colorado desires to seek delegation of authority, will be realized with regard to existing air quality in Colorado for sulfur dioxide which is generally very good.

Under the Prevention of Significant Deterioration doctrine, EPA has adopted sulfur dioxide ambient air quality standards in three classes. Class I preserves the pristine quality of pristine air. Class II permits moderate deterioration, and Class III sets an absolute limit at the Federal secondary standard (that ambient air standard designed to protect human welfare). The evidence received by this Commission was overwhelming in its support of the preservation of pristine conditions in National Parks, National Monuments, Wilderness and Primitive Areas, and the Gunnison Gorge Recreation area. It is logical to apply the EPA Prevention of Significant Deterioration Class I standards to these regions, to protect the air quality for intrusion by external sources, and no submission by any industrial representative in these public hearings opposed the use of the Federal Class I standards for the areas noted above.

The Commission has discovered no adequate rationale for adoption of the (EPA) PSD Class III standard for sulfur dioxide. This Commission questions the need for authorization of such concentrations of sulfur dioxide in the State of Colorado. Existing conditions in Colorado do not appear to even approach the Class I levels, and no proposal for development, as described by industrial representatives at the hearings, would be at all restricted by a standard more stringent than the Federal Class II standard. Therefore, Federal PSD Class II standards have been adopted as the Colorado Category III standards: proposed development of sulfur dioxide sources as presented to the Commission by a variety of industrial representatives, can proceed with much less impact than the Federal Class II for sulfur dioxide would allow. The Commission has thereby maintained consistency with Federal PSD requirements and feels that the State will be in a position in the near future to request delegation of authority from the Environmental Protection Agency for enforcement of PSD requirements.

The Colorado Category I standards for sulfur dioxide effective December 18, 1975 are very stringent ones, and because the bulk of the state is now designated as a Colorado Category I, certain proposed industrial development, as presented before this Commission and including energy conversion, might thereby be restricted. One proposed solution to this problem was redesignation to the Federal (PSD) Class II for the entire state. This concentration of sulfur dioxide. As noted above, the Commission simply does not feel that such extreme degradation in existing air quality for sulfur dioxide throughout the entire state is necessary. It is not necessary, according to evidence presented to the Commission, to go to the Colorado Category II standards set forth under the 1975 regulation to permit projected new industrial development. The Commission has therefore adopted a standard, which are essentially at the halfway mark between PSD Class I and PSD Class II. This standard does allow for all the proposed development of sulfur dioxide sources described in hearings before this Commission and is an acceptable one to the Commission because it will not prohibit development, with careful siting considerations, yet avoids the necessity for redesignation involving substantial deterioration of existing air quality for sulfur dioxide. It should be noted that, at the PSD Class II levels, many Colorado citizens might actually be physically affected by the unpleasant and irritating taste of sulfur dioxide in the ambient air.

All of the above-described ambient standards to be established by this Commission for sulfur dioxide, are incremental standards. However, the Commission also feels strongly that an absolute standard, and “under lid,” should be placed on sulfur dioxide levels as well. It is the absolute concentration, rather than the increment, which affects human health, welfare, and the “quality of life” which our Colorado Air Pollution Control Act so clearly seeks to protect. In order to assure compliance with the policy of this state, this Commission has adopted a three-hour average concentration of sulfur dioxide, of 700 micrograms per cubic meter, as an absolute standard not to be exceeded more than once per year. This absolute standard is again related to that level of sulfur dioxide in the ambient air, which may cause obvious physical irritation for certain Colorado citizens. This ~~commission~~Commission intends to protect those citizens and all other residents of our State from impairment of their general welfare, convenience, and enjoyment of the beauty of life, which Colorado has to offer.

Ambient air quality standards will play an important role in the permitting process, and since that process involves the application of predictive modeling all incremental standards should be considered significant only to one significant figure.

As noted above, Colorado Category I for sulfur dioxide has been designated for certain areas based on the evidence received at public hearing. The Commission has also provided for designation of any National Parks, Monuments, Wilderness or Primitive Areas or Wild and Scenic River Corridors, which may be established in Colorado in the future. Such designation will be made after Commission evaluation of the comments of members of the public at hearing.

The Commission, on the basis of broad support from industry and the general public, decided not to permit redesignation of the Category I areas. The Commission found that sufficient documentation should accompany a redesignation request to show that the request is serious, well thought out in its various implications, and has some public support. On the basis of considerable testimony, it also developed a set of criteria by which the redesignation request will be judged. The Commission thus concluded that all of these elements in the redesignation process must be met before the designation is granted.

#### **VII.B. Rationale and Justification for Revision to the Ambient Air Quality Standards for Sulfur Dioxide Regarding the Method of Testing and Reporting (Section C)**

This action brings the State of Colorado regulations into conformity with the Federal regulations for (a) the methods for measurements of ambient concentrations of sulfur dioxide and (b) the manner in which these concentrations are reported:

This question as to whether these concentrations should be expressed in (a) micrograms per actual cubic meter or (b) micrograms per standard cubic meter (at 25NC and one atmosphere) is not resolved. If the hazard is related to the ratio of sulfur dioxide to oxygen the standard cubic meter concentration is preferable. If the concentrations are expressed in micrograms per standard cubic meter, the equivalent expression in parts per million is independent of altitude and temperature; this is not true if the concentrations are given in micrograms per actual cubic meter. The deciding issue in the decision was conformity with Federal Standards.

#### **VII.C. Rationale and Justification for the Repeal and Readoption of Ambient Air Quality Standards for Total Suspended Particulates**

This action brings the State of Colorado Ambient Air Quality Standards for Total Suspended Particulates into conformity with the existing Federal Ambient Air Quality Standards for Total Suspended Particulates, and are the same standards, which are required to be met by 1982 by the Clean Air Act (1977 Amendments) and the Colorado State Implementation Plan.

Ambient Air Quality Standards play an important role in determining various aspects of the State air pollution permitting process and thus the adoption of State Ambient Air Quality Standards for Total Suspended Particulates identical to the Federal standards subjects applicants for an emission permit to only one standard, rather than different State and Federal Standard

The deciding issues in the decision were conformity with Federal standards and great public understanding.

\* Rationale/TSP – Repeal and Readoption: Adopted 4/12/79

## **VIII. Statements of Basis, Specific Statutory Authority and Purpose**

### **VIII.A. Emission Budgets for Nonattainment Areas in the State of Colorado**

Adopted: February 16, 1995

Section 176(c) of the Federal Clean Air Act Amendments of 1990 requires that transportation plans and programs adopted by a metropolitan planning organization conform to the appropriate state implementation plan. Pursuant to EPA regulations implementing Section 176(c), mobile source emissions resulting from such plans and programs ultimately must be demonstrated, to be consistent with the motor vehicle emissions budget set forth in the applicable SIP. Without a clearly indicated intent otherwise, the SIP's highway and transit mobile source inventory serves as the motor vehicle emissions budget. However, where a SIP quantifies a "safety margin" by which emissions from all sources are less than would be consistent with attainment throughout the region, the State may submit a SIP revision which assigns some or all of this safety margin to the motor vehicle emissions budget for purposes of conformity determinations.

#### ***ADOPTION OF MOBILE SOURCE EMISSIONS BUDGETS FOR THE DENVER NONATTAINMENT AREA***

##### **A. *PM10***

The Denver PM10 SIP, which originally was submitted prior to EPA's adoption of the conformity regulations in November 1993, does not have mobile source emissions budgets explicitly labeled. The Denver PM10 SIP adopted by the Air Quality Control Commission on October 20, 1994 notes the intent to establish specific mobile source emissions budgets for both primary PM10 emissions and emissions of PM10 precursors. The Regional Air Quality Council proposed and the Air Quality Control Commission adopted a regional PM10 emissions budget that allocates some of the "safety margin" in regional emissions to the mobile source emissions budget for purposes of conformity.

##### **1. Establishing the Primary PM10 Budget**

The attainment demonstration for the Denver PM10 SIP indicates that modeled concentrations approaching the federal PM10 health and welfare standard are limited to a very small portion of the Denver region centered along the 1-25 corridor generally between Broadway and 1-70. The remainder of the region is well below the federal standard. Thus, while the mobile source inventory in the central Denver area is at the Maximum consistent with meeting the health and welfare standards, on a regional basis there is a "safety margin" by which emissions from all sources in the region are less than the total emissions that would be consistent with attainment of the PM10 health and welfare standard.

In order to determine how much of the regional emissions "safety margin" to assign to the mobile source emissions budget, the RAQC used DRCOG's transportation network as defined by the 2015 Interim Regional Transportation Plan and projections of vehicle miles traveled ("VMT") as the basis for the analysis in order to determine how much of the anticipated mobile source

emission growth can be accommodated in the revision while still maintaining the federal PM10 health and welfare standard. The emissions from the 2015 network and its resulting VMT were estimated for each modeling grid based on the primary PM10 emissions factors for tailpipe exhaust, re-entrained road dust and street sand used in the PM10 SIP. The resulting gridded emissions from the network were then modeled using the same dispersion model used for the PM10 SIP. The analysis then identified any areas where the increased emissions resulted in predicted concentrations greater than the federal standard of 150/ugm3. Emissions in these areas were then reduced sufficiently so that no values above the federal standard were predicted. The sum of the total emissions in the geographic area modeled, taking in to account emission reductions needed to assure that PM10 health and welfare standards were met, was then established as the PM10 mobile source emissions budget set forth in the Ambient Air Standards rule. That budget applies as a ceiling on emissions for each identified year.

The AQCC is aware that EPA is under court order to reconsider the PM10 national ambient air quality standard, and that EPA is actively considering revision of the particle size indicator and mass concentration of current standard. The AQCC considers this an interim budget that will be replaced by a 44-ton budget in 1998. This will give the AQCC an opportunity to develop and review a long range, comprehensive air quality management plan that will set the air quality goals and agenda for the Denver region over the next 20 years. The AQCC anticipates that the mobile source emissions budget in the long range, comprehensive air quality plan will not exceed 44 tons per day. The notice for the hearing on the long range, comprehensive air quality plan will also include a notice for rule making on the mobile source emissions budget.

## 2. Development of Control Measures

The PM10 SIP includes all control measures necessary to achieve the emissions budget levels for 1995 through 1997 and to ensure that localized violations of the national ambient air quality standard for PM10 will not develop prior to December 31, 1997. However, as the SIP does not extend beyond 1997, it does not include the control measures that may be necessary to achieve later budgeted levels. Additional control measures to reduce mobile source emissions in the years beyond 1997 must become enforceable as set forth in the Ambient Air Standards rule before an MPO may rely on any such reductions in assessing conformity of a future plan or program with the mobile source emissions budgets. This will ensure that no local violations of the national standard will result beyond 1997.

### B. *PM10 Precursors*

The Motor Vehicle Emissions Budget for PM10 applies to total primary PM10 emissions and does not include precursor or secondary emissions. A separate Motor Vehicle Emissions Budget for emissions of nitrogen oxides as a precursor to PM10 is established by this Regulation. Available information indicates that SO2 emissions from mobile sources are an insignificant contributor to secondary particulate formation in the Denver area. Therefore, a Motor Vehicle Emissions Budget for SO2 is not established.

### C. *Carbon Monoxide*

The RAQC recommended and the AQCC adopted as the Motor Vehicle Emissions Budget for 1995 through 1999 the Denver Nonattainment Area Carbon Monoxide ("CO") SIP's estimation of regional mobile source emissions that will result after implementation of the base programs and measures set forth in Chapter V of the SIP. These measures include 2.7% oxygenated gasoline, the first year of the Enhanced Inspection and Maintenance Program, and the base transportation system network that is in place or will be completed by 1995. For purposes of determining conformity, the budget of 1125 tons per day will remain in effect until the attainment budget takes effect in 2000.

The RAQC recommended establishing the CO mobile source emissions budget for the year 2000 and beyond at 825 tons per day, the level of emissions necessary to demonstrate attainment of the federal CO standard. The AQCC chose to adopt a budget of 808 tons per day when the Denver CO SIP was adopted on June 16, 1994. As part of this Regulation, the RAQC and DRCOG recommended adoption of the originally recommended CO Mobile Vehicle Emissions Budget of 825 tons per day.

D. *Specific Statutory Authority*

The specific statutory authority for this rule is set out at § 25-7-105(1)(a), C.R.S.

**VIII.B. Ozone Redesignation and the Adoption of the Mobile Source Emissions Budgets for Ozone Precursors: VOC and NO<sub>x</sub> Adopted: March 21, 1996**

The Denver metropolitan area was designated as nonattainment area by the EPA in 1978 for violations of the Ozone National Ambient Air Quality Standard (NAAQS). Pursuant to 185A of the 1990 amendments to the federal Clean Air Act (CAA), the Denver Metro Area was classified as a transitional nonattainment area. The Denver metropolitan area has demonstrated through quality-assured, monitored data from 1993 through 1995 that it has attained the ozone NAAQS. The Regional Air Quality Council has compiled the documentation required by ~~section~~Section 107(d)(3)(E) of the CAA to request redesignation to attainment status.

Included in the requirement for redesignation is a fully approved Maintenance Plan that meets ~~section~~Section 175A of the CAA. Upon approval by the EPA, the Maintenance Plan will become an element of the Colorado State Implementation Plan. The maintenance demonstration was based on future inventories that assumed the continuance of existing VOC controls in the Denver metro area. Such controls include the continued application of Regulation ~~No-Number~~ 7 to the Denver area.

Federal law does not require the redesignation of the Denver nonattainment area. However, such redesignation is required by state law. Section 25-7-107(2.5). The changes to the Ambient Air Quality Standard regulation are consistent with continued maintenance of the ozone standard and are not otherwise more stringent than the relevant federal requirements.

**Classification of the Denver metropolitan area**

Upon redesignation by the EPA, the classification of the Denver metro area will change from “transitional” to “attainment” for the ozone NAAQS. The Regional Air Quality Council recommended and the Commission adopted a change in classification for the Denver Metro area to attainment maintenance reflecting this change in status. In addition the boundaries of the attainment maintenance are redefined and a map depicting the boundaries is noted. The boundaries and map are the same as the present Denver metro nonattainment area.

The specific statutory authority to redesignate the area is set out in §§25-7-105(1)(a)(I) and (2), - 106(1)(a); -107(1) and (2.5); and 25-7-301.

**Adoption of mobile source emissions budgets**

Section 176(c) of the CAA requires that transportation plans and programs adopted by a metropolitan planning organization conform to the appropriate state implementation plan. Pursuant to EPA regulations implementing Section 176(c), mobile source emissions resulting from such plans and programs ultimately must be consistent with the motor vehicle emissions budget set forth in the applicable SIP.

Without clearly indicated intent otherwise, the SIP's highway and transit mobile source inventory serves as the motor vehicle emissions budget. However, where a SIP quantifies a “safety margin” by which emissions from all sources are less than would be consistent with attainment throughout the region, the

state may submit a SIP revision which assigns some or all of this safety margin to the motor vehicle emissions budget for the purposed of conformity determinations.

The most recent revisions to the Denver Ozone SIP were submitted in 1989 and 1990, which was prior to EPA's adoption of the conformity regulations in November 1993, and those revisions did not include explicitly labeled mobile source emissions budgets. The Denver Ozone Maintenance Plan adopted March 21, 1996 notes the intent to establish specific mobile source emissions budgets for the two ozone precursor gases, volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>). The Regional Air Quality Council proposed, and the Commission adopted regional VOC and NO<sub>x</sub> emissions budgets as provide in the rule. Such budgets allocate the "safety margin" in regional emissions to the mobile source emissions budget for purposes of conformity.

The specific statutory authority to establish such budgets is set out in §25-7-105(1)(a)(I).

### **Establishing ozone precursor budgets**

The attainment demonstration is based on monitored data, which demonstrates attainment of the NAAQS during the three-year period, 1993-95. The attainment inventory is the baseline VOC and NO<sub>x</sub> inventory calculated for the 1993 year. The maintenance demonstration for the Denver Ozone Maintenance Plan is based on the future projected VOC and NO<sub>x</sub> maintenance year (2010) inventory being less than or equal to the respective, VOC or NO<sub>x</sub> attainment year (1993) inventory. The projected 2010 inventories take into account projected growth, existing state and local control strategies and additional federal measures and standards mandated by the Clean Air Act Amendments of 1990.

The total 2010 inventory for either precursor does not exceed the total 1993 inventory, therefore demonstrating maintenance of the NAAQS through the year 2010. Then inventory provides a "margin of safety", since the 2010 VOC inventory is about 33 tons per day less than the 1993 attainment inventory and the 2010 NO<sub>x</sub> inventory is about 14 tons per day less than the 1993 attainment inventory.

The emissions budget applies as a ceiling on emission in the year for which it is defined and for all subsequent years until another milestone year for which a different budget is defined.

### **Adopted ozone precursor budgets**

The Regional Air Quality Council recommended that the Commission adopt mobile source emission budgets for ozone precursors, VOC and NO<sub>x</sub> to include the available safety margin in 1993 and in 2010 and beyond.

The adopted mobile source emissions budget is 124 tons per day for VOC in 1993 and 2010 and beyond. For NO<sub>x</sub> the budget is 139 tons per day for 1993, and 135 tons per day is adopted for 2010 and beyond.

### **Findings required pursuant to § 25-7-110.8**

The Commission determines that:

1. The emission inventory and the maintenance demonstration that support the redesignation request are based on reasonably available, validated and sound scientific methodologies. Such inventory and maintenance demonstration were prepared by the Regional Air Quality Council and have been reviewed by the Division. Any validated and sound scientific methodologies and information made available by interested parties has been considered.
2. The rule is administrative in nature in that it redesignates the area as an attainment maintenance area, and will not result in any further reduction in air pollution beyond those reductions that are currently being achieved.

3. The alternative chosen by the Commission is the most cost-effective, provides the regulated community flexibility, and achieves the necessary reduction in air pollution.
4. The alternative chosen by the Commission will maximize the air quality benefits in the most cost-effective manner.

### **VIII.C. Redesignation of the Greeley Carbon Monoxide Nonattainment Area to Attainment/Maintenance September 19,1996**

This Statement of Basis, Specific Statutory Authority and Purpose complies with the requirements of the Administrative Procedures Act, Section 24-4-103, C.R.S., and the Colorado Air Pollution Prevention and Control Act, Section 25-7-110.5, C.R.S.

#### **Basis**

Greeley carbon monoxide (CO) nonattainment area has not exceeded the National Ambient Air Quality Standards for CO since 1988. Therefore, the area is eligible for redesignation to attainment status under Section 107 of the federal Clean Air Act. The State of Colorado is formally requesting redesignation, and the adopted redesignation request and maintenance plan for the area will become part of the State Implementation Plan (SIP) upon approval by the U.S. Environmental Protection Agency. The *Ambient Air Quality Standards for the State of Colorado* regulation must be revised to reflect the requested redesignation.

#### **Authority**

Specific authorities for revising the Ambient Air Quality Standards rule to reclassify the area to attainment are contained in the Colorado Air Pollution Prevention and Control Act, Sections 25-7-105 (1) and (2), 25-7-106(1)(a), and 25-7-107(1), (2.5), and (4). Additional authorities are contained in Sections 25-7-302 regarding SIP contents and 25-7-109 (2)(c) regarding the authority to regulate CO.

#### **Purpose**

The revisions to the Ambient Air Quality Standards regulation will implement the redesignation of the Greeley CO nonattainment area to attainment. The rule revisions become effective upon EPA's approval of the redesignation request and the accompanying maintenance plan. The purpose of this delay in the effective date of this rule revision is to comply with the requirement of 175 A(c) that all applicable nonattainment area requirements shall remain in place pending EPA approval. The changes to the Ambient Air Quality Standards regulation are as follows:

1. Revise the classification of the area to "Attainment/Maintenance"; and
2. Update the map of the area with a more legible version (the boundaries of the area remain unchanged).

The overall effect of these rule changes will be to relax some of the applicable requirements for stationary source permitting and for transportation planning. These amendments to the rules are not specifically intended to reduce air pollution and, therefore, the findings of Section 25-7-110.8(1) C.R.S. are inapplicable.

#### **Federal Requirements**

Redesignation to an attainment area is authorized but not strictly required by the federal Act. However, expeditious action to redesignate the area as an attainment area is required by Section 25-7-107(2.5) C.R.S. In order to be meaningful, such a redesignation must be submitted to the EPA as a SIP revision. The rule amendments are not otherwise more stringent than the requirements of the federal Act.

#### **VIII.D. Steamboat Springs PM10 State Implementation Plan Element October 17, 1996**

This Statement of Basis, Specific Statutory Authority, and Purpose complies with the requirements of the Administrative Procedures Act, ~~section~~Section 24-4-103 C.R.S. and the Colorado Air Pollution Prevention and Control Act, ~~section~~Section 25-7-110.5, C.R.S.

##### **Basis**

Section 172 of the federal Clean Air Act requires that control measures and contingency measures be adopted as part of nonattainment area state implementation plans. The Colorado Attorney General's Office has determined that any emission control measure for a nonattainment area must be adopted as a State regulation in order for the measure to be enforceable by the State of Colorado.

The Steamboat Springs area is designated as nonattainment for fine particulate matter (PM10). In the Steamboat Springs State Implementation Plan (SIP) Element (September 1995), the State of Colorado committed to adopt additional control measures that allow the area to demonstrate continued maintenance of the PM10 National Ambient Air Quality Standards (NAAQS), and contingency measures that could be implemented in the future if the area fails to attain the PM10 NAAQS by the required date. The *State Implementation Plan-Specific Regulations for Nonattainment Areas* has been revised to include these measures. Also, the *Ambient Air Quality Standards for the State of Colorado* regulation has been revised to reflect the correct name of the nonattainment area and to include emission budgets that are utilized in transportation planning efforts.

##### **Authority**

General authority for revising the *Ambient Air Quality Standards...* to change the name of the nonattainment area and to adopt the emission budgets is contained in the Colorado Air Pollution Prevention and Control Act, Section 25-7-105 (1). General and specific authorities for revising the *SIP-Specific Regulations...* to adopt the emission control measures and the contingency measures are contained in Sections 25-7-105 (1), 25-7-106(1)(c), and 25-7-109(1) and (2).

##### **Purpose**

Administrative changes to the *Ambient Air Quality Standards...* regulation are as follows:

1. Revise the name of the nonattainment area from "Routt County" to "Steamboat Springs", making the regulation consistent with the Steamboat Springs PM10 SIP Element; and
2. Establish PM10 mobile source emission budgets for Steamboat Springs modeling area for the periods "1999-2001" and "2002 and Beyond" for use in making transportation conformity determinations.

Paved road dust is a primary source of PM10 emissions in the Steamboat Springs nonattainment area. Revisions to the *SIP-Specific Regulations...* to control paved road dust are as follows:

1. The previously adopted "one percent" specification for fine materials contained in street sand is changed to "two percent". This change was originally requested by the City of Steamboat Springs in order to provide the City with the maximum flexibility for providing safe streets during winter driving conditions. This revision will increase PM10 emissions, but the increase is more than offset by the street sweeping activities described below.
2. In order to show continued attainment and maintenance of the PM10 National Ambient Air Quality Standards (NAAQS), the City of Steamboat Springs must increase the frequency of street sweeping on Lincoln Avenue. Sweeping must occur at least once each day following each street sanding deployment (weather and road conditions



permitting) until the City has swept Lincoln Avenue at least four times, instead of once after each sanding deployment as previously required. The City requested this increase in sweeping frequency in order to compensate for increased emissions that resulted from changing the street sand specification, and to provide emission reductions necessary to demonstrate continued maintenance with the PM10 NAAQS.

3. Within two months following a determination that the Steamboat Springs nonattainment area has failed to attain the PM10 NAAQS or show reasonable further progress, the City must sweep additional sections of Lincoln Avenue and all other City streets within a defined area of central Steamboat Springs within four days following each street sanding deployment (weather and road conditions permitting). This sweeping constitutes the federally required contingency measures for the Steamboat Springs nonattainment area.

## Findings

The Air Quality Control Commission makes the following findings pursuant to C.R.S. Section 25-7-110.8(1).

First, the rule revisions are based on reasonably available, validated, reviewed and sound scientific methodologies. The emission inventories that establish the emission budgets, and the monitoring, inventories, and dispersion modeling that indicate the need for control measures and their effectiveness in reducing PM10 emissions, were developed/performed in accordance with published guidance from EPA. Monitoring activities in Steamboat Springs are conducted in compliance with the EPA regulations of 40 CFR Part 58. Emission inventories were developed in accordance with EPA guidance found in "AP-42", the "SIP Development Guideline Document", and the "Control of Open Fugitive Dust" document. Dispersion modeling using the "WYND valley" model was performed in accordance with EPA's "Supplement B to the Guideline on Air Quality Models".

Second, the street sweeping revisions to the *SIP-Specific Regulations...* shall result in a demonstrable reduction in air pollution due to the removal of street sand and background paved road dust from the streets. The amount of reductions relied upon in the SIP Element's attainment demonstration are supported by the EPA guidance documents cited above. The emission budgets in the *Ambient Air Quality Standards...* regulation will result in PM10 emission reductions in the area by limiting growth from the mobile sources sector to 2002 levels (for the purposes of "transportation conformity" determinations - federal transportation conformity regulations of 40 CFR Subpart T). As a result, federally funded or approved projects will have to offset any additional growth in mobile source emissions.

Third, street sweeping is cost-effective in this case because the City is already conducting some of the sweeping in this rule. Other alternatives, such as alternative deicers and sand reduction plans, were not considered viable because of concerns about public safety during winter driving conditions. The potentially lower cost alternative of one percent fines was not adopted because the City of Steamboat Springs preferred this control measure.

Therefore, it is assumed that the street sweeping controls and the emission budget are the most cost effective alternative, and the rule revisions maximize air quality benefits in the most cost effective manner.

## Federal Requirements

The adoption of control measures, contingency measures, and emission budgets are required by federal regulations, and the federal regulations allow the State flexibility in determining what the measures and budgets should be. These measures and budgets will be submitted to the EPA as a SIP revision. The rule amendments are not otherwise more stringent than the requirements of the federal Act.

## **VIII.E. Redesignating Cañon City/Fremont County PM10 Nonattainment Area to Attainment and Establishing a New Emissions Budget for the area for 1997 through 2015. Adopted October 17,1996**

### **Background**

This statement of Basis, Specific Statutory Authority and Purpose complies with the requirements of the Administrative Procedures Act, C.R.S. 1973, Section 24-4-103(4) for adopted or modified regulations. Because the Cañon City/Fremont County nonattainment area qualifies for redesignation to attainment/maintenance status, continuation of "nonattainment" status would keep in effect unnecessarily burdensome requirements for the area's the public and private sectors. Rule changes corresponding to redesignation are not more stringent than federal requirements.

### **Basis**

The Cañon City/Fremont County PM10 Nonattainment area has never violated the National Ambient Air Quality Standards for PM10, and has not had an exceedance in eight years (since May of 1988). Therefore the area is eligible for redesignation to attainment status under Section 107 of the federal Clean Air Act as amended. Colorado is formally requesting redesignation and proposing a maintenance plan for the area, which will become that area's portion of the State Implementation Plan (SIP) upon USEPA approval. The *Ambient Air Standards for the State of Colorado* rule must be revised to reflect the SIP changes.

### **Authority**

General authority for the *Ambient Air Standards* rule is contained in the Colorado Air Pollution Prevention and Control Act. Sections 25-7-105 (1) and (2). Specific authority is found at Sections 25-7-107 (2.5), regarding expeditious redesignation; and 25-7-302, regarding SIP contents. Commission action in promulgating these revisions is taken pursuant to Sections 25-7-105(1)(a), regarding establishment of emissions budgets; 25-7-106 (1)(a), regarding redesignations; 25-7-109(2)(b), regarding the authority to regulate particulate matter.

### **Federal Requirements**

Redesignation to an attainment area is authorized but not strictly required by the federal act. However, expeditious action to redesignate the area as an attainment area is required by State statute (25-7-107(2.5)). In order to be meaningful such redesignation must be submitted to EPA as a SIP revision, and, in fact, ~~section~~Section 25-7-107(4) compels that it be submitted to EPA. Federal law requires the establishment of a motor vehicle emissions budget in the SIP, either explicitly by identifying such an emissions budget or implicitly in the maintenance demonstration. The emissions budget required by Federal law must be consistent with the maintenance of the NAAQS. This rule explicitly establishes such an emissions budget as a regulation as required by 24-4-103(1), C. R.S. The motor vehicle emissions budget established in the rule is consistent with continued maintenance of the NAAQS and therefore complies with, and does not exceed, this federal requirement.

### **Purpose**

Expeditious action to redesignate to attainment status is taken pursuant to 27-7-107(2.5), C.R.S.

The proposed revisions to the *Ambient Air Standards for the State of Colorado* would implement changes to be made to the State Implementation Plan via redesignation to attainment for PM10 and adoption and approval of the maintenance plan for the Cañon City/Fremont County area. The rule revisions would relax certain requirements for the area. The purpose of an increased mobile source emissions budget is to provide greater flexibility in making transportation conformity findings, and to maintain a reasonable margin for accommodation of uncertainty and future growth. NOTE: Excepting the increase in the area's

mobile source emissions budget, the rule revisions would take effect only upon published USEPA approval of redesignation and of the maintenance plan. The changes to the *Ambient Air Standards* would be as follows:

1. Page 12: Changing the Cañon City/Fremont County classification from “Moderate” (nonattainment area) to: “Attainment/Maintenance” for the PM10 NAAQS. This change does not take effect until request/plan is approved by USEPA.
2. Map page 19: Changing the Cañon City/Fremont County area map from “nonattainment” to “attainment/maintenance” for PM10. This change does not take effect until request/plan is approved by USEPA.
3. Page 23: Motor Vehicle Emission Budget for the area would increase from 5,130 lbs./day to 7,439 lbs./day for 1997 and beyond.

### **Overall Effect**

The overall effect of these rule changes will be to relax the applicable regulations. These amendments to the rules are not specifically intended to reduce air pollution and, therefore, the findings in 25-7-110.8(1) are inapplicable.

### **VIII.F. Longmont Nonattainment Area Redesignation as an attainment area for carbon monoxide (CO) Adopted: December 18,1997**

#### **Federal Requirements**

42 USC § 7407 (d)(3) provides that the State may request redesignation to attainment status for areas of the State that qualify for such redesignation based on air quality data, planning and control considerations. In order for the EPA to approve of such a redesignation request, § 42 USC §§ 7407(d)(3)(E) and 7505a require the State to submit a maintenance plan that includes enforceable control measures, will provide for maintenance of the standard for ten years following the approval of the redesignation request, and that complies with the requirements of 42 USC § 7410.

EPA policy implementing federal law on maintenance plans gives the State a choice between two options. Under the first option, the State may develop a simplified maintenance plan based on a comparison of base-year and future-year emissions inventories. Such a maintenance plan is acceptable if the future-year emissions are less than the emissions in the base-year. However, this option is available only if the maintenance plan includes all of the control measures that were included in the attainment SIP for the area. Under the second option, the State may eliminate control measures from the maintenance plan, provided that the maintenance plan demonstrates maintenance of the NAAQS without such control measures. Such a maintenance demonstration must be supported by dispersion analysis or some other form of air quality modeling.

The rule change adopted by the Commission is based on a maintenance plan with a design value of 5.5 parts per million (ppm). This design value is well below the NAAQS of 9.0 ppm, and suggests that the State may be able to eliminate some control measures from the maintenance plan. However, the State has not performed the level of air quality modeling adequate to justify removal of control measures from the maintenance plan. Therefore, the State cannot use the second option at this time. The rule change is supported by a maintenance plan that is based on the first option. Such a maintenance plan must include all of the control measures that were included in the attainment SIP in order to comply with federal requirements. Furthermore, the State may not eliminate the oxygenated fuels program from the Longmont maintenance area because Longmont is part of the Denver consolidated metropolitan statistical area. 42 USC 7512a(b)(3). Therefore, the rule adopted by the Commission does not differ or exceed federal requirements.

## **Statutory Authority**

Specific statutory authority for the redesignation of the Longmont area as an attainment area is provided in § 25-7-107(1).

## **Findings pursuant to § 25-7-110.8**

The rule change adopted by the Commission on October 16, 1997 does not include the adoption of any additional control measures intended to reduce air pollution. The Commission's action merely changes the status of the Longmont nonattainment area, and assigns the safety margin to mobile sources. This rule change provides flexibility for the community by establishing a Basis for redesignation of the area as an attainment area, and by allocating the safety margin to the mobile source sector for purposes of transportation conformity determinations. In the meantime, the Commission has initiated a process for evaluating whether control measures such as the Automobile Inspection and Readjustment Program are still necessary to maintain the NAAQS for CO in Longmont and other communities in Colorado. In this way the rule change provides greater flexibility in the near term while the Commission continues to evaluate its options for reducing air pollution and maintaining the NAAQS in the most cost-effective manner.

The Commission has also considered the factors described in § 25-7-109(1)(b) in adopting these revisions.

## **VIII.G. Colorado Springs Nonattainment Area Redesignation as an attainment area for carbon monoxide (CO), and to establish an emissions budget that allocates a portion of the safety margin to the mobile source sector Adopted: January 15, 1998**

### **Federal Requirements**

42 USC §7407(d)(3) provides that the State may request redesignation to attainment status for areas of the State that qualify for such redesignation based on air quality data, planning and control considerations. In order for the EPA to approve of such a redesignation request, § 42 USC §§7407(d)(3)(E) and 7505a require the State to submit a maintenance plan that includes enforceable control measures, will provide for maintenance of the standard for ten years following the approval of the redesignation request, and that complies with the requirements of 42 USC §7410.

EPA policy implementing federal law on maintenance plans generally gives the State a choice between two options. Under the first option, the State may develop a simplified maintenance plan based on a comparison of base-year and future-year emissions inventories. Such a maintenance plan is acceptable if the future-year emissions are less than the emissions in the base-year. As a general rule, this option is available only if the maintenance plan includes all of the control measures that were included in the attainment SIP for the area.

However, pursuant to a memo the EPA sent the Division on October 10, 1997, the State was able to eliminate the Clean Air Campaign and RIDEFINDERS from the Colorado Springs carbon monoxide maintenance SIP by supplementing the emission inventory comparison with additional modeling. EPA concurred that these two SIP elements (RIDEFINDERS and the Clean Air Campaign) may be deleted in accordance with its maintenance SIP policy. Under the second option, the State may eliminate control measures from the maintenance plan, provided that the maintenance plan demonstrates maintenance of the NAAQS without such control measures. Such a maintenance demonstration must be supported by adequate air quality modeling or analysis.

There is reason to believe that the state may be able to eliminate either the oxygenated fuels program or the motor vehicle inspection and maintenance program, and still demonstrate maintenance of the NAAQS for carbon monoxide for the Colorado Springs area. However, the State has not performed the air quality modeling necessary to justify removal such control measures. Therefore, the State cannot use the

second option at this time. The rule change is supported by a maintenance plan that is based on the first option. Such a maintenance plan must include all of the control measures that were included in the attainment SIP in order to comply with federal requirements. EPA has concurred with the Division's and the Pikes Peak Area Council of Governments' inventory and supplemental modeling was adequate to support the removal of the RIDEFINDERS and Clean Air Campaigns from the Colorado Springs carbon monoxide maintenance SIP because these control strategies will not impact maintenance of the NAAQS.

### **Statutory Authority**

Specific statutory authority for the redesignation of the Colorado Springs area as an attainment area is provided in §25-7-107(1).

### **Findings pursuant to §25-7-110.8**

The rule change adopted by the Commission on January 15, 1998 does not include the adoption of any additional control measures intended to reduce air pollution. The Commission's action merely changes the status of the Colorado Springs nonattainment area, and allocates a portion of the safety margin in the year 2010 to the mobile source sector.

The redesignation of the area was based on reasonably available, validated, reviewed and sound scientific methodologies, which are described in the maintenance plan narrative and the Final Emission Inventories for the Colorado Springs, Colorado, Carbon Monoxide Nonattainment Area Redesignation Plan. Such documents have been available for public review in draft form for several months, and have been revised in response to comments and review. Final documents were available thirty days prior to the hearing.

The redesignation of the Colorado Springs area as an attainment area is the most cost-effective alternative. Such redesignation provides the regulated community with flexibility, yet maintains the National Ambient Air Quality Standard (NAAQS) for carbon monoxide.

### **Contested issues**

The maintenance plan associated with the rule change does not include two control measures (RIDEFINDERS and the Clean Air Campaign) that were previously included in the State Implementation Plan (SIP). Several parties to the hearing objected to the removal of these measures from the SIP. The Commission voted to remove the RIDEFINDERS and the Clean Air Campaign from the mandatory sections of the SIP in deference to the request of the Pikes Peak Area Council of Governments, the lead air quality planning agency for the Colorado Springs area, pursuant to CRS §25-7-105(1)(a)(II). These measures are not necessary to maintain the NAAQS and are not otherwise federally required. Therefore, pursuant to §25-7-105.1, these measures should not be included in the maintenance plan. Furthermore, these control measures were not implemented by rule. Accordingly no rule change is necessary to remove such measures from the SIP.

As indicated above, the Commission chose to redesignate the area by comparing the base-year and future-year inventories, and the Division did not perform air quality modeling adequate to justify the removal of the oxygenated fuels program from the SIP. Several parties urged the removal of the oxygenated fuels program from the plan. However, such revision of the plan would have delayed the redesignation of the area pending further air quality analysis, and would have required substantial revisions to the maintenance plan. The Colorado Springs area would remain a nonattainment area in the meantime. The Commission has initiated a process for evaluating whether control measures such as the oxygenated fuels program and the Automobile Inspection and Readjustment (I/M) Program are still necessary to maintain the NAAQS for CO in the Colorado Springs area and other communities in Colorado. For these reasons, the Commission has decided to approve of the maintenance plan and to redesignate the area, but also agrees that the evaluation of the need for the control measures should be expedited. PPACG has proposed that the Air Pollution Control Division expedite analyses of whether

oxygenated fuels program is necessary to demonstrate maintenance of the carbon monoxide NAAQS in the Colorado Springs area. This evaluation is consistent with the Division's ongoing consideration of future carbon monoxide control strategies for Colorado's Front Range, and PPACG suggests that an expedited Colorado Springs evaluation could provide valuable information and experience for other areas eligible for redesignation to attainment status. This evaluation shall include both 1990 and 1993 base-years.

The APCD will report its progress to the PPACG and the Air Quality Control Commission in writing in March and June 1998, and will submit the results of said analyses to PPACG and other interested parties.

The PPACG has agreed to review the information, and will make an initial determination regarding whether oxygenated fuels are necessary to maintain the federal carbon monoxide NAAQS within 90 days of receipt of the technical analysis. If the oxygenated fuels program is not necessary to maintain the federal CO standards, PPACG has agreed to petition the Commission for revision of Regulation 13 and the Colorado Springs maintenance plan to reduce the oxygen content requirement or recategorize that program as a "contingency measure," as appropriate in light of the analyses. Similarly, the Division and other interested persons may petition for revisions to the I/M program, or removal of such program from the State Implementation Plan.

Based on this schedule, the Technical Secretary to the Commission has agreed to amend the Commission's long-term schedule and tentatively to set a hearing date as requested by the PPACG as early as practical.

Several parties also objected to the process used by Pikes Peak Area Council of Governments (PPACG) to develop the maintenance plan. The procedure used by the PPACG to develop the maintenance plan complied with the minimum requirements of the Intergovernmental Coordination and Public Involvement process ("the ICPI") contained in the 1982 Colorado Springs Element of the Carbon Monoxide State Implementation Plan (Including the 1993 and 1994 revisions) ("the Colorado Springs attainment SIP").

The primary complaint lodged by the parties is that the PPACG did not adequately consult with the Air Quality Technical Committee (AQTC). However, it appears that the staff of the PPACG consulted with the AQTC, and did so most recently on October 22, 1997 and November 18, 1997. In addition, members of the AQTC presented their complaints to the PPACG in September 1997. Pursuant to the Colorado Springs Attainment SIP, the PPACG is the lead agency for air quality planning and the AQTC is merely an advisory committee. The PPACG is not required to heed the advice of the AQTC. The consultation with AQTC complied with the minimum requirements of the ICPI.

The parties also complain that the maintenance plan had to be approved by the Urban Area Planning Council (UAPC), rather than the PPACG's Board of Directors. However, nothing in the Colorado Springs Attainment SIP implies that the PPACG Board of Directors does not have the authority to develop the maintenance plan. The Colorado Springs Attainment SIP identifies the PPACG as the lead air quality planning agency, and identifies the UAPC as the Metropolitan Planning Agency for transportation matters, unless objected to by the PPACG. Colorado Springs Attainment SIP, Appendix A. The UAPC is advisory to the PPACG on all other matters, including air quality planning. Id.

Furthermore, according to Ken Prather of PPACG, the UAPC recommended approval of the maintenance plan and redesignation request.

The agreements and schedules set out in this Statement of Basis, Specific Statutory Authority, and Purpose shall not be included in the SIP, and this statement of basis, specific statutory authority and purpose shall not be construed to create enforceable requirements.

#### **VIII.H. Total Suspended Particulate Matter Revocation Adopted: September 17, 1998**

The Commission revoked the Colorado ambient air quality standard for Total Suspended Particulate matter to conform Colorado's standards to the current National Ambient Air Quality Standards for Particulate Matter adopted by the U.S. Environmental Protection Agency.

### **Federal Requirements**

The State ambient standard for TSP is based on the National Ambient Air Quality Standard (NAAQS) for TSP that the Environmental Protection Agency ("EPA") repealed in 1987 in favor of the NAAQS for particulate matter less than ten microns in diameter (PM10). The NAAQS for PM10 is less stringent than the State ambient standard for TSP. The repeal of the TSP standard will ensure that Colorado's ambient air quality standards for particulate matter meet, but do not exceed, federal requirements.

The federal government no longer has an ambient air quality standard for particulate matter as TSP. Standards for the PM10 and PM2.5 size ranges have been adopted instead. EPA believes that PM10 and PM2.5, the smaller diameter particles, can travel deeper into the lungs than TSP, and has found that the NAAQS for PM10 and PM2.5 adequately protect public health. The federal Clean Air Act requires Colorado to adopt the new federal standards, which regulate particulate matter as PM10 and PM2.5. Retention of the state TSP standard would regulate particulate matter in all three size ranges. The regulation of particulate matter in all three size ranges is not necessary, and is not cost-effective.

The repeal of the ambient air quality standard for TSP shall be submitted to EPA as a SIP revision.

### **Statutory Authority**

Section 25-7-108, C.R.S., authorizes the Commission to revoke the TSP ambient air quality standard. This section allows the Commission "to adopt, promulgate, amend, and modify such standards for the quality of ambient air as may be appropriate or necessary."

### **Findings Pursuant to Colorado Revised Statutes 25-7-110.8**

This rule change does not include the adoption of any additional control measures intended to reduce air pollution. The Commission's action merely revokes an ambient air quality standard that is not federally required.

#### **VIII.I. Denver metropolitan nonattainment area redesignation as an attainment area for carbon monoxide Adopted: January 10,2000**

The amendments to the "Ambient Air Quality Standards for the State of Colorado" Regulation adopted by the Commission change the air quality classification of the Denver area for carbon monoxide. The purpose of this rule change is to implement the direction in ~~section~~Section 25-7-107 (2.5), C.R.S. to take expeditious action to redesignate the area as attainment for carbon monoxide (CO).

The amendments also revise the mobile source emissions budget used to determine whether transportation plans and projects conform to the State Implementation Plan.

### **Federal Requirements**

42 USC ~~section~~Section 7407(d)(3) provides that the State may request redesignation to attainment status for areas of the State that qualify for such redesignation based on air quality data, and planning and control considerations. In order for the EPA to approve of such a redesignation request, 42 USC ~~section~~Sections 7407(d)(3)(E) and 7505a require the State to submit a maintenance plan that will provide for maintenance of the standard for ten years following the approval of the redesignation request. The federal requirements for preparation, adoption and submittal of implementation plans, including the maintenance plan, are set out at 40 CFR, Part 51.

The maintenance plan adopted by the Commission includes an oxygenated fuels program and an Automobile Inspection and Readjustment Program as necessary to maintain the National Ambient Air Quality Standards (NAAQS) for carbon monoxide through the year 2013. The year 2013 is approximately ten years following the anticipated date of EPA approval of the maintenance plan.

The federal requirements for emissions budgets are set out at 42 USC ~~section~~Section 7506(c) and 40 CFR 93.124. The emissions budget establishes a test for determining whether transportation plans or projects may cause or contribute to a violation of the NAAQS. The emissions budget contained in the maintenance plan is based on the mobile source emission inventories supporting the maintenance demonstration.

The maintenance plan does not include any provisions that are not required by provisions of the federal act or that are otherwise more stringent than requirements of the federal act.

### **Statutory Authority**

Specific statutory authority for the redesignation of the Denver area as an attainment area is provided in ~~section~~Section 25-7-107, C.R.S. (1999).

### **Findings pursuant to § 25-7-110.8**

The mobile source emissions budget is the only control included in the amendments that will operate to reduce air pollution. The emissions budget establishes a cap on mobile source emissions and is administered through the transportation conformity regulations. Air Quality Control Commission Regulation ~~No-Number~~ 10, Part B; 40 CFR Part 93. The December 16, 1999 rule amendments reduced the mobile source emissions budget from 825 tons per day to 800 tons per day.

The revisions are based on the computer model currently approved by the EPA. The computer model used to develop the revised rule overstates the air quality benefits of some of the control programs in the SIP. The EPA is currently updating and improving the computer model but the revised computer model has not been approved by EPA and may not be used for federal regulatory purposes. In spite of the problems with the computer model used to develop this regulation, the regulation is based on the most reasonably available, validated, reviewed and sound scientific methodologies currently available under federal law. All methodologies and information made available by interested parties have been considered.

The alternative to the redesignation of the Denver area to an attainment area is to for the Denver area to remain a nonattainment area for carbon monoxide. Redesignation to attainment is the more cost-effective alternative. Redesignation provides the regulated community with more flexibility and achieves the reductions in air pollution necessary to maintain the NAAQS. There is no viable alternative to limiting mobile source emissions to 800 tons per day in the year 2013. Mobile source emissions can be effectively controlled using the measures described in the maintenance plan to keep mobile source emissions below the emissions budget. Thus, the revision to the ambient air quality standard will maximize the air quality benefits of the Commission's regulations in the most cost-effective manner.

### **VIII.J. Colorado Springs Adopted: February 17,2000**

The amendments to the "Ambient Air Quality Standards for the State of Colorado" Regulation adopted by the Commission revise the mobile source emissions budgets for the Colorado Springs area. The emissions budget is to determine whether transportation plans and projects conform to the State Implementation Plan.

### **Federal Requirements**



The federal requirements for emissions budgets are set out at 42 USC 7506(c) and 40 CFR 93.124. The emissions budget establishes a test for determining whether transportation plans or projects may cause or contribute to a violation of the national ambient air quality standard (NAAQS). The emissions budget for Colorado Springs is based on the mobile source inventory for the year 1990. The previous emissions budget, which was adopted in January 1998, was based on the mobile source inventory for the year 1993. Some parties to the January 1998 hearing urged the Commission to adopt an emissions budget based on 1990, rather than 1993, mobile source emissions. The Commission did not have sufficient data or evidence at the January 1998 hearing to establish an emissions budget based on the 1990 base year. Therefore, the Commission adopted an emissions budget based on the 1993 base year and directed the Division to evaluate the request to establish an emissions budget based on 1990 mobile source emissions. Colorado Springs was in attainment of the national standard in both 1990 and 1993 but mobile source emissions were significantly higher in 1990 than in 1993. As authorized by federal regulations, this revision establishes a higher emissions budget for mobile sources based on the 1990 mobile source inventory.

The regulatory revisions do not include any provisions that are not required by provisions of the federal act or that are otherwise more stringent than requirements of the federal act.

### **Statutory Authority**

The authority to establish emissions budgets is included in the general authority to adopt a State Implementation Plan set out in ~~section~~Section 25-7-105(1), C.R.S. (1999).

### **Findings pursuant to ~~section~~Section 25-7-110.8**

The emissions budget establishes a cap on mobile source emissions and will be administered through the transportation conformity regulations. Air Quality Control Commission Regulation ~~No-Number~~ 10, Part B; 40 CFR Part 93. The change increases the emissions budget, and thus increases the allowable emissions from mobile sources.

The carbon monoxide emissions budget is based on the computer model currently approved by the EPA. The computer model used to develop the revised rule overstates the air quality benefits of some of the control programs in the SIP. The EPA is currently updating and improving the computer model but the revised computer model has not been approved by EPA and may not be used for federal regulatory purposes. In spite of the problems with the computer model used to develop this regulation, the regulation is based on the most reasonably available, validated, reviewed and sound scientific methodologies currently available under federal law. All methodologies and information made available by interested parties have been considered.

The revisions to the ambient air quality standard will maximize the air quality benefits of the Commission's regulations in the most cost-effective manner.

### **VIII.K. Denver, Ozone Maintenance Plan Adopted: January 11,2001**

The amendments to the Ambient Air Quality Standards for the State of Colorado revise the mobile source emissions budgets for ozone precursors in the Denver metropolitan area. The emissions budgets are used to determine whether transportation plans and projects conform to the State Implementation Plan.

### **Federal Requirements**

The federal requirements for emissions budgets are set out at 42 USC 7506(c) and 40 CFR 93.124. The emissions budget establishes a test for determining whether transportation plans or projects may cause or contribute to a violation of the national ambient air quality standard (NAAQS).

The maintenance plan must include emission budgets for ozone precursors, but the federal rules allow the State some discretion in setting the emissions budgets. The State may set an emission budget equal to the projected emissions from motor vehicles in the last year of the maintenance plan. Alternatively, the State may establish a higher emissions budget for mobile sources if the area could tolerate such higher emissions without exceeding the relevant NAAQS. 40 CFR 93.124. The Denver area can tolerate additional mobile source emissions of ozone precursors. The emissions budgets established in this rulemaking make this entire amount of additional emissions available to DRCOG and CDOT for conformity purposes. The rule revision is not more stringent than requirements of the federal act.

### **Statutory Authority**

The authority to establish emissions budgets is included in the general authority to adopt a State Implementation Plan set out in ~~section~~Section 25-7-105(1), C.R.S. (1999).

### **Findings pursuant to ~~section~~Section 25-7-110.8**

The emissions budgets are based on EPA-approved models and assumptions for estimating emissions from mobile sources. The Commission believes the EPA-approved model is inaccurate, but federal rules require the State to use such model to demonstrate the adequacy of the maintenance plan. Thus, the rule revision is based on the only scientific methodology authorized for use by federal law. All methodologies and information made available by interested parties have been considered.

The revisions to the ambient air quality standard will maximize the air quality benefits of the Commission's regulations in the most cost-effective manner.

### **VIII.L. Pagosa Springs and Telluride PM10 Adopted: March 16,2001**

The amendments to the "Ambient Air Quality Standards" for the State of Colorado Regulation adopted by the Commission change the air quality classifications of the Pagosa Springs area and the Telluride area for particulate matter. The purpose of this rule change is to implement the direction in ~~section~~Section 25-7-107 (2.5), C.R.S. (1999) to take expeditious action to redesignate the areas as attainment for particulate matter less than ten microns in diameter (PM10). The Commission also adopted simultaneous revisions to the "State Implementation Plan Specific Regulations for Nonattainment - Attainment/Maintenance Areas" to repeal obsolete control measures, contingency measures, and reporting requirements.

The amendments to the "Ambient Air Quality Standards" for the State of Colorado also revise the mobile source emissions budgets for the Pagosa Springs and Telluride areas. The emissions budgets are used to determine whether transportation plans and projects conform to the State Implementation Plan.

### **Federal Requirements**

42 USC 7407(d)(3) provides that the State may request redesignation to attainment status for areas of the State that qualify for such redesignation based on air quality data, and planning and control considerations. In order for the EPA to approve such a redesignation request, 42 USC ~~section~~Sections 7407(d)(3)(E) and 7505a require the State to submit a maintenance plan that will provide for maintenance of the standard for ten years following the approval of the redesignation request. The federal requirements for preparation, adoption and submittal of implementation plans, including the maintenance plan, are set out at 40 CFR, Part 51. The maintenance plans adopted by the Commission will maintain the national standard for PM10 in Pagosa Springs and Telluride for the requisite ten-year period.

The federal requirements for emissions budgets are set out at 42 USC 7506(c) and 40 CFR 93.124. The emissions budget establishes a test for determining whether transportation plans or projects may cause or contribute to a violation of the national ambient air quality standard (NAAQS). The emissions budgets

for Telluride and Pagosa Springs are based on the roll-forward analyses that support the maintenance demonstrations.

The regulatory revisions do not include any provisions that are not required by provisions of the federal act or that are otherwise more stringent than requirements of the federal act.

### **Statutory Authority**

Specific statutory authority to redesignate areas to attainment is provided in ~~section~~Section 25-7-107, C.R.S. (1999). The authority to establish emissions budgets is included in the general authority to adopt a State Implementation Plan set out in ~~section~~Section 25-7-105(1), C.R.S. (1999).

### **Findings pursuant to ~~section~~Section 25-7-110.8**

The mobile source emissions budgets are the only control measures included in the amendments that will operate to reduce air pollution. The emissions budgets establish caps on mobile source emissions and are administered through the transportation conformity regulations. Air Quality Control Commission Regulation ~~No-Number~~ 10, Part B; 40 CFR Part 93. For Pagosa Springs, the change increases the emissions budget, and thus increases the allowable emissions from mobile sources. The rule revisions decrease the allowable mobile source emissions of PM10 in Telluride.

The emissions budgets for PM10 for Pagosa Springs and Telluride are also based on EPA-approved models and assumptions for estimating PM10 emissions from mobile sources. The Commission believes the EPA-approved model is inaccurate, but federal rules require the State to use such model to demonstrate the adequacy of the maintenance plan. In spite of the problems with the computer model used to develop the regulation, the regulation is based on the most reasonably available, validated, reviewed and sound scientific methodologies currently available under federal law. All methodologies and information made available by interested parties have been considered.

The alternative to the redesignation of the Pagosa Springs and Telluride areas to attainment is for them to remain PM10 nonattainment areas. Redesignation to attainment is the more cost-effective alternative. Redesignation provides the regulated community with more flexibility and achieves the reductions in air pollution necessary to maintain the NAAQS. The revisions to the ambient air quality standard will maximize the air quality benefits of the Commission's regulations in the most cost-effective manner.

### **VIII.M. Denver Metropolitan Area, Redesignation to Attainment for PM10 Adopted: April 19,2001**

The amendments to the "Ambient Air Quality Standards for the State of Colorado" Regulation adopted by the Commission change the air quality classification of the Denver metropolitan area for particulate matter. The purpose of this rule change is to implement the direction in ~~section~~Section 25-7-107 (2.5), C.R.S. (1999) to take expeditious action to redesignate the area as attainment for particulate matter less than ten microns in diameter (PM10). In conjunction with this redesignation, the Commission revised Regulation ~~No-Number~~ 16, "Street Sanding Emissions" to implement the control measures necessary to maintain the national standard for PM10 for at least ten years.

The change in the classification of the Denver area affects the regulatory requirements applicable to stationary sources. For most types of sources, the threshold for determining whether or not a source is a "major stationary source" for PM, NOx or SO2 increases from 100 tons-per-year to 250 tons-per-year. Similarly, the requirements for new major stationary sources to use the lowest achievable emissions rate, and to obtain offsets, are relaxed. The rule change adopted by the Commission, however, maintains existing requirements in Regulation ~~No-Number~~ 3 for minor sources in the Denver area to use reasonably available control technology. The Commission intends, however, to review this requirement when it reviews Regulation ~~No-Number~~ 3.

The amendments to the “Ambient Air Quality Standards for the State of Colorado” also revise the PM10 mobile source emissions budget for the Denver metropolitan area. The emissions budget is used to determine whether transportation plans and projects conform to the State Implementation Plan.

### **Federal Requirements**

42 USC 7407(d)(3) provides that the State may request redesignation to attainment status for areas of the State that qualify for such redesignation based on air quality data, and planning and control considerations. In order for the EPA to approve such a redesignation request, 42 USC ~~section~~Sections 7407(d)(3)(E) and 7505a require the State to submit a maintenance plan that will provide for maintenance of the standard for ten years following the approval of the redesignation request. The federal requirements for preparation, adoption and submittal of implementation plans, including the maintenance plan, are set out at 40 CFR, Part 51. The maintenance plans adopted by the Commission will maintain the national standard for PM10 for the requisite ten-year period.

The federal requirements for emissions budgets are set out at 42 USC 7506(c) and 40 CFR 93.124. The emissions budget establishes a test for determining whether transportation plans or projects may cause or contribute to a violation of the national ambient air quality standard (NAAQS). The emissions budget is based on the analysis that supports the maintenance demonstration.

The regulatory revisions do not include any provisions that are not required by provisions of the federal act or that are otherwise more stringent than requirements of the federal act.

### **Statutory Authority**

Specific statutory authority to redesignate areas to attainment is provided in ~~section~~Section 25-7-107, C.R.S. (1999). The authority to establish emissions budgets is included in the general authority to adopt a State Implementation Plan set out in ~~section~~Section 25-7-105(1), C.R.S. (1999).

### **Findings pursuant to ~~section~~Section 25-7-110.8**

The mobile source emissions budgets are the only control measures included in the amendments to the Ambient Air Quality Standards rule that will operate to reduce air pollution. The reference to Regulation ~~No. Number~~ 3 added to the Ambient Air Quality Standards merely maintains the *status quo*; it does not establish any new requirement. The emissions budgets establish caps on mobile source emissions and are administered through the transportation conformity regulations. Air Quality Control Commission Regulation ~~No. Number~~ 10, Part B; 40 CFR Part 93. By capping mobile source emissions at a prescribed limit, the emission budget could result in a demonstrable reduction in air pollution.

The emissions budgets are based on EPA-approved models and assumptions for estimating PM10 emissions from mobile sources. The Commission believes the EPA-approved models are inaccurate, but federal rules require the State to use such models to demonstrate the adequacy of the maintenance plan. Thus, the emissions budgets are based on the only methodologies authorized for use by federal law. All methodologies and information made available by interested parties have been considered.

The alternative to redesignation is for the Denver area to remain a PM10 nonattainment area. Redesignation to attainment is the more cost-effective alternative. Redesignation provides the regulated community with more flexibility and achieves the reductions in air pollution necessary to maintain the NAAQS. The revisions to the ambient air quality standard will maximize the air quality benefits of the Commission's regulations in the most cost-effective manner.

### **VIII.N. Lamar and Steamboat Springs, Redesignation to Attainment for PM10 Adopted: November 15, 2001**

The amendments to the “Ambient Air Quality Standards for the State of Colorado” Regulation adopted by the Commission change the air quality classifications of the Steamboat Springs and Lamar areas to attainment/maintenance for particulate matter, and revise the mobile source emissions budgets for these areas. The Commission adopted simultaneous revisions to the “State Implementation Plan-Specific Regulation for Nonattainment Areas” to repeal obsolete contingency measures.

### **Federal Requirements**

The relevant federal requirements are described in detail in the statement of basis, specific statutory authority and purpose for Pagosa Springs and Telluride published in Section VIII.L. of the ambient air quality standards regulation. Nothing in this rule change exceeds the minimum requirements of the federal act.

### **Statutory Authority**

Specific statutory authority to redesignate areas to attainment is provided in ~~section~~Section 25-7-107, C.R.S. (1999). The authority to establish emissions budgets is included in the general authority to adopt a State Implementation Plan set out in ~~section~~Section 25-7-105(1), C.R.S. (1999).

### **Findings pursuant to ~~section~~Section 25-7-110.8**

The mobile source emission budget is the only control measures included in the amendments that will operate to reduce air pollution. The emissions budget is based on EPA-approved models and assumptions for estimating PM10 emissions from mobile sources. The Commission believes the EPA-approved model is inaccurate, but federal rules require the State to use such model to demonstrate the adequacy of the maintenance plan. All methodologies and information made available by interested parties have been considered.

The alternative to the redesignation of the areas to attainment is for these areas to remain PM10 nonattainment areas. Redesignation to attainment is the more cost-effective alternative. Redesignation provides the regulated community with more flexibility and achieves the reductions in air pollution necessary to maintain the NAAQS. The revisions to the ambient air quality standard will maximize the air quality benefits of the Commission's regulations in the most cost-effective manner.

### **VIII.O. Fort Collins Adopted: July 18,2002**

The amendments to the “Ambient Air Quality Standards for the State of Colorado” Regulation adopted by the Commission change the air quality classification of the Fort Collins area to attainment/maintenance for carbon monoxide and establish a mobile source emissions budget for the area. The Commission adopted simultaneous revisions to Regulation ~~No-Number~~ 11, Regulation ~~No-Number~~ 13 and the “State Implementation Plan-Specific Regulation for Nonattainment Areas.”

The Commission also repealed ~~section~~Section V.B, “Requirement Regarding Enforceability.” Section V.B established criteria for emission reduction credit in transportation conformity determinations. Federal regulations already establish such criteria. 40 CFR 93.122. Although ~~section~~Section V.B. was similar to the federal criteria set out at 40 CFR 93.122, ~~section~~Section V.B did not expressly authorize the option of taking credit for a control measure based on a SIP commitment to implement such a program. Thus, ~~section~~Section V.B appeared to deny transportation agencies an option that is available under the federal rules. The maintenance plan adopted by the Commission in conjunction with these changes to the Ambient Air Quality Standards regulations includes a commitment to implement an automobile testing program in the year 2026. Under the federal rules, such a commitment will allow the Colorado Department of Transportation to take emission reduction credit for the inspection program when it makes transportation conformity determinations that extend beyond 2026. The Commission repealed Section V.B so that the rules for taking credit during transportation conformity determinations are identical to the federal rules on the subject. Elsewhere, in Regulation ~~No-Number~~ 10, Part B, the Commission has

already passed a state regulation requiring transportation agencies to comply with the federal rules when performing transportation conformity determinations. Therefore, ~~section~~Section V.B was confusing and unnecessary, and may have exceeded the minimum federal requirements. Finally, the Commission made several minor housekeeping changes and repealed obsolete provisions.

### **Federal Requirements**

The federal requirements relevant to the redesignation and the emission budget are described in detail in the statement of basis, specific statutory authority and purpose for Pagosa Springs and Telluride published in Section VIII.L of the ambient air quality standards regulation. The federal regulation establishing criteria for taking credit in transportation conformity determinations is set out at 40 CFR 93.122. Nothing in this rule change exceeds the minimum requirements of the federal act.

### **Statutory Authority**

**Specific statutory authority to redesignate areas to attainment is provided in ~~section~~Section 25-7-107, C.R.S. (1999). The authority to establish emissions budgets and to establish criteria for transportation conformity determinations is included in the general authority to adopt a State Implementation Plan set out in ~~section~~Section 25-7-105(1), C.R.S. (1999).**

### **Findings pursuant to ~~section~~Section 25-7-110.8**

The mobile source emission budget are the only control measures included in the amendments that will operate to reduce air pollution. The emissions budget is based on EPA's recently released MOBILE6. Federal rules require the State to use a model approved by EPA. The Commission believes that the MOBILE6 model is superior to the MOBILE5 model that was used to develop earlier SIPs. All methodologies and information's made available by interested parties have been considered.

The alternative to the redesignation of the areas to attainment is for the Fort Collins area to remain a nonattainment area for carbon monoxide. Redesignation to attainment is the more cost-effective alternative. Redesignation provides the regulated community with more flexibility and maintains the reductions in air pollution necessary to maintain the NAAQS. In particular, it allowed the Commission to repeal the oxygenated fuels program for the Fort Collins area, and to remove the automobile testing program from the SIP. The removal of the automobile testing program from the SIP gives the State the flexibility to amend or repeal the program later without the delay of the SIP amendment and approval process. For these reasons, the revisions to the ambient air quality standard will maximize the air quality benefits of the Commission's regulations in the most cost- effective manner.

### **VIII.P. Greeley**

Adopted: December 19,2002

The amendments to the "Ambient Air Quality Standards for the State of Colorado" Regulation adopted by the Commission establish mobile source emissions budgets for the Greeley area. The Commission adopted simultaneous revisions to Regulation ~~No-Number~~ 13 so that this rule no longer applies in the Greeley area.

### **Federal Requirements**

Nothing in this rule change exceeds the minimum requirements of the federal act.

### **Statutory Authority**



The authority to establish emissions budgets and to establish criteria for transportation conformity determinations is included in the general authority to adopt a State Implementation Plan set out in [sectionSection](#) 25-7-105(1), C.R.S. (2001).

#### **Findings pursuant to Section 25-7-110.8**

The mobile source emissions budgets are based on EPA's MOBILE6 emissions model, as required by federal regulations. All methodologies and information made available by interested parties have been considered. The emissions budgets reduce the potential for air pollution by capping emissions from mobile sources. The rule allocates the margin of safety to mobile sources, thus providing the transportation community with maximum flexibility authorized by federal law. In adopting this rule, the Commission chose the most cost-effective alternative.

#### **VIII.Q Denver Carbon Monoxide**

Adopted: June 19, 2003

The carbon monoxide emissions budget for the Denver area has been revised to reflect a new computer model (mobile6) issued by EPA for use in estimating emissions from motor vehicles. Federal law requires transportation agencies to use such budgets to make transportation conformity determinations on transportation plans and programs. 40 CFR 93.118. Transportation agencies must use mobile6 for transportation conformity determinations that begin after January 2004.

#### **Federal Requirements**

The revision to the emission budget follows EPA policy established in *Policy Guidance On The Use of Mobile6 For Sip Development and Transportation Conformity* (U.S. EPA, Jan. 18, 2002). The [commissionCommission](#)'s regulation does not allocate the entire safety margin to mobile sources, as authorized by federal regulations. Instead, the [commissionCommission](#) reserved a portion of the safety margin in order to preserve a cushion for growth in other source categories. The reservation of a portion of the safety margin does not mean that the rule exceeds minimum federal requirements. Instead, the rule merely preserves a margin of safety for growth in other sources.

#### **Statutory Authority**

The [commissionCommission](#) adopts this change under its general authority to promulgate and adopt a state implementation plan, as set out in [sectionSection](#) 25-7-105(1)(a), C.R.S.

#### **Findings pursuant to [sectionSection](#) 25-7-110.8. C.R.S.**

The purpose of this rule change is to make sure that transportation agencies will use mobile6-based emissions budgets when making mobile6-based transportation conformity determinations. The rule change is not intended to reduce air pollution. The requirements of 25-7-110.8 do not apply.

#### **VIII.R Longmont and Colorado Springs Carbon Monoxide**

Adopted: December 18, 2003

The carbon monoxide emission budgets for the Longmont and Colorado Springs areas have been revised to reflect a new computer model (mobile6) issued by EPA for use in estimating emissions from motor vehicles. Federal law requires transportation agencies to use such budgets to make transportation conformity determinations on transportation plans and programs. 40 CFR 93.118. Transportation agencies must use mobile6 for transportation conformity determinations that begin after January 2004.

#### **Federal Requirements**

The revisions to the emission budgets follow EPA policy established *in policy guidance on the use of mobile6 for sip development and transportation conformity* (u.s. EPA, Jan. 18,2002). The ~~commission~~Commission's regulation allocates the entire safety margin to mobile sources, as authorized by federal regulations.

#### **Statutory Authority**

The ~~commission~~Commission adopts this change under its general authority to promulgate and adopt a state implementation plan, as set out in ~~section~~Section 25-7-105(1)(a), C.R.S.

#### **Findings pursuant to ~~section~~Section 25-7-110.8. C.R.S.**

The purpose of this rule change is to make sure that transportation agencies will use mobile6-based emissions budgets when making mobile6-based transportation conformity determinations. The rule change is not intended to reduce air pollution. The requirements of 25-7-110.8 do not apply. Statutory authority

The ~~commission~~Commission adopts this change under its general authority to promulgate and adopt a state implementation plan, as set out in ~~section~~Section 25-7-105(1)(a), C.R.S.

#### **Findings pursuant to ~~section~~Section 25-7-110.8, C.R.S.**

The purpose of this rule change is to make sure that transportation agencies will use mobile6-based emissions budgets when making mobile6-based transportation conformity determinations. The rule change is not intended to reduce air pollution. The requirements of 25-7-110.8 do not apply.

### **VIII.S Denver 8-Hour Ozone**

Adopted: March 11, 2004

The purpose of this rule change is to define the geographic scope of the Denver 8-hour Ozone Nonattainment Area for purposes of State Law and Commission regulations. This definition is not to be included in the state implementation plan.

The Commission adopted this definition in conjunction with the Ozone Action Plan and certain revisions to of Regulation ~~No-Number~~ 7 to reduce emissions of volatile organic compounds from oil and gas operations and from stationary and portable reciprocal internal combustion engines. Such control measures in ~~section~~Sections XVI, XVI, ~~AND-and~~ XVII VI of Regulation ~~No-Number~~ 7 apply in the Denver 8-hour Ozone Nonattainment Area, as defined in the Ambient Air Quality Standards Regulation.

The U.S. EPA will also define the geographic scope of the Denver 8-hour Ozone Nonattainment Area. The Commission intends for its State definition of such area to be identical to the federal definition. The Commission would ordinarily incorporate the federal definition by reference but the Commission cannot do that in this case because EPA has not yet adopted a final rule defining the Denver 8-hour Ozone Nonattainment Area and will not do so until April 15, 2004 at the earliest. Section 24-4-103(12.5), C.R.S. prohibits the Commission from adopting a later edition of the federal rule. In the event the area defined by the federal rule is smaller than the area defined by this rule, the Commission will promptly revise this rule to conform to the federal rule.

The statutory authority to define the nonattainment area is set out in ~~section~~Sections 25-7-105(1)(a) and (1)(b); 25-7-106(1)(b)(viii), (1)(c) and (5); and 25-7-109(1)(a) and (2), C.R.S.

### **VIII.T Denver 8-Hour Ozone**

Adopted: December 16, 2004



The purpose of this rule change is to revise the geographic scope of the Denver 8-hour Ozone Nonattainment Area for purposes of State law and Commission regulations.

The revision to the boundaries for the Denver 8-hour ozone control area match the boundaries promulgated by the Environmental Protection Agency on April 15, 2004. The initial boundaries matched EPA's proposed boundaries for the area.

The revisions also include minor, nonsubstantive changes to simplify the language.

The statutory authority to define the nonattainment area is set out in ~~section~~[Section](#)s 25-7-105(1)(a) and (1)(b); 25-7-106(1)(b)(VIII), (1)(c) and (5); and 25-7-109(1)(a) and (2), C.R.S.

#### **Statement of Statutory Basis and Purpose**

**VIII.U** Denver and Longmont Carbon Monoxide Carbon Monoxide, and  
Denver PM10  
Adopted: December 15, 2005

The Commission revised the emissions budgets for carbon monoxide and PM10 for Denver, as well as the carbon monoxide emissions budget for Longmont. The changes update the emissions budgets using the latest EPA computer models.

The Commission has assigned the safety margin for both carbon monoxide and particulate matter to the mobile source emissions budget, reserving a portion of the carbon monoxide safety margin in case of additional growth in other sectors beyond the growth anticipated in the maintenance demonstration. The rule also provides some flexibility to trade between the NOx and primary particulate budgets for purposes of transportation conformity determinations. The federal rules allow, but do not require, assignment of some or the entire safety margin to the transportation conformity budget. The reservation of a portion of the carbon monoxide safety margin allows for additional growth in other sectors, but does not make the sip more stringent than the federal requirements.

The authority to establish emissions budgets is included in the general authority to adopt a state implementation plan set out in ~~section~~[Section](#) 25-7-105(1), C.R.S.

The mobile source emissions budgets are based on EPA-approved computer models, as required by federal regulations. All methodologies and information made available by interested parties have been considered. The rule allocates most of the margin of safety to mobile sources, but maintains a reasonable margin for accommodation of uncertainty and future growth in other sectors. The allocation of most of the safety margin to mobile sources provides flexibility for the transportation community. In adopting this rule, the Commission chose the most cost-effective option.

**VIII.V** Cañon City PM10  
Adopted: November 20, 2008

The amendments to the "Ambient Air Quality Standards for the State of Colorado" Regulation adopted by the Commission establish mobile source emissions budgets for the Cañon City area.

#### **Federal Requirements**

Nothing in this rule change exceeds the minimum requirements of the federal act.

#### **Statutory Authority**

The authority to establish emissions budgets and to establish criteria for transportation conformity determinations is included in the general authority to adopt a State Implementation Plan set out in Section 25-7-105(1), C.R.S. (2001).

#### **Findings pursuant to Section 25-7-110.8**

The mobile source emissions budgets are based on EPA's MOBILE6 emissions model and EPA-approved methods for calculating fugitive dust emissions as required by federal regulations. All methodologies and information made available by interested parties have been considered. The emissions budgets reduce the potential for air pollution by capping emissions from mobile sources. In adopting this rule, the Commission chose the most cost-effective alternative.

# DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

## Air Quality Control Commission

### STATE IMPLEMENTATION PLAN, SPECIFIC REGULATIONS FOR NONATTAINMENT-ATTAINMENT/MAINTENANCE AREAS (LOCAL ELEMENTS)

#### 5 CCR 1001-20

#### INTRODUCTION

- A. The Colorado Air Quality Control Commission (AQCC) regulations, adopted in accordance with Sections 24-4-103(1) and 25-7-105(1)(a)(II) of the Colorado Revised Statutes, are applicable to those areas in which local Elements have been incorporated into the State Implementation Plan (SIP). Promulgation of these regulations provides the necessary authority for the Air Pollution Control Division to adequately enforce the provisions of the SIP Elements.
- B. Materials incorporated by references in this regulation are available for public inspection during regular business hours at the Commission's office at 4300 Cherry Creek Drive South, and also at any state publications depository library. For more information concerning the incorporated materials, persons may contact the Commissions Technical Secretary at the above address. The regulation incorporates the materials, as they exist at the date of the promulgation of this regulation and does not include later amendments to or editions of the incorporated materials.
- I. Pagosa Springs Attainment/Maintenance Area
  - A. Definitions
    - 1. "Deployment" means an episode where the roadways designated below are sanded.
    - 2. "Street Sanding Materials" means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.
    - 3. "User" means any governmental entity, and any employee, official, representative, or agent of such governmental entity responsible for the application of street sanding materials and any person who contracts with such governmental entity for the purpose of applying street sanding materials to the designated roadways in the defined Pagosa Springs Attainment/Maintenance area.
    - 4. "Division" means the Colorado Department of Health, Air Pollution Control Division.

5. "Governmental Entity" shall include, but not necessarily be limited to, the State of Colorado, Archuleta County, Town of Pagosa Springs, and the Colorado Department of Transportation.
6. "Independent Laboratory" means a facility capable of performing the tests specified in these regulations in a competent, professional, and unbiased manner with no financial, family, or personal connection to the supplier or user of street sanding materials.
7. "Percent Fines" means the percent material passing a #200 sieve as determined by the American Society for Testing Materials (ASTM) "Standard Method for Sieve Analysis of Fine and Coarse Aggregates", designation C136-84a (1988) (American Association of State Highway and Transportation Officials designation T27-88).
8. "Recycled Street Sanding Materials" means previously used street sanding material ~~which that~~ has been collected from roadways or paved areas and is then re-used as is, after washing, or after blending with new street sanding material.
9. "Street Sanding Materials" means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.
10. "Base Sanding Amount" is the average amount of street sanding material applied per lane mile driven by maintenance trucks during snow and ice removal operations. The ~~base sanding~~~~base sanding~~ amount shall be calculated using 1988 data. If reliable 1988 data is not available, another base year period may be used after approval by the Division.

B. Specifications for Street Sanding Materials

1. Applicability

The provisions of this subsection shall apply to any user that applies any street sanding material on Highway 160 and Highway 84 within the Pagosa Springs PM-10 Attainment/Maintenance area on or after December 1, 1993.

2. Standards for Quality for Street Sanding Materials.

- a. All street sanding material used on the subject portions of Highway 160 and Highway 84, whether new or recycled, shall equal or exceed a standard of less than 1% fines as defined in I.A.7. above, and only such sanding material shall be used for street sanding operations and purposes.
- b. Alternative methods for achieving the 1% fines standard described above must be submitted for approval to the Division and the United States Environmental Protection Agency (EPA) prior to ninety (90) days before the method is implemented.

3. Alternative Sanding Materials.

Experimentation with new street sanding materials may be approved by the Division and EPA provided that the impact of such experiments or tests does not contribute appreciably to air quality degradation.

4. Testing and Recordkeeping Requirements.

- a. Prior to, or upon, delivery of street sanding materials, and prior to the use of any recycled street sanding material, suppliers of street sanding materials to be used on the subject portions of Highway 160 and Highway 84 shall have a test performed upon representative samples of the material by an independent laboratory to determine compliance with the standards of quality set forth above at ~~subsection~~Subsection I.B.2. The test results shall be provided to the purchaser upon delivery.
- b. Alternative percent fines test procedures must be approved by the Division and EPA should they be determined to provide a measure that is equivalent to the test procedures set forth in this regulation.
- c. Each user that uses street sanding materials shall maintain on file all reports received or prepared in accordance with these regulations for a period of two (2) years. All records generated under provisions of this regulation shall be made available for inspection upon request by the Division. The report(s) shall include:
  - i. A copy of all independent tests performed in accordance with ~~subsection~~Subsection B.4. above; and
  - ii. The name and address of all suppliers of street sanding material along with a full description of the location of the supplier's aggregate pit from which all material was supplied.

5. Division Audit Authority.

The Division may enter the storage site of any user of street sanding material covered by these regulations at all times reasonable for the purpose of obtaining a sample of materials, inspecting the records required by this regulation or as otherwise allowed by statute.

C. Reduction in the Amount of Street Sand Applied

1. Applicability.

The provisions of this Section shall apply to any governmental entity and any employee, official, representative, or agent of such governmental entity responsible for applying street sanding material to Highway 160 and Highway 84 in the Pagosa Springs PM-10 Attainment/Maintenance area. The provisions of this Section shall also apply to any

person who contracts with such governmental entity for the purpose of applying street sanding material to these roadways.

2. Requirements.

- a. Each user shall establish and document its ~~base sanding~~~~base sanding~~ amount. Documentation of the ~~base sanding~~~~base sanding~~ amount shall be submitted to the Division by December 1, 1993.
- b. By December 1, 1993, each affected entity shall submit to the Division a plan and implementation schedule describing the methods to be used to reduce the amount of street sanding materials applied by ten (10) percent from the base sanding amount for the 1993/94 and the 1994/95 sanding seasons.
- c. By September 30, 1995, each affected entity shall submit to the Division a plan and implementation schedule describing the methods to be used to reduce the amount of street sanding
- d. ~~materials~~Materials applied by fifteen (15) percent from the base sanding amount for the 1995/96 sanding season and thereafter.
- e. Beginning December 1, 1993, all measures set forth in the plans described in Sections I.C.2.a.-c. above must be implemented.

3. Recordkeeping.

- a. Users of street sanding material covered by Section C.2. of this regulation shall maintain records for 2 years containing the following information for the preceding twelve months or the preceding calendar year:
  - i. the total number of miles driven by maintenance trucks during snow and ice removal operations;
  - ii. the total amount of sanding material (both new and recycled), salt, and other de-icing chemicals used;
  - iii. the number and dates of full deployment episodes; and
  - iv. the number of lane miles typically sanded during each full deployment.

D. Statement of Basis, Specific Statutory Authority and Purpose for Pagosa Springs

1. March 16, 2000

The amendments to the "State Implementation Plan Specific Regulations for Nonattainment - Attainment/Maintenance Areas" adopted by the Commission establish

control measures adequate to maintain the National Ambient Air Quality Standard (NAAQS) for particulate matter less than ten microns in diameter (PM-10) in Telluride and Pagosa Springs. The purpose of this rule change is to implement the associated changes to the “Ambient Air Quality Standards” for the State of Colorado to redesignate Pagosa Springs and Telluride as PM-10 attainment areas.

The revisions delete 1) obsolete road paving requirements for Pagosa Springs (the paving has been completed); 2) eliminate unnecessary street sanding reporting requirements for users of street sand in Telluride and Pagosa Springs areas, and 3) delete unnecessary mandatory contingency measures in the Telluride and Pagosa Springs areas. No additional control measures are needed in these areas to demonstrate long-term maintenance of the PM-10 NAAQS.

#### Federal Requirements

Sections 42 USC 7407(d)(3)(E) and 7505a require the State to submit a maintenance plan that will provide for maintenance of the standard for ten years in order to redesignate areas to attainment. The federal requirements for preparation, adoption and submittal of implementation plans, including the maintenance plan, are set out at 40 CFR, Part 51. The maintenance plans adopted by the Commission must include the control measures necessary to maintain the national standard for PM-10 in Pagosa Springs and Telluride for the requisite ten-year period. The Commission has codified the control measures necessary to maintain the PM-10 NAAQS in order to comply with requirement of 42 USC 7410(a)(2)(A) for such measures to be enforceable.

The regulatory revisions do not include any provisions that are not necessary to maintain the NAAQS, or that are otherwise more stringent than requirements of the federal act.

#### Statutory Authority

Specific and general authority to control PM-10 emissions is set out at ~~section~~Section 25-7-105(1) and 25-7-109(1) and (2), C.R.S. (1999).

Findings pursuant to ~~section~~Section 25-7-110.8

The control measures in the maintenance plan are calculated to maintain the PM-10 NAAQS for the requisite ten-year period. The estimates of PM-10 pollution associated with sand on streets and roads are based on EPA-approved models and assumptions. The Commission believes the EPA-approved model is inaccurate, but federal rules require the State to use such model to demonstrate the adequacy of the maintenance plan. In spite of the problems with the computer model used to develop the regulation, the regulation is based on the most reasonably available, validated, reviewed and sound scientific methodologies currently available under federal law. All methodologies and information made available by interested parties have been considered.

Evidence in the record supports the finding that the rule shall result in demonstrable reduction in particulate pollution. The record reflects that reducing sand on streets and roads will reduce particulate pollution.

The regulatory revisions adopted by the Commission are the most cost-effective means of maintaining the PM-10 NAAQS, and provide flexibility for the regulated community.

The regulatory alternatives selected by the Commission will maximize the air quality benefits of the regulation in the most cost-effective manner.

## II. Telluride Attainment/Maintenance Area

### A. Implementation of Local Control Strategies

#### 1. Town of Telluride

- a. The Town of Telluride must implement and enforce Ordinance Number 829, Series 1988, as it exists on January 1, 1993. This ordinance will limit future growth in emissions from wood burning fireplaces and stoves and coal burning devices.

#### 2. San Miguel County

- a. San Miguel County must implement and enforce Resolutions #1986-20, #1990-33, and #1992-27, as they exist on January 1, 1993. These resolutions limit future growth in emissions from wood burning fireplaces and stoves and coal burning devices.

#### 3. Recordkeeping Requirements

- a. The Town of Telluride and San Miguel County must each retain records for 2 years that describe the implementation, tracking and enforcement of the local control strategies listed in 1.a. and 2.a. above. The reports must include information on permits, inspections, compliance, tracking, and enforcement activities in order to verify that the ordinances and resolutions have been implemented.

### B. Street Sanding Requirements

#### 1. Definitions

- a. "Deployment" means an episode where the roadways designated below are sanded.
- b. "Street Sanding Materials" means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.
- c. "User" means any private or governmental entity, and any employee, official, representative, or agent of such private or governmental entity responsible for the application of street sanding materials and any person who contracts with such private or governmental entity for the



purpose of applying street sanding materials to the roadways in the defined Telluride Attainment/Maintenance area.

- d. "Division" means the Colorado Department of Public Health and Environment, Air Pollution Control Division.
- e. "Independent Laboratory" means a facility capable of performing the tests specified in these regulations in a competent, professional, and unbiased manner with no financial, family, or personal connection to the supplier or user of street sanding materials.
- f. "Percent Fines" means the percent material passing a #200 sieve as determined by the American Society for Testing Materials (ASTM) "Standard Method for Sieve Analysis of Fine and Coarse Aggregates", designation C136-84a (1988) (American Association of State Highway and Transportation Officials designation T27-88).
- g. "Recycled Street Sanding Materials" means previously used street sanding material ~~which~~ that has been collected from roadways or paved areas and is then re-used as is, after washing, or after blending with new street sanding material.
- h. "Street Sanding Materials" means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.

## 2. Specifications for Street Sanding Materials

### a. Applicability

The provisions of this subsection shall apply to any user that applies any street sanding material within the Telluride Attainment/Maintenance area.

### b. Standards for Quality for Street Sanding Materials

- i. Beginning November 1, 1996, all street sanding material used within the Telluride Attainment/Maintenance area, whether new or recycled, shall equal or exceed a standard of less than 2 percent fines as defined in B.1.f above, and only such sanding material shall be used for street sanding operations and purposes.
- ii. Alternative methods for achieving the 2 percent fines standard described above must be submitted for approval to the Division and the United States Environmental Protection Agency (EPA) prior to ninety (90) days before the method is implemented.

### c. Alternative Sanding Materials

Experimentation with new street sanding materials may be approved by the Division and EPA provided that the impact of such experiments or tests does not contribute appreciably to air quality degradation.

d. Testing Requirements

i. Prior to, or upon, delivery of street sanding materials, and prior to the use of any recycled street sanding material, suppliers of street sanding materials to be used in the Telluride Attainment/Maintenance area shall have a test performed upon representative samples of the material by an independent laboratory to determine compliance with the standards of quality set forth above at ~~subsection~~Subsection B.2.b. The test results shall be provided to the purchaser upon delivery.

ii. Alternative percent fines test procedures must be approved by the Division and EPA should they be determined to provide a measure that is equivalent to the test procedures set forth in this regulation.

iii. Reporting Requirements

Each user of street sanding materials in the Telluride Attainment/Maintenance area shall retain records for 2 years for the information described below. All records generated under provisions of this regulation shall be made available for inspection upon request by the Division.

(a) A copy of all independent tests performed in accordance with ~~subsection~~Subsection B.2.d. above; and

(b) The name and address of all suppliers of street sanding material along with a full description of the location of the supplier's aggregate pit from which all material was supplied.

e. Division Audit Authority

The Division may enter the storage site of any user of street sanding material covered by these regulations at all times reasonable for the purpose of obtaining a sample of materials, inspecting the records required by this regulation or as otherwise allowed by statute.

C. Statement of Basis, Specific Statutory Authority and Purpose

1. August 17, 1995 revisions

This Statement of Basis, Specific Statutory Authority, and Purpose complies with the requirements of the Administrative Procedures Act, C.R.S. 1973, Section 24-4-103(4) for adopted or modified regulations.

Section 172 of the Clean Air Act requires that control measures be adopted as part of nonattainment area state implementation plans. The Colorado Attorney General's Office has determined that any emission control measure for a nonattainment area must be adopted as a State regulation in order for the measure to be enforceable by the State of Colorado. Sections 25-7-105 and -109 of the Colorado Air Pollution Prevention and Control Act provides the specific statutory authority to adopt these emission control regulations.

Revisions to the "State Implementation Plan-Specific Regulations for Nonattainment Areas (Local Elements) Regulation", applicable to Telluride, requires revision to correct a mistake that was made when processing a previous revision that was adopted in October 1994. In 1994, the AQCC adopted a two percent standard for the amount of fine materials in street sand; a one percent standard was inadvertently filed with the Secretary of State and published in the Colorado Register. This rendered the October 1994 regulation unenforceable. The revisions also change the street sand standard's effective date from November 1, 1995 to November 1, 1996. This is necessary because all SIP revisions must now go to the Colorado legislature for review. To accommodate this review, the effective date must be after the 1996 legislative session.

These emission control measures were developed through a cooperative effort between the Town of Telluride, San Miguel County, the Colorado Department of Transportation, The Mountain Village Metropolitan District, and the Colorado Air Pollution Control Division. The submittal of these revisions to the AQCC demonstrates the commitment from local and State governments, and the citizens that they represent, to develop and implement control measures which improve the air quality in the metro Denver area and which comply with federal requirements.

2. March 16, 2000

The amendments to the "State Implementation Plan Specific Regulations for Nonattainment - Attainment/Maintenance Areas" adopted by the Commission establish control measures adequate to maintain the National Ambient Air Quality Standard (NAAQS) for particulate matter less than ten microns in diameter (PM-10) in Telluride and Pagosa Springs. The purpose of this rule change is to implement the associated changes to the "Ambient Air Quality Standards" for the State of Colorado to redesignate Pagosa Springs and Telluride as PM-10 attainment areas.

The revisions delete 1) obsolete road paving requirements for Pagosa Springs (the paving has been completed); 2) eliminate unnecessary street sanding reporting requirements for users of street sand in Telluride and Pagosa Springs areas, and 3) delete unnecessary mandatory contingency measures in the Telluride and Pagosa Springs areas. No additional control measures are needed in these areas to demonstrate long-term maintenance of the PM-10 NAAQS.

Federal Requirements

Sections 42 USC 7407(d)(3)(E) and 7505a require the State to submit a maintenance plan that will provide for maintenance of the standard for ten years in order to redesignate areas to attainment. The federal requirements for preparation, adoption and submittal of implementation plans, including the maintenance plan, are set out at 40 CFR, Part 51. The maintenance plans adopted by the Commission must include the control measures necessary to maintain the national standard for PM-10 in Pagosa Springs and Telluride for the requisite ten-year period. The Commission has codified the control measures necessary to maintain the PM-10 NAAQS in order to comply with requirement of 42 USC 7410(a)(2)(A) for such measures to be enforceable.

The regulatory revisions do not include any provisions that are not necessary to maintain the NAAQS, or that are otherwise more stringent than requirements of the federal act.

#### Statutory Authority

Specific and general authority to control PM-10 emissions is set out at ~~section~~[Section](#) 25-7-105(1) and 25-7-109(1) and (2), C.R.S. (1999).

Findings pursuant to ~~section~~[Section](#) 25-7-110.8

The control measures in the maintenance plan are calculated to maintain the PM-10 NAAQS for the requisite ten-year period. The estimates of PM-10 pollution associated with sand on streets and roads are based on EPA-approved models and assumptions. The Commission believes the EPA-approved model is inaccurate, but federal rules require the State to use such model to demonstrate the adequacy of the maintenance plan. In spite of the problems with the computer model used to develop the regulation, the regulation is based on the most reasonably available, validated, reviewed and sound scientific methodologies currently available under federal law. All methodologies and information made available by interested parties have been considered.

Evidence in the record supports the finding that the rule shall result in demonstrable reduction in particulate pollution. The record reflects that reducing sand on streets and roads will reduce particulate pollution.

The regulatory revisions adopted by the Commission are the most cost-effective means of maintaining the PM-10 NAAQS, and provide flexibility for the regulated community.

The regulatory alternatives selected by the Commission will maximize the air quality benefits of the regulation in the most cost-effective manner.

### III. Aspen/Pitkin County PM10 Attainment/Maintenance Area

#### A. Applicability

The control measures adopted by these regulations are intended to be implemented and enforced locally. All affected parties shall take all actions necessary, to implement no later than December 10, 1993, all provisions of the regulations set forth herein. The provisions of these regulations shall apply throughout the Aspen/Pitkin County PM-10 attainment/maintenance area. The control measures adopted by these regulations recognize that the largest source, by far, of

the material causing the air quality in the City of Aspen to exceed National Ambient Air Quality Standards for particulate matter is from re-entrained dust from traffic on paved roads. This phenomenon is caused primarily by vehicle mile trips that originate from outside the Aspen/Pitkin County attainment/maintenance area.

Nothing contained in these regulations shall be intended or construed to limit or impair the home rule or legislative authority of the City as provided under the Constitution and laws of the State of Colorado or the Home Rule Charter of the City of Aspen. Nothing contained in these regulations shall be intended or construed to limit or impair the home rule or legislative authority of the County of Pitkin as provided under the Constitution and laws of the State of Colorado or the Home Rule Charter of Pitkin County. No emission control regulation may be considered a part of the Aspen/Pitkin County PM10 attainment/maintenance area control strategy unless and until the same has been adopted as part of the State of Colorado's State Implementation Plan pursuant to Section 25-7-105(1)(a)(II), C.R.S.

B. Definitions

1. "Aspen/Pitkin County PM-10 attainment/maintenance area" means that area defined by the Colorado State Implementation Plan for PM-10, Aspen Element, adopted November 21, 1991.
2. "Department" means the Aspen/Pitkin Environmental Health Department.
3. "Division" means the Colorado Department of Health, Air Pollution Control Division.
4. "Durability Index" means the percent loss of weight as determined using American Society for Testing Materials (ASTM) "Standard Test Method for Resistance to Degradation of Small-size Coarse Aggregate by Abrasion and Impact in the Los Angeles Machine", Designation C131-89.
5. "Deployment" means an episode when any roadway is sanded.
6. "Governmental Entity" shall include, but not necessarily be limited to, the State of Colorado, Pitkin County, City of Aspen, Roaring Fork Transit Agency, the Colorado Department of Transportation (CDOT), and the U.S. Postal Administration.
7. Reserved
8. "Independent Laboratory" means a facility capable of performing the tests specified in these regulations in a competent, professional, and unbiased manner with no financial, family, or personal connection to the supplier or user of street sanding materials.
9. "Percent Fines" means the percent material passing a #200 sieve as determined by the American Society for Testing Materials (ASTM) "Standard Method for Sieve Analysis of Fine and Coarse Aggregates", designation C136-84a (1988)

(American Association of State Highway and Transportation Officials designation T27-88).

10. "Recycled Street Sanding Materials" means previously used street sanding material ~~which that~~ has been collected from roadways or paved areas and is then re-used as is, after washing, or after blending with new street sanding material.
11. "Street Sanding Materials" means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.
12. "User" means any Governmental Entity, and any employee, official, representative, or agent of such governmental entity responsible for the application of street sanding materials and any person who contracts with such governmental entity for the purpose of applying street sanding material in the defined Aspen/Pitkin County PM-10 attainment/maintenance area.
13. Reserved
14. "Base Sanding Amount" is the average amount of street sanding material applied per lane mile driven by maintenance trucks during snow and ice removal operations. The base sanding amount shall be calculated for the year that the Environmental Protection Agency (EPA) determines that the nonattainment area failed to attain the PM National Ambient Air Quality Standards (NAAQS). If reliable data for this year is not available, another base year period may be used after approval by the Division.

C. Primary Control Strategy Regulations

1. Specifications for Street Sanding Materials

a. Applicability.

The provisions of this subsection shall apply to any user that applies any street sanding material within the Aspen/Pitkin County PM-10 attainment/maintenance area on or after December 1, 1993.

b. Standards for Quality for Street Sanding Materials.

All street sanding material, whether new or recycled, shall equal or exceed a standard of less than 1% fines and less than 30% durability index, and only such sanding material shall be used for street sanding operations and purposes.

c. Alternate Sanding Materials.

Experimentation with new street sanding materials may be approved by the Division and the EPA provided that the impact of such experiments or tests does not contribute appreciably to air quality degradation.

d. Testing Requirements.

Prior to, or upon, delivery of street sanding materials, and prior to the use of any recycled street sanding material, suppliers of street sanding materials shall have a test performed upon representative samples of the material by an independent laboratory to determine compliance with the standards of quality set forth above at ~~subsection~~Subsection C.1.b. The test results shall be provided to the purchaser upon delivery. Alternative percent fines and durability index test procedures for percent fines and durability must be approved by the Division and EPA should they be determined to provide a measure that is equivalent to the test procedures set forth in this regulation.

e. Recordkeeping Requirements

- i. Each user that uses street sanding materials shall maintain on file all reports received or prepared in accordance with these regulations for a period of two years, including the information described below. All records generated under provisions of this regulation shall be made available for inspection upon request by the Department or Division.
  - (a) The number of lane miles typically sanded during each deployment;
  - (b) The dates of deployment episodes;
  - (c) A list of all streets where sanding was typically deployed;
  - (d) A copy of all independent tests performed in accordance with ~~subsection~~Subsection C.1.d. above; and
  - (e) The name and address of all suppliers of street sanding material along with a full description of the location of the supplier's aggregate pit from which all material was supplied.

2. Street Sweeping Requirements for Highway 82

a. Applicability

The provisions of this subsection shall apply to any user that has applied any street sanding material on Highway 82 within the Aspen/Pitkin County PM-10 attainment/maintenance area on or after December 1, 1993. The provisions of this subsection shall be applicable between December 1 and March 31 of each year.

b. Sweeping Requirements

- i. Users that use street sanding materials upon State Highway 82 from the Cooper Avenue bridge to the west entrance (city limit) of the city of Aspen, excluding CDOT, shall sweep the traffic lanes of this portion of Highway 82 within four days of the roadway becoming free and clear of snow and ice following each sanding deployment, as weather and street conditions permit.
- ii. Users that use street sanding materials upon State Highway 82 from the west entrance (city limit) of the city of Aspen to the Aspen/Pitkin County Airport (Sardy Field) shall sweep traffic lanes of the highway within four days of the roadway becoming free and clear of snow and ice following each sanding deployment, as weather and street conditions permit.

c. Sweeping Equipment Required

Broom sweepers using liquid, or any other method of equal efficiency approved by the Division and EPA, must be utilized to sweep the specified streets and roadways set forth above at ~~subsection~~Subsection b.

d. Recordkeeping Requirements

Operators of street sweeping equipment working for users of street sanding materials shall maintain records to document the information described below and governmental entities shall maintain on file all reports received or prepared in accordance with these regulations for a period of two years. All records generated under provisions of this regulation shall be made available for inspection upon request by the Division.

- i. Date of sweeping operation;
- ii. Miles and names of streets or roadways swept;
- iii. Type of equipment used;
- iv. Reserved
- v. Equipment malfunctions and downtime, if any;
- vi. Conditions of driving lanes (dry, wet, snow packed, patchy ice, etc.); and
- vii. General weather conditions at time of sweeping operations.

3. Commercial Core Paid Parking, Commuter Day Pass Parking, and Resident Only Permit Parking in Outlying Areas.

- a. Beginning June 1, 1994, within an area of the City of Aspen bounded by and including Main Street, Spring Street, Durant Avenue, and Monarch



Street, the City of Aspen shall permit all passenger vehicles to park only upon the payment of at least one dollar (\$1.00) per hour parking fee.

- b. Beginning June 1, 1994, within an area bounded by and including Aspen Mountain, Fourth Street, Hallam Street, Second Street, Francis Street, the bluff south of the Post Office, Spring Street, the Roaring Fork River, Aspen Mountain and Durant Street, and Dean Street, the City of Aspen shall permit parking for those who display resident parking permits and for those commuters who have purchased an all day parking pass.

#### 4. Implementation of Local Control Strategies

##### a. City of Aspen

The City of Aspen shall implement and enforce Ordinance ~~No-Number~~ 74, Series of 1992, as amended by Ordinance ~~No-Number~~ 47, Series of 1993, as it exists on September 24, 1993. This ordinance limits future growth in emissions from wood burning fireplaces, stoves and restaurant grills. In addition, the City of Aspen shall implement and enforce any ordinance adopted in accordance with these regulations.

The City of Aspen may revise the ordinances as necessary to allow greater use of natural gas burning devices without revising the state implementation plan. Any revision to the ordinances to allow greater use of woodburning devices shall be submitted immediately to the Colorado Air Quality Control Commission and EPA as revisions to the State Implementation Plan. Any amendments to these ordinances shall not constitute a revision to the State Implementation Plan until such time as the State Implementation Plan is appropriately revised. All ordinances shall remain in full force and effect until such time as the City obtains full approval of a State Implementation Plan revision.

##### b. Pitkin County

Pitkin County shall implement and enforce Ordinance ~~No-Number~~ 18, Series of 1992, as it exists on January 1, 1993. This ordinance limits future growth in emissions from wood burning fireplaces, stoves and restaurant grills. In addition, Pitkin County shall adopt and enforce any resolutions adopted in accordance with these regulations.

Pitkin County may revise the ordinances as necessary to allow greater use of natural gas burning devices without revising the state implementation plan. Any revision to the ordinances to allow greater use of woodburning devices shall be submitted immediately to the Colorado Air Quality Control Commission and the EPA as revisions to the State Implementation Plan. Any amendments to these resolutions shall not constitute a revision to the State Implementation Plan until such time as the State Implementation Plan is appropriately revised. Resolution ~~No-Number~~ 18, Series 1992, shall remain in full force and effect until such time as the County obtains full approval of a State Implementation Plan revision.

c. Recordkeeping Requirements

The City and County shall maintain records for a period of two years that document compliance and enforcement activities in order to verify that the ordinances and resolutions have been properly implemented.

D. Statement of Basis, Specific Statutory Authority and Purpose

Maintenance Plan for Aspen/Pitkin County area

Adopted: January 11, 2001

The amendments to the "State Implementation Plan-Specific Regulation for Nonattainment Areas" implement a maintenance plan and associated changes to the "Ambient Air Quality Standards for the State of Colorado" to redesignate Aspen/Pitkin County as a PM10 attainment area.

The revisions delete several control measures that were included in the EPA-approved State Implementation Plan for the Aspen/Pitkin County area, but which are no longer necessary to maintain the national ambient air quality standard for PM10. The repealed control measures include transit measures, voluntary programs, and additional control measures for Presidents Day, and obsolete reporting requirements. In addition, the rule revision repeals the mandatory contingency measures for the Aspen/Pitkin County area. Federal law does not require the maintenance plan to include such contingency measures.

Federal Requirements

Sections 42 USC 7407(d)(3)(E) and 7505a require the State to submit a maintenance plan that will provide for maintenance of the standard for ten years in order to redesignate areas to attainment. The federal requirements for preparation, adoption and submittal of implementation plans, including the maintenance plan, are set out at 40 CFR, Part 51. The maintenance plans adopted by the Commission must include the control measures necessary to maintain the national standard for PM10 in the Aspen area for the requisite ten-year period. The Commission has codified the control measures necessary to maintain the PM10 NAAQS in order comply with requirement of 42 USC 7410(a)(2)(A) for such measures to be enforceable.

The regulatory revisions do not include any provisions that are not necessary to maintain the NAAQS, or that are otherwise more stringent than requirements of the federal act.

Statutory Authority

Specific and general authority to control PM10 emissions is set out at ~~section~~Sections 25-7-105(1) and 25-7-109(1) and (2), C.R.S. (1999).

Findings pursuant to ~~section~~Section 25-7-110.8

The control measures in the maintenance plan are calculated to maintain the PM10 NAAQS through 2015. The estimates of PM10 pollution associated with sand on streets and roads are based on EPA-approved models and assumptions. The Commission believes the EPA-approved

model is inaccurate, but federal rules require the State to use such model to demonstrate the adequacy of the maintenance plan. Thus, the rule revision is based on the only methodology authorized for use by federal law. All methodologies and information made available by interested parties have been considered.

The regulatory revisions adopted by the Commission are the most cost-effective means of maintaining the PM10 NAAQS, and provide flexibility for the regulated community.

The regulatory alternatives selected by the Commission will maximize the air quality benefits of the regulation in the most cost-effective manner.

#### IV. Lamar Attainment/Maintenance Area

Statement of Basis, Specific Statutory Authority and Purpose; Adopted: November 15, 2001

The November 15, 2001 amendments repeal the contingency measures for the Lamar area, which measures are no longer required by federal law because the area is being redesignated to an attainment area for particulate matter. Nothing in this rule change exceeds the minimum requirements of the federal act.

##### Statutory Authority

Specific and general authority to control PM-10 emissions is set out at ~~section~~Sections 25-7-105(1) and 25-7-109(1) and (2), C.R.S. (1999).

#### V. Cañon City Nonattainment Area - PM-10

Statement of Basis, Specific Statutory Authority and Purpose; Adopted: November 20, 2008

##### Basis & Purpose

The November 20, 2008 amendments repeal the contingency measures for the Cañon City area, which measures are no longer required by federal law because the area was redesignated to an attainment area for particulate matter in July of 2001 and shows continued maintenance of the standard through 2020. Nothing in this rule change exceeds the minimum requirements of the federal act.

##### Statutory Authority

Specific and general authority to control PM-10 emissions is set out at Sections 25-7-105(1) and 25-7-109(1) and (2), C.R.S..

##### A. Contingency Measures

##### 1. Definitions

- a. "Deployment" means an episode where the roadways designated for street sweeping in Section V.A.2.a. below are sanded.

b. ~~"Street Sanding Materials" means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.~~

c. ~~"User" means any governmental entity, and any employee, official, representative, or agent of such governmental entity responsible for the application of street sanding materials and any person who contracts with such governmental entity for the purpose of applying street sanding material in the defined Canon City Nonattainment Area.~~

## ~~2. Street Sweeping~~

a. ~~Within two (2) months following EPA's determination that the Canon City Nonattainment Area failed to attain the PM10 NAAQS or make reasonable further progress (RFP) in reducing emissions, the City of Canon City must sweep the roadway(s) that the user applies street sanding material to:~~

i. ~~Royal Gorge Blvd. - 1st to 15th~~

ii. ~~South 9th Street - Royal Gorge to City Limit~~

iii. ~~South 4th Street - Royal Gorge to City Limit~~

iv. ~~9th Street - Royal Gorge to Washington~~

v. ~~College Avenue - 4th to 15th~~

vi. ~~15th Street - Royal Gorge to Harding~~

vii. ~~Central Street - 15th to City Limit~~

viii. ~~Main Street - 1st to 15th~~

ix. ~~Macon - 3rd to 12th~~

x. ~~Phay - 9th to 15th~~

xi. ~~Yale Place - College to Phay~~

xii. ~~10th Street - Royal Gorge to Phay~~

xiii. ~~12th Street - Main to College~~

xiv. ~~5th Street - Main to Fairview~~

xv. ~~7th Street - Main to College~~

xvi. ~~Harding - 5th to Central~~

~~xvii. Orchard - Elizabeth to Pear~~

~~xviii. Diamond - Pear to Florence~~

~~xix. Cottonwood - Pear to Florence~~

~~xx. Cherry - Orchard to Delray~~

~~xxi. Franklin - 15th to 19th~~

~~xxii. 16th Street - Main to Franklin~~

~~xxiii. East Main - Hwy. 50 to Dozier~~

~~xxiv. Frontage Road - East from Dozier to Highway~~

~~xxv. South 1st Street - Royal Gorge to City Limit~~

~~xxvi. Myrtle - 4th to 12th~~

~~xxvii. South 5th Street - Griffith to Myrtle~~

~~xxviii. South 6th Street - Griffith to MyrtlePark Avenue - 9th to 12th~~

~~b. Each traffic lane of the specified roadways must be swept within four days of the roadways becoming free and clear of snow and ice following each street sanding deployment, as weather and street conditions permit.~~

~~c. Broom sweepers using water, or any other method of equal efficiency approved by the APCD and EPA, must be utilized to sweep the specified streets and roadways.~~

~~d. The street sweeping measures could be implemented at any time prior to EPA's determination that the area failed to attain the PM10 NAAQS or make RFP. Early implementation of this contingency measure will not result in the requirement to implement additional contingency measures if the area eventually is determined to fail to attain the PM10 NAAQS or make RFP. Additional control measures, including best available control measures and "serious-area" contingency measures, would be necessary, however, if the area is redesignated as a serious nonattainment area, as required by the Federal Clean Air Act.~~

## ~~2. Recordkeeping and Reporting Requirements~~

~~a. Once the requirements of Section V.A.2. become effective, each user of street sanding materials on the specified roadways shall begin and continue to keep records of street sanding deployments and sweeping activities. Each user that uses street sanding materials shall notify the~~

~~City within 24 hours of each sanding deployment and shall maintain on file a record of the notifications provided to the City for a period of two (2) years. All records generated under provisions of this regulation shall include a list of all streets where sanding occurred and shall be made available for inspection upon request by the City of Canon City and the APCD.~~

~~b. Once the requirements of Section V.A.2. become effective, the City of Canon City shall maintain records to document the information described below for a period of two (2) years. On the fifth day of each month following a month where street sanding occurred, the City of Canon City shall submit a report to the APCD ~~which that~~ shall contain the information described below. All records generated under provisions of this regulation shall be made available for inspection upon request by the APCD.~~

~~i. Dates of street sanding deployments;~~

~~ii. Dates of street sweeping operations;~~

~~iii. Miles and names of streets or roadways sanded and swept;~~

~~iv. Type of sweeping equipment used;~~

~~v. Sweeping equipment malfunctions and downtime, if any;~~

~~vi. Conditions of driving lanes on the days following each sanding deployment (dry, wet, snow packed, patchy ice, etc.); and~~

~~vii. General weather conditions at time of sweeping operations.~~

## VI. City of Fort Collins CO Repealed

### A. STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE

Adopted: July 18, 2002

The July 18, 2002 amendments repeal the contingency measures for the Fort Collins area, which measures are no longer required by Federal law because the area is being redesignated to attainment/maintenance status for carbon monoxide. Nothing in this rule change exceeds the minimum requirements of the federal act. Specific and general authority to control carbon monoxide emissions is set out at ~~section~~Sections 25-7-105(1) and 25-7-109(1) and (2), C.R.S.

## VII. Colorado Springs Attainment/Maintenance Area

### A. Statement of Basis, Specific Statutory Authority and Purpose

Adopted: November 15, 2001

The amendments to the "State Implementation Plan Specific Regulations for Nonattainment Areas (Local Elements)" adopted by the Commission eliminate a contingency measure for Colorado Springs that was adopted as ~~—~~part of the nonattainment State Implementation Plan (SIP). Colorado Springs has since been redesignated to attainment/maintenance, and this contingency measure is no longer necessary or federally required. The amendments also revise the title of the regulation to "State Implementation Plan Specific Regulations for Nonattainment - Attainment/Maintenance Areas (Local Elements)."

#### Federal Requirements

The federal requirements for nonattainment SIP contingency measures are set out in Section 172(c)(9) of the Clean Air Act (CAA). In November 1993, the Commission adopted a contingency measure for the Colorado Springs carbon monoxide (CO) nonattainment area that required the implementation of an enhanced inspection and maintenance program if the area failed to attain the CO National Ambient Air Quality Standards (NAAQS). EPA approved this contingency measure in December 1997.

There are no requirements in federal law or regulation for mandatory contingency measures in redesignated areas. EPA redesignated the Colorado Springs area in August 1999, and the approved maintenance plan lists enhanced I/M as a potential contingency measure should the area ever violate the CO NAAQS in the future (in compliance with the contingency plan requirements of CAA Section 175A(d)). Because the mandatory enhanced I/M program contingency measure is no longer required, the requirements are being removed from State regulation and from the EPA-approved SIP.

The regulatory revisions do not include any provisions that are not required by provisions of the federal act or that are otherwise more stringent than requirements of the federal act.

#### Statutory Authority

The authority to remove the contingency measure from regulation is included in the general authority to adopt a State Implementation Plan set out in ~~section~~Section 25-7-105(1), C.R.S. (1999).

Findings pursuant to ~~section~~Section 25-7-110.8

The revisions to the SIP-Specific Regulations... will maximize the air quality benefits of the Commission's regulations in the most cost-effective manner. Removal of the enhanced I/M contingency measure from the regulation eliminates an obsolete federal requirement and prevents the automatic implementation of enhanced I/M in the Colorado Springs area if a CO NAAQS violation occurs in the future.

### VIII. Steamboat Springs PM10 Attainment/Maintenance Area

#### A. Definitions

1. "Deployment" means an episode where the roadways designated below are sanded.

2. "Street Sanding Materials" means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.
3. "User" means any governmental entity, and any employee, official, representative, or agent of such governmental entity responsible for the application of street sanding materials and any person who contracts with such governmental entity for the purpose of applying street sanding materials to the designated roadways in the defined Steamboat Springs PM10 Attainment/Maintenance Area.
4. "Division" means the Colorado Department of Public Health and Environment, Air Pollution Control Division.
5. "Governmental Entity" shall include, but not necessarily be limited to, the State of Colorado, Routt County, the City of Steamboat Springs, and the Colorado Department of Transportation.
3. "Independent Laboratory" means a facility capable of performing the tests specified in these regulations in a competent, professional, and unbiased manner with no financial, family, or personal connection to the supplier or user of street sanding materials.
4. "Percent Fines" means the percent material passing a #200 sieve as determined by the American Society for Testing Materials (ASTM) "Standard Method for Sieve Analysis of Fine and Coarse Aggregates", designation C136-84a (1988) (American Association of State Highway and Transportation Officials designation T27-88).
5. Reserved

B. Specifications for Street Sanding Materials

1. Applicability

The provisions of this subsection shall apply to any user that applies any street sanding material within the Steamboat Springs PM10 Attainment/Maintenance Area, except for U.S. Highway 40 from the junction of U.S. Highway 131 towards Rabbit Ears Pass.

2. Standards for Quality for Street Sanding Materials

- a. All street sanding material used in the Steamboat Springs PM10 Attainment/Maintenance Area shall contain 2% or less fines as defined in VIII.A.7. above, and only such sanding material shall be used for street sanding operations and purposes.
- b. Alternative methods for achieving the 2% fines standard described above must be submitted for approval to the Division and the EPA prior to ninety (90) days before the method is implemented.



### 3. Alternative Sanding Materials

Experimentation with new street sanding materials may be approved by the Division and the EPA provided that the impact of such experiments or tests does not contribute appreciably to air quality degradation.

### 4. Testing Requirements

- a. Prior delivery of street sanding materials, suppliers of street sanding materials to be used in the Steamboat Springs PM10 Attainment/Maintenance Area shall have a test performed upon representative samples of the material by an independent laboratory to determine compliance with the standards of quality set forth above at ~~subsection~~Subsection VIII.B.2. The test results shall be provided to the purchaser upon delivery.
- b. Alternative percent fines test procedures must be approved by the Division and the EPA. Any such alternative test procedure will only be approved if they provide a measure that is equivalent to the test procedures set forth in this regulation.

### 5. Recordkeeping Requirements

Each user that uses street sanding materials shall maintain on file for a period of two (2) years the information described below. All records generated under provisions of this regulation shall be made available for inspection upon request by the Division.

- c. A copy of all independent tests performed in accordance with ~~subsection~~Subsection B.4. above; and
- d. The name and address of all suppliers of street sanding material along with a full description of the location of the supplier's aggregate pit from which all material was supplied.

### 6. Division Audit Authority

The Division may enter the storage site of any user of street sanding material covered by these regulations at all times reasonable for the purpose of obtaining a sample of materials, inspecting the records required by this regulation or as otherwise allowed by statute.

### C. Reserved

### D. Street Sweeping Requirements for Lincoln Avenue

#### 1. Applicability

The sweeping provisions of this subsection shall apply to the City of Steamboat Springs. The provisions of this subsection shall be applicable between December 1 and March 31 of each year.

2. Sweeping Requirements

The City of Steamboat Springs shall sweep the traffic lanes of Lincoln Avenue from 13th Street to Old Fish Creek Falls Road at least once each day after the roadway becomes free and clear of snow and ice following each sanding deployment, as weather and street conditions permit, until the City has swept the lanes at least two times.

3. Sweeping Equipment Required

Vacuum sweepers, or any other method of equal efficiency approved by the Division and the EPA, must be utilized to sweep Lincoln Avenue as set forth above at Section D.2.

4. Recordkeeping Requirements

The City of Steamboat Springs shall maintain records for a period of two (2) years to document the information described below. All records generated under provisions of this regulation shall be made available for inspection upon request by the Division.

- a. Date of sweeping operation;
- b. Specific segments of Lincoln Avenue swept;
- c. Type of equipment used;
- d. Equipment malfunctions and downtime, if any;
- e. Conditions of traffic lanes (dry, wet, snow packed, patchy ice, etc.); and
- f. General weather conditions at time of sweeping operations.

E. Implementation of Local Control Strategies

1. City of Steamboat Springs

The City of Steamboat Springs shall implement and enforce Ordinance ~~No. Number~~ 1191 (1991), Ordinance ~~No. Number~~ 1148 (1990), Ordinance ~~No. Number~~ 1045 (1988), and Ordinance ~~No. Number~~ 977 (1987), as they exist on February 1, 1995. A copy of each ordinance is included in Appendix A to this regulation. These ordinances limit the number and type of solid fuel burning devices. In addition, the City of Steamboat Springs shall implement and enforce any ordinance in accordance with these regulations.

These ordinances may be amended in the sole discretion of the City Council of the City of Steamboat Springs, provided that they shall be submitted immediately to the Colorado Air Quality Control Commission and the EPA as revisions to the State Implementation Plan. Any amendments to these ordinances shall not constitute a revision to the State

Implementation Plan until such time as the State Implementation Plan is appropriately revised. These ordinances shall remain in full force and effect until such time as the City obtains full approval of a State Implementation Plan revision.

## 2. Routt County

Routt County shall implement and enforce Resolution ~~No-Number~~ 91-032 (1991), as it exists on February 1, 1995. A copy of this resolution is included in Appendix A to this regulation. This resolution limits the number and type of solid fuel burning devices. In addition, Routt County shall adopt and enforce any resolutions adopted in accordance with these regulations.

This resolution may be amended in the sole discretion of the Board of County Commissioners, provided that they shall be submitted immediately to the Colorado Air Quality Control Commission and the EPA as revisions to the State Implementation Plan. Any amendments to this resolution shall not constitute a revision to the State Implementation Plan until such time as the State Implementation Plan is appropriately revised. Resolution ~~No-Number~~ 91-032 (1991) shall remain in full force and effect until such time as the County obtains full approval of a State Implementation Plan revision.

## 3. Recordkeeping Requirements

The City and County shall maintain records for a period of two (2) years that document compliance and enforcement activities in order to verify that the ordinances and resolutions have been properly implemented.

## F. Statement of Basis, Specific Statutory Authority and Purpose for Steamboat Springs

### November 15, 2001 Revisions

The November 15, 2001 amendments repeal the contingency measures for the Steamboat Springs area, which measures are no longer required by federal law because the area is being redesignated to an attainment area for particulate matter. Additionally, the rule change eliminates the 10% street sand reduction requirements for State highways and reduces the Lincoln Avenue street sweeping requirements from 4 times to 2 times after each sanding event. The more stringent requirements are no longer needed for demonstrating long-term attainment of the PM10 NAAQS. The rule change also repeals unnecessary reporting requirements. The reporting requirements have not proved useful in determining compliance with the regulation (reports have not always been submitted to the Division nor always requested/reviewed by the Division). Thus, the recordkeeping requirements and the Division audit authority ~~hashave~~ been determined as adequate for ensuring compliance with the regulation. Nothing in this rule change exceeds the minimum requirements of the federal act.

### Statutory Authority

Specific and general authority to control PM-10 emissions is set out at ~~section~~Sections 25-7-105(1) and 25-7-109(1) and (2), C.R.S. (1999).

### September 21, 1995 Revisions

This Statement of Basis, Specific Statutory Authority and Purpose complies with the requirements of the Administrative Procedures Act, C.R.S. 1973, Section 24-4-103(4) for adopted or modified regulations.

Section 172 of the Clean Air Act requires that control measures be adopted as part of nonattainment area state implementation plans. The Colorado Attorney General's Office has determined that any emission control measure for a nonattainment area must be adopted as a state regulation in order for the measure to be enforceable by the State of Colorado. Sections 25-7-105 and -109 of the Colorado Air Pollution Prevention and Control Act provide the specific statutory authority to adopt these emission control regulations.

Revisions to this regulation applicable to Steamboat Springs, will result in PM10 emission reductions from woodburning and paved roads, and are described as follows:

1. Implementation of city and county woodburning restrictions;
2. Specifications for street sanding materials throughout the nonattainment area;
3. Reductions in the amount of street sand applied on state highways; and
4. Street sweeping/cleaning by the city on Lincoln Avenue in central Steamboat Springs.

These emission control measures were developed through a cooperative effort between the City of Steamboat Springs, Routt County, the Colorado Department of Transportation and the Colorado Air Pollution Control Division. The submittal of these revisions to the Commission demonstrates the commitment from local and state governments and the citizens that they represent, to develop and implement control measures which improve the air quality in Steamboat Springs and which comply with federal requirements.

October 17, 1996 Revisions

This Statement of Basis, Specific Statutory Authority, and Purpose complies with the requirements of the Administrative Procedures Act, ~~section~~Section 24-4-103 C.R.S. and the Colorado Air Pollution Prevention and Control Act, ~~section~~Section 25-7-110.5, C.R.S.

Basis

Section 172 of the federal Clean Air Act requires that control measures and contingency measures be adopted as part of nonattainment area state implementation plans. The Colorado Attorney General's Office has determined that any emission control measure for a nonattainment area must be adopted as a State regulation in order for the measure to be enforceable by the State of Colorado.

The Steamboat Springs area is designated as nonattainment for fine particulate matter (PM-10). In the Steamboat Springs State Implementation Plan (SIP) Element (September 1995), the State of Colorado committed to adopt additional control measures that allow the area to demonstrate continued maintenance of the PM-10 National Ambient Air Quality Standards (NAAQS), and contingency measures that could be implemented in the future if the area fails to attain the PM-10

NAAQS by the required date. The State Implementation Plan-Specific Regulations for Nonattainment Areas has been revised to include these measures. Also, the Ambient Air Quality Standards for the State of Colorado regulation has been revised to reflect the correct name of the nonattainment area and to include emission budgets that are utilized in transportation planning efforts.

#### Authority

General authority for revising the Ambient Air Quality Standards... to change the name of the nonattainment area and to adopt the emission budgets is contained in the Colorado Air Pollution Prevention and Control Act, Section 25-7-105 (1). General and specific authorities for revising the SIP-Specific Regulations... to adopt the emission control measures and the contingency measures are contained in Sections 25-7-105 (1) , 25-7-106(1)(c), and 25-7-109(1) and (2).

#### Purpose

Administrative changes to the Ambient Air Quality Standards... regulation are as follows:

1. Revise the name of the nonattainment area from "Routt County" to "Steamboat Springs", making the regulation consistent with the Steamboat Springs PM-10 SIP Element; and
2. Establish PM-10 mobile source emission budgets for Steamboat Springs modeling area for the periods "1999-2001" and "2002 and Beyond" for use in making transportation conformity determinations.

Paved road dust is a primary source of PM-10 emissions in the Steamboat Springs nonattainment area. Revisions to the SIP-Specific Regulations... to control paved road dust are as follows:

1. The previously adopted "one percent" specification for fine materials contained in street sand is changed to "two percent". This change was originally requested by the City of Steamboat Springs in order to provide the City with the maximum flexibility for providing safe streets during winter driving conditions. This revision will increase PM-10 emissions, but the increase is more than offset by the street sweeping activities described below.
2. In order to show continued attainment and maintenance of the PM-10 National Ambient Air Quality Standards (NAAQS), the City of Steamboat Springs must increase the frequency of street sweeping on Lincoln Avenue. Sweeping must occur at least once each day following each street sanding deployment (weather and road conditions permitting) until the City has swept Lincoln Avenue at least four times, instead of once after each sanding deployment as previously required. The City requested this increase in sweeping frequency in order to compensate for increased emissions that resulted from changing the street sand specification, and to provide emission reductions necessary to demonstrate continued maintenance with the PM-10 NAAQS.
3. Within two months following a determination that the Steamboat Springs nonattainment area has failed to attain the PM-10 NAAQS or show reasonable

further progress, the City must sweep additional sections of Lincoln Avenue and all other City streets within a defined area of central Steamboat Springs within four days following each street sanding deployment (weather and road conditions permitting). This sweeping constitutes the federally-required contingency measures for the Steamboat Springs nonattainment area.

## Findings

The Air Quality Control Commission makes the following findings pursuant to C.R.S., Section 25-7-110.8(1).

First, the rule revisions are based on reasonably available, validated, reviewed and sound scientific methodologies. The emission inventories that establish the emission budgets, and the monitoring, inventories, and dispersion modeling that indicate the need for control measures and their effectiveness in reducing PM-10 emissions, were developed/performed in accordance with published guidance from EPA. Monitoring activities in Steamboat Springs are conducted in compliance with the EPA regulations of 40 CFR Part 58. Emission inventories were developed in accordance with EPA guidance found in "AP-42", the "SIP Development Guideline Document", and the "Control of Open Fugitive Dust" document. Dispersion modeling using the "WYNDvalley" model was performed in accordance with EPA's "Supplement B to the Guideline on Air Quality Models".

Second, the street sweeping revisions to the SIP-Specific Regulations... shall result in a demonstrable reduction in air pollution due to the removal of street sand and background paved road dust from the streets. The amount of reductions relied upon in the SIP ~~Elements's~~Element's attainment demonstration are supported by the EPA guidance documents cited above. The emission budgets in the Ambient Air Quality Standards... regulation will result in PM-10 emission reductions in the area by limiting growth from the mobile sources sector to 2002 levels (for the purposes of "transportation conformity" determinations - federal transportation conformity regulations of 40 CFR Subpart T). As a result, federally funded or approved projects will have to offset any additional growth in mobile source emissions.

Third, street sweeping is cost-effective in this case because the City is already conducting some of the sweeping in this rule. Other alternatives, such as alternative deicers and sand reduction plans, were not considered viable because of concerns about public safety during winter driving conditions. The potentially lower cost alternative of one percent fines was not adopted because the City of Steamboat Springs preferred this control measure.

Therefore, it is assumed that the street sweeping controls and the emission budget are the most cost effective alternative, and the rule revisions maximize air quality benefits in the most cost effective manner.

## Federal Requirements

The adoption of control measures, contingency measures, and emission budgets are required by federal regulations, and the federal regulations allow the State flexibility in determining what the measures and budgets should be. These measures and budgets will be submitted to the EPA as a SIP revision. The rule amendments are not otherwise more stringent than the requirements of the federal Act.