



Notice of Meeting and Agenda

May 15-16, 2024

**Colorado Department of Public Health & Environment
4300 Cherry Creek Drive South, Sabin/Cleere Conference Room
Denver, Colorado**

ZOOM REGISTRATION AND PUBLIC COMMENT SIGN UP: [May 15-16, 2024 Meeting](#)

Once public comment registration is full for the allotted time, a random selection process may be conducted. If it has not filled for the allotted time, the public sign up will be closed the morning of the meeting. All participants will be notified of their confirmation to speak.

Information for Public Comment and Participation can be found at:

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

Public Participation and Hearing Guidance: <https://cdphe.colorado.gov/aqcc-public-participation-and-hearing-guidance>

The public is encouraged to provide written public comments on any air quality related item of your choosing to the Commission's email address at: cdphe.aqcc-comments@state.co.us

This meeting of the Air Quality Control Commission will be held in a hybrid fashion both in-person and via Zoom. Parties to rulemaking hearings are encouraged to participate in-person. **Note that the public comment session on May 15 will be held online-only with no in person public comment.** This meeting will be recorded.

Commission meetings start promptly at 9:00 a.m., unless otherwise specified. The Commission usually works through each agenda item in order. The Commission may estimate the time each agenda item might start during each meeting and may list the estimated time on the agenda. Times are identified as a courtesy to Commissioners and the public. However, the Commission may hear an agenda item out of order or at a time other than the time listed on the agenda if that is necessary for the efficient management of the Commission's business, at the discretion of the Chair. If you have any questions about the agenda, please contact the Commission office. All documents associated with this meeting can be found on the Commission website at: <https://cdphe.colorado.gov/aqcc>

May 15 | 4:30 p.m. (Virtual via Zoom)

4:30 **Call to Order:** Determination of a Quorum

4:35 RULEMAKING HEARING (THIS FORMALLY BEGINS THE HEARING PROCESS)

1. Public Comment Session

At this time, the public is invited to provide oral public comment on **the rulemaking hearing and on any air pollution issue of their choosing, whether it is on the agenda or not.** The Commission may not take action on issues discussed during this general public comment period; such matters may be scheduled for further discussion or action at a later date. Public comment will also be accepted during this time on Regulation Number 3 to address changes EPA made to the corresponding provisions in 40 CFR Part 70 removing the emergency affirmative defense provisions. Spoken comments provided during this time and written comments submitted in advance will be incorporated into the rulemaking record. **The public comment session may end early if all commenters that are registered and in attendance before 6:30 have had an opportunity to speak prior to 7:30.**

Adjourn

May 16 | 9:00 a.m. (Hybrid - In Person & Virtual via Zoom)

9:00 **Call to Order:** Determination of a Quorum

CONSENT AGENDA

The Commission will vote on Agenda Items 2 thru 5 as part of the Consent Agenda. Adoption of the Consent Agenda allows the Commission to consolidate voting on agenda items that do not need to be discussed individually and which presentation of additional information is not required or necessary.

APPROVAL OF MINUTES

2. April 18, 2024 Meeting Minutes

Approval of the April 18, 2024 meeting minutes of the Commission.

WRITTEN COMMENT RULEMAKING HEARINGS

3. Regulation Number 6, Part A

To consider revisions to Regulation Number 6, Part A (NSPS) to incorporate by reference changes the EPA made to its New Source Performance Standards and/or Emission Guidelines.

4. Regulation Number 8, Parts A & E

To consider revisions Regulation Number 8, Parts A and E (MACT Standards) to incorporate by reference changes the EPA made to its National Emission Standards for Hazardous Air Pollutants rules.

REQUEST PUBLIC HEARING

5. Regulation Number 9: US Fish and Wildlife Service

To set a hearing to consider revisions to its significant user prescribed fire planning renewal document.

REGULAR AGENDA

9:05 REQUEST RULEMAKING HEARING (AUGUST 2024)

6. Carbon Monoxide Attainment Revisions

As a result of demonstrating 20-years of continued attainment of the Carbon Monoxide (CO) National Ambient Air Quality Standards (NAAQS) in Colorado's maintenance areas (Colorado Springs, Denver Metro, Fort Collins, Greeley, and Longmont), the Division will request that the Commission set a hearing to consider revisions to the CO maintenance plans, the Air Quality Standards, Designations and Emission Budgets, Regulation Number 1, and Regulation Number 4. The proposal may evaluate potential revisions to remove federal enforceability, where no longer necessary.

9:30 BRIEFINGS, DISCUSSIONS AND REPORTS

7. Commissioner Informational Items

Commissioners are invited to discuss activities that they have participated in over the past month and any issues relevant to Commission business.

8. 2024 Legislative Session Update

The Division will provide an overview on the 2024 legislative session and how it may impact the Division and Commission.

9. Division Director's Report - Michael Ogletree

- Review monthly activities report

10. Attorney General's Report - Robyn Wille

- Update on legal issues and recent court actions

11. Administrator's Report - Jojo La

- Review draft June retreat agenda

10:30 CONTINUATION OF RULEMAKING HEARING

Regulation Number 3

To address changes EPA made to the corresponding provisions in 40 CFR Part 70 removing the emergency affirmative defense provisions

1:00 **RECOGNITION OF FORMER COMMISSIONERS**

Chair Jones will recognize former Commissioner Tony Gerber for his service to the State of Colorado.

Adjourn

ANNOUNCEMENTS

Next Executive Committee Meeting: May 23, 2024 at 9:00 a.m.

This meeting will be held remotely via a conference call only. If members of the public would like to listen in on the call, please contact the Commission Office via email at cdphe.aqcc-comments@state.co.us at least 24 hours in advance of the meeting. Please note that public comment is not accepted at executive committee meetings.