



# COLORADO

Air Quality Control Commission

Department of Public Health & Environment

## NOTICE OF RULEMAKING HEARING

Regarding proposed revisions to:

**Carbon Monoxide Maintenance Plans for the areas of the Denver Metropolitan, Colorado Springs, Fort Collins, Greeley, and Longmont**

**Regulation Number 1 and Regulation Number 4  
and the Air Quality Standards, Designations and Emission Budgets  
5 CCR 1001-3 and 5 CCR 1001-6 and 5 CCR 1001-14**

### **SUBJECT:**

The Air Quality Control Commission will hold a rulemaking hearing to consider:

- Repeal of the Carbon Monoxide Maintenance Plans for the areas of the Denver Metropolitan, Colorado Springs, Fort Collins, Greeley, and Longmont.
- Revisions to Regulation Number 1 to remove federal enforceability of carbon monoxide (CO) emissions control requirements, remove unnecessary CO emissions control requirements, clarify the applicability of CO requirements, and general cleanup of the regulation.
- Revisions to Regulation Number 4 to remove federal enforceability of CO emissions control requirements and to clarify the applicability of CO requirements.
- Revisions to the Air Quality Standards, Designations and Emission Budgets to remove definitions of the CO attainment/maintenance areas and CO motor vehicle emission budgets associated with these areas.

Further, these revisions will include any typographical, grammatical and formatting errors throughout each of the regulations.

All required documents for this rulemaking can be found on the Commission website at:

<https://cdphe.colorado.gov/aqcc>

### **PUBLIC COMMENT SESSION**

DATE: August 15, 2024

TIME: 3:00 p.m. to 5:00 p.m.

PLACE: The hearing will be held hybrid fashion both in-person and via Zoom. Details related to participation and registration can be found at: <https://cdphe.colorado.gov/aqcc>

**NOTE:** The public comment session may end early if all commenters that are registered have had an opportunity to speak.

### **PARTY TESTIMONY & DELIBERATIONS**

DATE: August 15-16, 2024

TIME: To begin at or after 9:00 a.m.

PLACE: The hearing will be held hybrid fashion both in-person and via Zoom. Details related to participation and registration can be found at: <https://cdphe.colorado.gov/aqcc>

**IMPORTANT:** The Commission may reestablish conducting meetings at the Colorado Department of Public Health and Environment in its entirety or structured as a hybrid meeting. Any such changes will be noticed on the Commission's website at: <https://cdphe.colorado.gov/aqcc>

*The hearing may be continued at such places and time as the Commission may announce. Any such changes will be noticed on the Commission's website. Interested parties may contact the Commission Office at [cdphe.aqcc-comments@state.co.us](mailto:cdphe.aqcc-comments@state.co.us) to confirm meeting details.*

**PUBLIC COMMENT:**

The Commission encourages input from the public, either orally during the public comment session or in writing prior to the hearing. However, oral public comment will generally not be permitted by persons who offer comment on behalf of an entity that is a party. Those persons may, however, submit written public comment.

Instructions for registering to provide oral public comment will be posted in the agenda on the Commission’s website at <https://cdphe.colorado.gov/aqcc> on May 3, 2024.

Written comments should be submitted no later than **July 30, 2024** by emailing [cdphe.aqcc-comments@state.co.us](mailto:cdphe.aqcc-comments@state.co.us) or mailing to:

Colorado Air Quality Control Commission  
Colorado Department of Public Health and Environment  
4300 Cherry Creek Drive South, EDO-AQCC-A5  
Denver, Colorado 80246

**IMPORTANT DATES AND DEADLINES:**

<b>PROCESS DESCRIPTION</b>	<b>DUE DATE &amp; TIME</b>
Request for Party Status	June 12, 2024 by 5:00 p.m.
Status Conference	June 17, 2024 at 3:00 p.m.
Alternate Proposal	July 2, 2024 by 5:00 p.m.
Prehearing Statement	July 2, 2024 by 5:00 p.m.
Prehearing Conference	July 9, 2024 at 9:00 a.m.
Rebuttal Statement	July 23, 2024 by 5:00 p.m.
Written Public Comments	July 30, 2024 by 5:00 p.m.

Submittals for this hearing should be emailed to [cdphe.aqcc-comments@state.co.us](mailto:cdphe.aqcc-comments@state.co.us) unless an exception is granted pursuant to Subsection III.I.3. of the Commissions Procedural Rules.

**REQUEST FOR PARTY STATUS:**

A request for party status must:

- 1) identify the applicant (this could be a company and/or contact name);
- 2) provide the name, address, telephone and email address of the applicant’s representative or counsel; 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.

In addition, requests for party status should indicate whether the applicant intends to file an alternate proposal and, if so, briefly describe the scope and nature of the alternate proposal.

The request for party status must be electronically mailed to:

- Air Quality Control Commission staff: [theresa.martin@state.co.us](mailto:theresa.martin@state.co.us)
- Air Quality Control Commission attorney: [robyn.wille@coag.gov](mailto:robyn.wille@coag.gov)
- Air Pollution Control Division staff: [rick.coffin@state.co.us](mailto:rick.coffin@state.co.us)
- Air Pollution Control Division attorney: [rylie.slaybaugh@coag.gov](mailto:rylie.slaybaugh@coag.gov)

Requests received beyond the 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:**

Attendance at the status conference is mandatory for anyone who has requested party status, though each party need only have one representative present. The status conference is intended 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. Parties will be confirmed and a party list will be generated and distributed. The status conference will be held virtually via video conference. A registration link will be provided by the Commission's office prior to the status conference. Note that if the Hearing Officer deems the status conference unnecessary, the status conference may be cancelled.

**ALTERNATE PROPOSAL:**

Alternate proposals will be considered by the Commission "only if the subject matter of the alternative proposal is consistent with and fits within the scope of the notice." 5 CCR 1001-1, Section (V)(E)(4)(b). The submittal of an alternate proposal must be accompanied by a separate electronic copy of the alternate proposed rule and statement of basis and purpose language and all other associated documents as required by the Commission's Procedural Rules, including an economic impact analysis. Alternate proposals and associated exhibits must be emailed to all persons listed on the party status list or otherwise provided through an approved method of electronic transmission.

**PREHEARING STATEMENTS:**

Each party must submit a prehearing statement. Exhibits to a prehearing statement must be submitted in a separate electronic transmission. Prehearing statements and associated exhibits must be emailed to all persons listed on the party status list or otherwise provided through an approved method of electronic transmission. Prehearing statements must contain all the necessary elements described in Section V.E.6.c. of the Commission's Procedural Rules (5 CCR 1001-1).

**PREHEARING CONFERENCE:**

Attendance at the prehearing conference is mandatory for all parties to this hearing, though each party need only have one representative present. The prehearing conference will be held virtually, and registration information will be provided by the Commission's office prior to the prehearing conference.

**REBUTTAL STATEMENTS:**

Rebuttal statements may be submitted by the Division and any party to the hearing to respond to issues and arguments identified in prehearing statements. Rebuttal statements may not raise any issues, or be accompanied by alternate proposals, that could have been raised in the party's prehearing statement. Rebuttal statements and associated exhibits must be emailed to all persons listed on the party status list or otherwise provided through an approved method of electronic transmission. The filing of rebuttal statements is optional.

**DELIBERATION AND FINAL ACTION:**

The Commission intends to deliberate and take final action on the proposed changes to these Regulations at the conclusion of the testimony.

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

**Regulation Number 1**

The statutory authority for these revisions is set forth in the Colorado Air Pollution Prevention and Control Act, C.R.S. § 25-7-101, et. seq. Specifically, § 25-7-105(1)(a) authorizes the Commission to adopt rules necessary to implement the Clean Air Act, and to adopt and revise comprehensive State Implementation Plans to assure attainment and maintenance of National Ambient Air Quality Standards. § 25-7-106 grants the Commission maximum flexibility in developing an effective air quality control program. § 25-7-109, C.R.S., provides the Commission the authority to adopt and revise rules and regulations that are consistent with state policy regarding air pollution and with federal recommendations and requirements.

**Regulation Number 4**

The statutory authority for these revisions is set forth in the Colorado Air Pollution Prevention and Control Act, C.R.S. § 25-7-101, et. seq. Specifically, § 25-7-105(1)(a) authorizes the Commission to adopt rules necessary to implement the Clean Air Act, and to adopt and revise comprehensive State Implementation Plans to assure attainment and maintenance of National Ambient Air Quality Standards. § 25-7-106 grants the Commission maximum flexibility in developing an effective air quality control program. §§ 25-7-105(1)(b), 25-7-106(1)(c), and 25-7-109, authorize the Commission to adopt emission control regulations. § 25-7-106(6) authorizes the Commission to require monitoring, recordkeeping, and reporting. §§ 25-7-401 through 413 and 25-7-106.3 direct the Commission to promulgate rules and regulations for wood-burning stoves to reduce particulate and carbon monoxide emissions, including emission performance standards, testing criteria, labeling requirements, and certifications of performance standard.

**Air Quality Standards, Designations and Emission Budgets**

The authority to revise a State Implementation Plan (SIP) is included in the general authority to adopt a SIP set out in § 25-7-105(1), C.R.S.

The rulemaking hearing will be conducted in accordance with §§ 24-4-103 and 25-7-110, 25-7-110.5 and 25-7-110.8 C.R.S., as applicable and amended, the Commission's Procedural Rules, all other applicable rules and regulations, 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 16th day of May 2024 at Denver, Colorado

Colorado Air Quality Control Commission



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Jojo La, Administrator