

# STATE OF COLORADO

## EXECUTIVE CHAMBERS

136 State Capitol  
Denver, Colorado 80203-1792  
Phone (303) 866-2471



Bill Owens  
Governor

April 12, 2004

Mr. Robert Roberts  
Regional Administrator  
US EPA Region VIII  
999 18<sup>th</sup> Street, Suite 500  
Denver, Colorado 80202

**RECEIVED**

APR 14 2004

Dear Mr. Roberts:

**USEPA RA'S OFFICE**

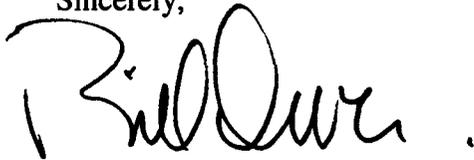
The following actions are submitted to EPA for final approval and incorporation into the Colorado State Implementation Plan or withdraw from further consideration by EPA. Two copies of the materials needed for your review of each action are included with this letter.

- Long Term Strategy of the Visibility Protection Plan
- Regulation Number 3: Air Contaminant Emission Notices, regarding a revision of the adoption by reference language.
- Regulation Number 1: Emission Controls for Particulates, Smoke, Carbon Monoxide and Sulfur Oxides, regarding a technical correction to the Denver PM10 area classification.
- Denver Carbon Monoxide Maintenance Plan and Ambient Air Quality Standards Regulation, regarding the adoption of new mobile source emissions budget.
- Regulation Number 11: Motor Vehicle Emissions Testing Program, regarding the adoption of specific state statutory revisions into the rules.
- Regulation Number 7: Emissions of Volatile Organic Compounds, regarding withdrawal of two previously submitted revisions pertaining to the 1-hour ozone standard
- Colorado Springs Carbon Monoxide Maintenance Plan and Ambient Air Quality Standards Regulation, regarding the adoption of a new mobile source emissions budget.
- Longmont Carbon Monoxide Maintenance Plan, Ambient Air Quality Standards Regulation, regarding the adoption of a new mobile source emissions budget.
- Regulation Number 5: Generic Emissions Trading Program, regarding withdrawal of a previously submitted program for incorporation into the SIP
- Regulation Number 11: Motor Vehicle Emissions Inspection Program, regarding repeal of more stringent vehicle emission limitations.

Mr. Robert Roberts  
April 12, 2004  
Page 2

We look forward to your timely review and approval of this request. Any additional technical support documentation or information that you may need for review may be submitted directly to the EPA by the Office of the Colorado Air Quality Control Commission. Should there be any questions regarding these materials, please contact Mr. Doug Lempke at the Commission Office at 303-692-3478.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Owens". The signature is stylized with a large, looped "B" and "O".

Bill Owens

cc: without attachments  
Doug Benevento, Executive Director  
Howard Roitman, CDPHE, Environmental Programs Director  
Doug Lempke, Air Quality Control Commission Administrator

## ADMINISTRATIVE MATERIALS

Two copies of the following administrative materials are included in this submittal of revisions to The Longmont Carbon Monoxide Maintenance Plan including revisions to the Ambient Standards Regulation. Hearing held on December 18, 2003.

- Hearing Notice as published in the CCR
- Agenda
- Agenda Item Control Sheets (and attachments)
- Parties, EPA and Public Comments
- Statement of Basis, Specific Statutory Authority and Purpose for each regulation
- Opinion of the Attorney General for each regulation
- Regulations as published in the CCR
- Notice of Final Adoption
- Maintenance Plan

**HEARING NOTICE AS PUBLISHED**  
**IN THE CCR**

6295

# STATE OF COLORADO

Bill Owens, Governor  
Douglas H. Benevento, Executive Director

RECEIVED

SEP 26 2003



COLORADO AIR QUALITY CONTROL COMMISSION  
<http://www.cdphe.state.co.us>

OED-OLRA-A5  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530  
Phone (303) 692-3100  
Fax (303) 691-7702  
TDD (303) 691-7700

ELECTIONS/LICENSING  
SECRETARY OF STATE

-9 20 AM

Colorado Department  
of Public Health  
and Environment

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

**Regarding the proposed revisions to:  
The Longmont Carbon Monoxide Maintenance Plan including revisions to the  
Ambient Standards Regulation**

**SUBJECT:**

The Commission will consider proposed revisions to the EPA-approved maintenance plan developed with the MOBILE6 emissions model. The proposal will revise the mobile source emission budgets contained in the Ambient Standards Regulation.

**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 is available in the Commission Office. A regulatory analysis (if 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: December 18, 2003  
TIME: 9:00 a.m.  
PLACE: Colorado Department of public Health and Environment  
Sabin Room  
4300 Cherry Creek Drive South  
Denver, CO

The Commission shall deliberate upon the evidence; testimony and written submissions presented at this hearing, as well as any related matters properly submitted before the hearing record is closed.

*The hearing may be continued at such places and time as the Commission may announce.*

**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 submissions prior to the hearing are requested to allow review prior to presentation at the hearing. Written submission 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 Commission's Procedural Rules is necessary. An original and three (3) copies of a written petition for party status must be filed with the Office of the Air Quality Control Commission no later than 5:00 p.m. **October 21, 2003**. The petition must: *1) identify the applicant; 2) provide the name, address, and telephone and facsimile numbers of the applicant's 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.* Copies of the petition for party status 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.

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 twenty (20) copies of the initial alternative proposed rule and all other associated documents as required by the Commissions procedural rules and must be filed with the Office of the Commission by the date specified for party status requests. Initial alternative rules must also be filed with the Division staff person and with the Assistant Attorneys General.

Air Quality Control Commission  
OED-OPPI-A5  
4300 Cherry Creek Dr S  
Denver, CO 80246-1530

Mike Silverstein  
APCD-PP-B1  
4300 Cherry Creek Dr S  
Denver, CO 80246-1530

Casey Shpall & Frank Johnson  
Attorney General's Office  
1525 Sherman St, 5<sup>th</sup> Floor  
Denver, CO 80203

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 Commissions procedural rules.

STATUS CONFERENCE

A status conference will be held **October 28, 2003**, at 2:00 pm if necessary 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:

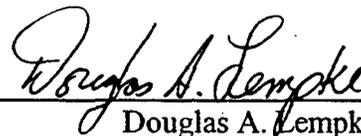
Attendance at the prehearing conference is also mandatory for all parties to this hearing. A prehearing conference will be held if necessary on **November 21, 2003** at 2:00 pm in the Commission Offices at 4300 Cherry Creek Drive South, Denver. All parties must submit an original and twenty (20) copies of a prehearing statement to the Commission Office by 5:00 p.m., **November 14, 2003**. In addition, copies of these documents must be mailed or hand-delivered by that date to all persons who have requested party status. A copy of the prehearing statement must also be delivered to the Division point of contact, and the Assistant Attorneys General identified above by 5:00 p.m. **November 14, 2003**. The Division point of contact for this rulemaking hearing is **Mike Silverstein**. Any revisions to the prehearing statement must be submitted with an original and twenty (20) copies to the Administrator of the Commission at the prehearing conference. Any exhibit included in the prehearing statements will be mailed to individual Commissioners for review prior to the hearing, provided the party files twenty (20) copies of such exhibit. Rebuttals to the prehearing statement may be submitted to the Commission office and all other parties by 5:00 p.m., **December 1, 2003**.

STATUTORY AUTHORITY FOR THE COMMISSION'S ACTIONS:

The rule-making authority of the Commission can be found in sections 25-7-105, 106, 107, and 109 C.R.S., as amended. The rule-making hearing will be conducted in accord 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 September 2003 at Denver, Colorado

COLORADO AIR QUALITY CONTROL COMMISSION



\_\_\_\_\_  
Douglas A. Lempke, Administrator

**Attachment A**

**Proposed Revisions to the  
"Ambient Air Quality Standards" Regulation**

The regulatory flexibility associated with the changes to the Ambient Air Quality Standards regulation was maximized as the margin of safety was assigned to the mobile sources emissions budgets. The margin of safety is calculated by subtracting 2010 and 2015 total emissions from the 1993 total emissions, and the difference is assigned to the 2010 and 2015 mobile sources emissions, thus determining the mobile source emissions budgets.

The no-action alternative to the rules would result in the current MOBILE5b-based emission budget being utilized in future conformity determination where mobile source emissions are determined using the MOBILE6 model. The basic I/M program would also remain part of the federal SIP.

#### **JUSTIFICATION FOR DIFFERING FROM FEDERAL REQUIREMENTS**

The proposed rules meet all requirements applicable to the area as required by federal regulation and the Clean Air Act. EPA policy and regulation allow states to define their own parameters in attaining and maintaining the CO NAAQS, with a case-by-case approval by EPA. The proposed rules do not differ from or exceed the federal requirements.

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

Carbon Monoxide		
Area	Classification	Boundary
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 attached map.
Fort Collins	Attainment/Maintenance (EFFECTIVE 9/22/03)	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/Hoover 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.

\*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.

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\*Nonattainment Areas

Steamboat Springs (Modeling Area)	<u>PM<sub>10</sub></u> 2015 and Beyond: 21,773 lbs./day
Telluride (Modeling Area)	<u>PM<sub>10</sub></u> 2012 and Beyond: 10,001 lbs./day
Longmont ATTAINMENT MAINTENANCE AREA	<u>Carbon Monoxide</u> <del>1998 and Beyond: 27 tons/day</del> 2010 THROUGH 2014: 41 TONS/DAY 2015 AND BEYOND: 41 TONS/DAY
Colorado Springs ATTAINMENT MAINTENANCE AREA	<u>Carbon Monoxide</u> 2010 THROUGH 2014: 505 TONS/DAY 2015 AND BEYOND: 497 TONS/DAY <del>2001 and Beyond: 270 tons/day</del>
Ft. Collins	<u>Carbon Monoxide</u> 2005 through 2009: 99 tons/day 2010 through 2014: 98 tons/day 2015 and Beyond: 94 tons/day
Greeley Area	<u>Carbon Monoxide</u> 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 PM<sub>10</sub> applies to total primary PM<sub>10</sub> emissions, including emissions from tailpipe exhaust, unpaved roads (except for the Denver PM<sub>10</sub> 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 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 1,520 tons per day budget takes effect pursuant to this section and 40 CFR 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 Reserved**

**THE 505 TONS PER DAY (2010 – 2014) AND THE 497 TONS PER DAY (2015 AND BEYOND) CARBON MONOXIDE EMISSION BUDGETS ESTABLISHED IN SECTION V.A.1. SHALL TAKE EFFECT AS A MATTER OF STATE LAW WHEN SUCH BUDGETS TAKES EFFECT AS A MATTER OF FEDERAL LAW PURSUANT TO 40 CFR SECTION 93.118. UNTIL SUCH TIME AS THE 505 AND 497 TONS PER DAY BUDGETS TAKE EFFECT PURSUANT TO THIS SECTION AND 40 CFR 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 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 16,244 pounds-per-day budget takes effect pursuant to this section and 40 CFR 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

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 commission's regulation does not allocate the entire safety margin to mobile sources, as authorized by federal regulations. Instead, the commission 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 commission adopts this change under its general authority to promulgate and adopt a state implementation plan, as set out in section 25-7-105(1)(a), C.R.S.

#### Findings pursuant to 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.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'S REGULATION ALLOCATES THE ENTIRE SAFETY MARGIN TO MOBILE SOURCES, AS AUTHORIZED BY FEDERAL REGULATIONS.**

**STATUTORY AUTHORITY**

**THE COMMISSION ADOPTS THIS CHANGE UNDER ITS GENERAL AUTHORITY TO PROMULGATE AND ADOPT A STATE IMPLEMENTATION PLAN, AS SET OUT IN SECTION 25-7-105(1)(A), C.R.S.**

**FINDINGS PURSUANT TO 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.**

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#### FEDERAL REQUIREMENTS

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

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# **AGENDA**

# STATE OF COLORADO

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Bill Owens, Governor  
Douglas H. Benevento, Executive Director  
**COLORADO AIR QUALITY CONTROL COMMISSION**  
<http://www.cdphe.state.co.us>

4300 Cherry Creek Drive South  
OED-OLRA-A5  
Denver, Colorado 80246-1530  
Phone (303) 692-3100  
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Colorado Department  
of Public Health  
and Environment

## Notice of Meeting and Agenda Air Quality Control Commission

December 18, 2003

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

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**Notes:** *A specific amount of time is provided for presentation and discussion on each of the agenda items. This time allotment is approximated only and may be changed or modified without notice at the discretion of the Commission.*

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**8:30 a.m.**

<b>Call to Order:</b>	Determination of a Quorum
<b>Agenda Review:</b>	The Commission will review the agenda, noting any changes or additions to the agenda since publication.
<b>Approval of Minutes:</b>	Review/Approval of the November 2003 meeting minutes of the Air Quality Control Commission.

**1. Public Comment**

The public is invited to comment on any air pollution issue not on the agenda. The Commission will not take action on issues discussed under this agenda item today; however, items may be scheduled for further discussion or action.

**REQUEST FOR RULEMAKING HEARING-MARCH 11, 2003**

**2. Ozone Early Action Compact**

The Denver Regional Air Quality Council will request that the Commission consider a proposal to adopt the Ozone Action Plan for the Denver metropolitan area pursuant to the requirements of the Ozone Early Action Compact. The proposal contains a revision to the state implementation for the Denver metropolitan area that will demonstrate long-term compliance with the eight-hour national ozone standard. The Commission will consider making revisions to the provisions of the Common Provisions Regulation, Regulation Number 1, Regulation Number 3 and Regulation Number 11.

**REQUEST FOR PUBLIC HEARING-JANUARY 15, 2003**

**3. Prescribed Fire Planning Document-U.S. Fish & Wildlife Service**

The Division will request that the Commission hold a public hearing on January 15, 2004 to review the prescribed fire, planning document submitted by the U.S. Fish & Wildlife Service.

**MOTIONS**

**4. Motion to Vacate Regulation Number 11 Rulemaking Hearing**

(5 minutes presentation, 10 minutes discussion)

The Division is requesting the cancellation of a rulemaking hearing currently scheduled for February 19, 2004. The rulemaking hearing was proposed by the Division and would provide the Commission the opportunity to consider the repeal of the automobile inspection and maintenance program in Larimer and Weld Counties.

**WRITTEN COMMENT ONLY RULEMAKING HEARING**

**5. Revisions to Regulation Number 8, Part E. MACT Standards**

The Commission will consider a proposal to adopt changes that have been made to the federal MACT standards over the course of the past several months.

**RULEMAKING HEARINGS**

**6. Colorado Springs Carbon Monoxide Maintenance Plan**

(15 minute presentation, 15 minutes discussion)

The Division will present a proposed revision to the EPA-approved maintenance plan developed with MOBILE6. The proposal will include the removal of the basic I/M program from the SIP in the Colorado Springs area and retaining the program as a “state only” program. The proposal also sets forth revised emission budgets for mobile sources.

**7. Longmont Carbon Monoxide Maintenance Plan**

(10 minutes presentation, 10 minutes discussion)

The Division will present a proposal to revise the EPA approved maintenance plan developed using the MOBILE6 model. This proposal will revise the mobile source emission budgets contained in the Ambient Standards Regulation.

**8. Revisions to Regulation Number 11: Vehicle Emissions Inspection Program**

(10 minutes presentation, 10 minutes discussion)

The Commission will consider a proposal to revise the implementation schedule of new vehicle emission limitations established in the regulation using MOBILE5b model for 1996 and newer model year vehicles. The Division has proposed waiting until the analysis of the program is conducted under the MOBILE6 model to make further emission “cut point” modifications.

**9. Regulation Number 8, Part B, Asbestos**

(10 minutes presentation, 10 minutes discussion)

The Commission will consider a proposal to revise provisions of the rule regarding 1)Single Family Residential Dwelling Opt-Out Notice, 2)Roofing Materials and 3)Typographical Errors.

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

(15 minutes presentation, 20 minutes discussion)

The Commission will consider a proposal to implement the provisions of 2003 House Bill 1015 that repeals Part B; Permit Fee Credit Program, of the rule in its entirety. The Commission will also consider the removal of Part A; Emissions Trading, of the rule from the State Implementation Plan and its retention as a “state only” program not in affect. The Commission will not consider making revisions to the language of Part A at this time, but plans to revisit this rule at a later date.

**BRIEFINGS, REPORTS AND COMMISSION DISCUSSIONS**

**11. Remote Sensing Program Implementation/High Emitter Program Critical Path**

(30 minutes presentation, 30 minutes discussion)

The Division will brief the Commission on the implementation of the Clean Screen Program in the Denver area and will discuss with the Commission the feasibility and steps necessary to move the program to a high emitter identification and repair program.

**12. Commissioner Informational Items**

(10 minutes discussion)

- Commissioners will discuss among themselves activities that they have participated in over the past month that they believe other Commissioners and/or members of the public may be interested in hearing about.

**13. Division Director’s Report – Margie Perkins**

(5 minutes presentation, 10 minutes discussion)

- Monthly activities report

**14. Attorney General's Report – Casey Shpall**  
(5 minutes presentation, 5 minutes discussion)

- Litigation Updates

**15. Administrator's Report – Doug Lempke**  
(10 minutes presentation, 10 minutes discussion)

- January Commission Meeting Agenda

Meeting adjourned.

**AGENDA ITEM CONTROL  
SHEET**

**COLORADO AIR QUALITY CONTROL COMMISSION  
AGENDA ITEM CONTROL SHEET**

Item Title Revisions to the Longmont Carbon Monoxide Maintenance Plan to Revise the Carbon Monoxide Emission Budget

Meeting date December 18, 2003

TYPES OF ACTION		
<b>NON-HEARING ACTIONS</b>	<b>REQUEST FOR HEARING</b>	<b>HEARING</b>
<input type="checkbox"/> Administrative	<input type="checkbox"/> Public Rulemaking	<input checked="" type="checkbox"/> Public Rulemaking
<input type="checkbox"/> Briefing	<input type="checkbox"/> Informational	<input type="checkbox"/> Informational
<input type="checkbox"/> Policy		
<input type="checkbox"/> Area Designations		
<hr/>		
<b>RECOMMENDED ACTION</b>		
<input type="checkbox"/> Adoption	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Denial
<hr/>		
<b>MOTION</b>		
<input checked="" type="checkbox"/> Required	<input type="checkbox"/> Attached	<input type="checkbox"/> Not applicable
<hr/>		
<b>STATUTORY AUTHORITY</b>		
General <u>25-7-105</u>	Specific <u>25-7-105.1, -106</u>	
<hr/>		
<b>EPA SUBMITTAL</b>		
Is this issue considered a SIP revision?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Which SIP?	<u>Longmont Carbon Monoxide SIP Element</u>	
Date of EPA submission deadline:	<u>None</u>	

ISSUE STATEMENT:

In 1997, the Air Quality Control Commission (AQCC) approved a carbon monoxide (CO) redesignation request and maintenance plan for the Longmont area. This plan was based on the mobile source emissions estimating model, MOBILE5b. In 2002, the EPA released a new mobile source emissions estimating model, MOBILE6, and MOBILE6's estimates significantly higher carbon monoxide emissions the for present day and future years. Because of this increase, the carbon monoxide emission budget established in the 1997 plan will be inadequate for use in future transportation conformity determinations.

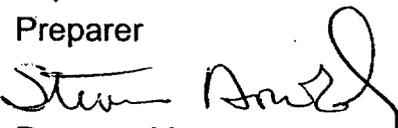
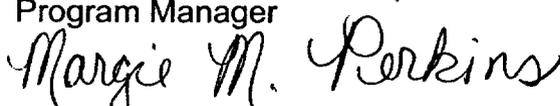
EPA guidance allows for a relatively simple fix to the emission budget, and this proposed plan revision updates the on-road mobile source emission inventories for the years 1993, 2005, 2006, 2010 and 2015, re-affirms the demonstration of long-term attainment of the CO standards, and revises the mobile source emission budget. It is requested that the available "margin of safety" be allocated to the 2010-2014 and the 2015 and beyond mobile source emission budgets. Allocating the margin of safety increases the allowable cap on CO emissions from mobile sources in order to accommodate even more growth or to accommodate revised modeling tools that automatically increase projected CO emissions. The current control measures are not being revised at this time.

The final draft Technical Support Document for the revised maintenance plan can be found on the web page for the Division's Technical Services Program.

ATTACHMENTS:

1. Proposed revisions to the Longmont Area Carbon Monoxide Maintenance Plan
2. Proposed revisions to the Ambient Air Quality Standards regulation, the Statement of Basis, Specific Statutory Authority, and Purpose, and the final economic impact analysis

SIGNATURES:

1.		12/2/03
	Preparer	Date
2.		2/2/03
	Program Manager	Date
3.		12/2/03
	Division Director	Date

# *Revised Carbon Monoxide Maintenance Plan for the Longmont Attainment/ Maintenance Area*

Revisions to the Maintenance Plan adopted by:

*The Colorado Air Quality Control Commission, December 18, 2003*

*The City of Longmont Board of Environmental Affairs, December , 2003*

Redesignation Request and Maintenance Plan originally adopted by:

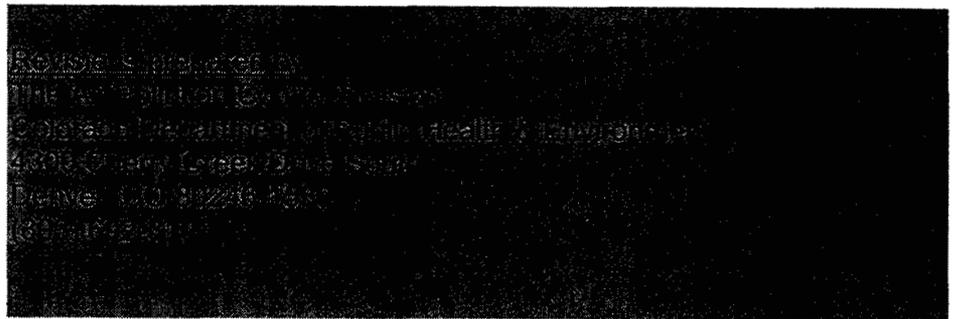
*The Colorado Air Quality Control Commission, December 18, 1997*

Original Redesignation Request and Maintenance Plan approved by:

*The U.S. Environmental Protection Agency, September 24, 1999*



Colorado Department  
of Public Health  
and Environment



## **1. Background**

The Environmental Protection Agency (EPA) approved a carbon monoxide (CO) redesignation request and maintenance plan for the Longmont area on September 24, 1999 (64 FR 51694), which became effective on November 23, 1999. The Longmont redesignation request and maintenance plan, which was adopted by the Colorado Air Quality Control Commission (AQCC) on December 18, 1996, established an attainment year of 1993, provided for the continuation of the enhanced inspection and maintenance program and the oxygenated gasoline program in the Longmont area, established a carbon monoxide emission budget of 27 tons per day for mobile sources (to be utilized in transportation conformity determinations), and established a contingency plan in the event a violation of the carbon monoxide National Ambient Air Quality Standards (NAAQS) was measured. The 27 tons per day emission budget was not approved by EPA due to a calculation error, and EPA established a default budget of 16.76 tons per day when the maintenance plan was approved in the Federal Register.

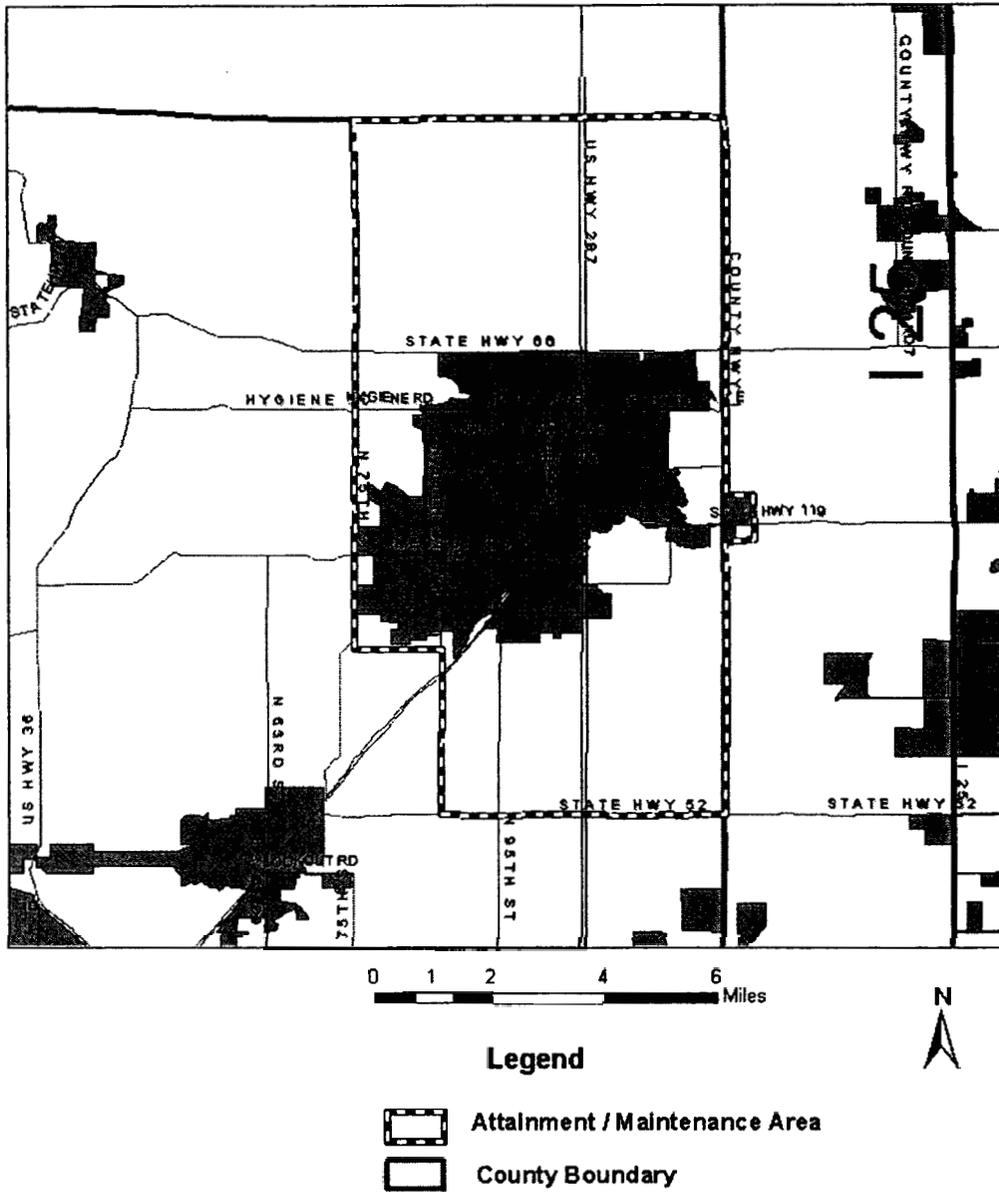
This revision to the maintenance plan updates the emissions inventories using the latest EPA-approved tools (including the MOBILE6 on-road mobile sources emissions model) and revises the CO emission budget from 16.76 to 41 tons per day for the years 2010 through 2014 and for 2015 and beyond. The control measures are not being revised with this amended maintenance plan.

## **2. Emission Inventories and Maintenance Demonstration**

The area shown in Figure 1 below represents the boundaries of the Longmont attainment maintenance area and the modeling domain used to determine the emission inventories. The emission inventories for the 1993 attainment year, the 2005, 2006 and 2010 interim years, and the 2015 maintenance year are presented in Table 1. Each inventory accounts for the emission control programs effective during that period. As shown, emissions for all future years are less than emissions for the 1993 attainment year. Therefore, maintenance of the CO NAAQS is demonstrated.

The inventories provide emissions estimates for a weekday during the winter CO season (November through February). The modeling domain consists of the Longmont attainment/maintenance area, which encompasses the City of Longmont and surrounding communities. The inventories were developed using EPA-approved emissions modeling methods, including the MOBILE6 emissions model and the latest transportation and demographic data from the Denver Regional Council of Governments (DRCOG). The technical support document for this maintenance plan contains detailed information on model assumptions and parameters for each source category corresponding to each inventory year. The technical support document for this maintenance plan describes in detail the assumptions and methodologies used for all modeling work.

**Figure 1. Longmont Carbon Monoxide Attainment/Maintenance Area**



Map created by the APCD Technical Services Program.  
Colorado Department of Public Health and Environment

**Table 1.**

**1993-2015 Longmont Attainment/Maintenance Area  
Carbon Monoxide Emission Inventories (tons/day)**

<b>Source Category</b>	<b>1993</b>	<b>2005</b>	<b>2006</b>	<b>2010</b>	<b>2015</b>
Aircraft	0.50	0.53	0.54	0.55	0.56
Residential Heating	0.11	0.14	0.14	0.15	0.16
Commercial Heating	0.04	0.04	0.05	0.05	0.05
Commercial Non-road	2.50	3.64	3.73	4.11	4.58
Construction Non-road	0.63	0.58	0.58	0.56	0.54
Industrial Non-road	1.53	1.50	1.50	1.49	1.48
Commercial Lawn & Garden	1.17	1.36	1.38	1.45	1.53
Residential Lawn & Garden	0.21	0.24	0.24	0.25	0.26
Agricultural Non-road	0.00	0.00	0.00	0.00	0.00
Wood Burning	2.54	1.74	1.67	1.40	1.07
Railroad Non-road	0.01	0.01	0.01	0.01	0.01
Railroad Locomotives	0.03	0.05	0.05	0.05	0.06
Point Sources	0.18	0.12	0.12	0.09	0.07
<b>Subtotal</b>	<b>9.45</b>	<b>9.95</b>	<b>10.01</b>	<b>10.16</b>	<b>10.37</b>
On-Road Mobile	43.26	33.97	35.32	28.01	25.99
<b>TOTAL</b>	<b>52.71</b>	<b>43.92</b>	<b>45.33</b>	<b>38.17</b>	<b>36.36</b>

Note: Results are reported with two decimal place precision to provide representation of smaller source categories. This level of precision is not intended to suggest a level of accuracy.

**3. Enforceable Control Measures for the Maintenance Period**

- AQCC Regulation No. 11, Inspection/Maintenance
- AQCC Regulation No. 13, Oxygenated Gasoline
- Federal Motor Vehicle Emissions Control tailpipe standards and regulations, including those for small engines and non-road mobile sources. Credit is taken for these federal requirements, but they are part of a federally administered program and not a state commitment of the Colorado SIP.
- AQCC Regulation No. 3, Air Contaminant Emission Notice
- AQCC Regulation No. 4, Wood Stove Standards

- AQCC Regulation Number 6, Standards of Performance for New Stationary Sources
- AQCC Common Provisions Rule

The Common Provisions and Regulation No. 6 delineate industrial source control programs. The Common Provisions, and Parts A and B of Regulation No. 3, are already included in the approved Colorado SIP. Regulation No. 6 and Part C of Regulation No. 3 implement the federal standards of performance for new stationary sources and the federal operating permit program. The revised Longmont maintenance plan makes no changes to these regulations.

#### 4. **Transportation Conformity and Mobile Source Carbon Monoxide Emissions Budgets**

The transportation conformity provisions of Section 176(c)(2)(A) of the CAA require regional transportation plans and programs to show that emissions expected from implementation of plans and programs are consistent with estimates of emissions from motor vehicles and necessary emissions reductions contained in the applicable state implementation plan. The establishment of mobile source emission budgets in this maintenance plan assures that transportation plans and their resulting emissions will conform with the emission projections and the demonstration of long-term maintenance of the CO NAAQS documented in this maintenance plan.

The Longmont attainment/maintenance area mobile source emission budgets are **41 tons/day for 2010 through 2014 and 41 tons/day for 2015 and beyond**. These budgets were derived by taking the difference between the base year (1993) total emissions and the 2010 and 2015 total emissions, then subtracting one ton. This difference is the “safety margin”, and the safety margin is added to the 2010 and 2015 mobile sources emissions to determine the budget.

2010-2014:  $52.71 - 38.17 = 14.54$  tons  
 $14.54 - 1 = 13.54$  tons (safety margin)  
 $13.54 + 28.01 = 41.55$  or **41 tons/day emission budget**

2015 and beyond:  $52.71 - 36.36 = 16.35$  tons  
 $16.35 - 1 = 15.35$  tons (safety margin)  
 $15.35 + 25.99 = 41.34$  or **41 tons/day emission budget**

These budgets allow for flexibility for mobile source growth beyond projected levels for future years.

Typically, emission budgets are the level of mobile source emissions in future years. For Longmont, the budget could have been 25.99 tons per year for 2015 and beyond. The City of Longmont and DRCOG have elected to add the margin of safety to the budget in order to maximize the flexibility for determining conformity in future years.

## **5. Monitoring Network / Verification of Continued Attainment**

The APCD will continue to operate an appropriate air quality monitoring network in accordance with 40 CFR Part 58 to verify the continued attainment of the CO NAAQS. If measured mobile source parameters (e.g., vehicle miles traveled, congestion, fleet mix, etc.) change significantly over time, the APCD will perform the appropriate studies to determine whether additional and/or re-sited monitors are necessary. Annual review of the NAMS/SLAMS air quality surveillance system will be conducted in accordance with 40 CFR 58.20(d) to determine whether additional and/or re-sited monitors are necessary. Annual review of the NAMS/SLAMS air quality surveillance system will be conducted in accordance with 40 CFR 58.20(d) to determine whether the system continues to meet the monitoring objectives presented in Appendix D of 40 CFR Part 58.

## **6. Contingency Plan**

Section 175A(d) of the CAA requires that the maintenance plan contain contingency provisions to assure that the State will promptly correct any violation of the CO NAAQS which occurs in the Longmont attainment/maintenance area. The contingency plan must ensure that the contingency measures are adopted expeditiously once the need is triggered. The primary elements of the contingency plan involve the tracking and triggering mechanisms to determine when contingency measures are needed and a process for implementing appropriate control measures.

### **A. Tracking**

The tracking plan for the Longmont area consists of continuous carbon monoxide monitoring and analysis of CO concentrations by the APCD. The APCD will notify the EPA, the AQCC, DRCOG and the City of Longmont of any exceedance of the CO standard within 30 days of occurrence. The ongoing regional transportation planning process carried out by DRCOG in coordination with the Colorado Department of Transportation (CDOT), the APCD, the AQCC, and the EPA, will serve as another means of tracking mobile source CO emissions into the future. Since revisions to the regions' transportation improvement programs are prepared every two years, which must go through a transportation conformity determination, a process is in place to periodically review the vehicle miles traveled (VMT) and mobile source emissions of CO presented in this maintenance plan.

## **B. Triggering and Response**

Triggering of the contingency plan does not automatically require a revision of the SIP, nor is the area necessarily redesignated once again to nonattainment. Instead, the State will have an appropriate time-frame to correct a violation by implementing one or more adopted contingency measures. In the event that violations continue to occur after contingency measures have been implemented, additional contingency measures will be implemented until the violations are corrected.

An exceedance of the CO NAAQS (any value over 9.5 ppm) may trigger a voluntary, local process by DRCOG, the City of Longmont and APCD to identify and evaluate potential contingency measures. However, the only federally enforceable trigger for mandatory implementation of contingency measures shall be a violation of the CO NAAQS. Specifically, this would be a second value of 9.5 ppm or higher at the same monitor during any calendar year.

The State will move forward with mandatory implementation of contingency measures under the SIP if a violation of the CO NAAQS occurs. No more than 60 days after being notified by the APCD that a violation occurred, the City of Longmont and DRCOG, in conjunction with the APCD and the AQCC, will initiate a subcommittee process to begin evaluating potential contingency measures. The subcommittee will present recommendations within 120 days of notification, and the recommended contingency measures will be presented to the AQCC within 180 days of notification.

The AQCC will then hold a public hearing to consider the recommended contingency measures, along with any other contingency measures the AQCC believes may be appropriate to effectively address the violation. The necessary contingency measures will be adopted and implemented within one year after a violation occurs.

## **C. List of Potential Contingency Measures**

The City of Longmont, DRCOG and the APCD may choose one or more of the following measures to recommend to the AQCC for consideration. The measures are designed to bring the area quickly back into compliance with the CO NAAQS.

- An enhanced vehicle inspection and maintenance program as described in AQCC Regulation No. 11 prior to the modifications adopted by the AQCC on January 10, 2000.
- A 3.1% oxygenated gasoline program from November 8 through February 7, with 2.0% oxygen content required from November 1 through November 7.

In addition to these potential contingency measures, the State may evaluate other potential strategies in order to address any future violations in the most appropriate and effective manner possible.

## **7. Subsequent Maintenance Plan Revisions**

It is required that a maintenance plan revision be submitted to EPA eight years after the original redesignation request/maintenance plan is approved. The purpose of this revision is to provide for maintenance of the NAAQS for an additional ten years following the first ten-year period. The State of Colorado commits to submit a revised maintenance plan eight years after redesignation to attainment, as required by the CAA and EPA.

**FINAL ECONOMIC IMPACT ANALYSIS**  
Per C.R.S. 25-7-110.5

**Revisions to the "Ambient Air Quality Standards" Regulation**

December 2, 2003

The revisions to the Longmont metropolitan area carbon monoxide maintenance plan revise the carbon monoxide emission budget in the Ambient Air Quality Standards regulation. The rule changes should not result in an increase in costs to industry, the public or the Air Pollution Control Division.

The updated emission budgets do not impose direct costs on any party, but may affect the manner in which transportation funds are allocated and expended. The emission budgets apply to transportation agencies such as the Denver Regional Council of Governments and the Colorado Department of Transportation, but they do not impose any direct costs on these agencies. Rather than increasing costs, the emission budgets may change the mix of projects eligible for transportation dollars. The emission budgets established in the rule create the maximum flexibility allowed by assigning the "safety margin" to the mobile source emission budgets.

Steamboat Springs (Modeling Area)	<u>PM<sub>10</sub></u> 2015 and Beyond: 21,773 lbs./day
Telluride (Modeling Area)	<u>PM<sub>10</sub></u> 2012 and Beyond: 10,001 lbs./day
Longmont Attainment Maintenance Area	<u>Carbon Monoxide</u> 2010 through 2014: 41 tons/day 2015 and Beyond: 41 tons/day
Colorado Springs Attainment Maintenance Area	<u>Carbon Monoxide</u> 2010 and Beyond: 531 tons/day
Ft. Collins	<u>Carbon Monoxide</u> 2005 through 2009: 99 tons/day 2010 through 2014: 98 tons/day 2015 and Beyond: 94 tons/day
Greeley Area	<u>Carbon Monoxide</u> 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 PM<sub>10</sub> applies to total primary PM<sub>10</sub> emissions, including emissions from tailpipe exhaust, unpaved roads (except for the Denver PM<sub>10</sub> 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.

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 commission's regulation does not allocate the entire safety margin to mobile sources, as authorized by federal regulations. Instead, the commission 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 commission adopts this change under its general authority to promulgate and adopt a state implementation plan, as set out in section 25-7-105(1)(a), C.R.S.

#### Findings pursuant to 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.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's regulation allocates the entire safety margin to mobile sources, as authorized by federal regulations.

Statutory authority

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

Findings pursuant to 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.

**PARTIES, EPA AND PUBLIC  
COMMENTS**

REVISED:10/24/03

**COLORADO AIR QUALITY CONTROL COMMISSION  
PARTY STATUS LIST  
FOR THE PUBLIC RULEMAKING HEARING REGARDING PROPOSED  
REVISIONS TO:**

**The Longmont Carbon Monoxide Maintenance Plan  
Including revisions to the Ambient Standards Regulation**

**December 18, 2003**

**STAFF CONTACT: MIKE SILVERSTEIN**

<b>NAME</b>	<b>REPRESENTED BY/ADDRESS</b>	<b>TELEPHONE/FAX</b>
1. Denver Regional Council of Governments	Jeff May 4500 Cherry Creek Dr. S. Suite 800 Denver, CO 80246	303 480-6746 Fax 303 480-6746
<b><u>Attorney General's Office Representatives</u></b>		
Air Quality Control Commission	Casey Shpall Attorney General's Office 1525 Sherman St, 5th Floor Denver, CO 80203	(303) 866-5069 FAX: (303) 866-3558
Air Pollution Control Division	Frank Johnson Attorney General's Office 1525 Sherman St, 5th Floor Denver, CO 80203	(303) 866-5039 FAX: (303) 866-3558

**NOTE TO PARTIES:** Please send copies of all documents (prehearing statements, etc.) directly to the Commission and Division attorneys listed above.

Status Conference	October 28, 2003-1:00 p.m.	CDPHE
Prehearing Statements due	November 14, 2003	--
Prehearing Conference	November 21, 2003 1:00 p.m.	CDPHE
Rebuttal Statements due	December 1, 2003	--

## CERTIFICATE OF SERVICE

I do hereby certify that a true and exact copy of the Party Status List the upcoming Public Rulemaking Hearing regarding proposed revisions to the

**The Longmont Carbon Monoxide Maintenance Plan  
including revisions to the Ambient Standards Regulation**

was placed in the U.S. mail, postage prepaid to the following on the 23rd day of October, 2003

Jeff May  
4500 Cherry Creek Dr. S.  
Suite 800  
Denver, CO 80246

Casey Shpall  
Attorney General's Office  
1525 Sherman St, 5th Floor  
Denver, CO 80203

Frank Johnson  
Attorney General's Office  
1525 Sherman St, 5th Floor  
Denver, CO 80203

  
Marla Biberstine

**STATEMENT OF BASIS  
SPECIFIC STATUTORY AUTHORITY  
AND PURPOSE**

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 commission's regulation does not allocate the entire safety margin to mobile sources, as authorized by federal regulations. Instead, the commission 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 commission adopts this change under its general authority to promulgate and adopt a state implementation plan, as set out in section 25-7-105(1)(a), C.R.S.

Findings pursuant to 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.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's regulation allocates the entire safety margin to mobile sources, as authorized by federal regulations.

Statutory authority

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

Findings pursuant to 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.

**OPINION OF THE  
ATTORNEY GENERAL**



**KEN SALAZAR**  
Attorney General

**DONALD S. QUICK**  
Chief Deputy Attorney General

**ALAN J. GILBERT**  
Solicitor General

**STATE OF COLORADO**  
**DEPARTMENT OF LAW**

**OFFICE OF THE ATTORNEY GENERAL**

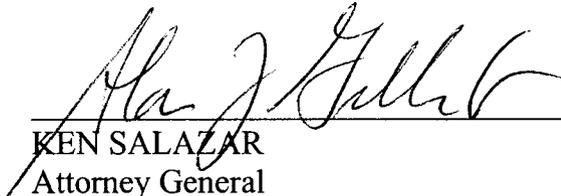
**STATE SERVICES BUILDING**  
1525 Sherman Street - 5th Floor  
Denver, Colorado 80203  
Phone (303) 866-4500  
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**OPINION OF THE ATTORNEY GENERAL RENDERED IN  
CONNECTION WITH THE RULES ADOPTED BY  
COLORADO AIR QUALITY CONTROL COMMISSION  
ON DECEMBER 18, 2003**

**CONCERNING AMBIENT AIR QUALITY STANDARDS  
[5 CCR 1001-14]**

The above-referenced rules were submitted to this office on December 18, 2003, as required by § 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

DATE: *December 24, 2003*

  
\_\_\_\_\_  
KEN SALAZAR  
Attorney General  
by ALAN J. GILBERT  
Solicitor General

**REGULATIONS AS PUBLISHED IN THE CCR**

Steamboat Springs (Modeling Area)	<u>PM<sub>10</sub></u> 2015 and Beyond: 21,773 lbs./day
Telluride (Modeling Area)	<u>PM<sub>10</sub></u> 2012 and Beyond: 10,001 lbs./day
Longmont Attainment/Maintenance Area	<u>Carbon Monoxide</u> 2010 through 2014: 41 tons/day 2015 and Beyond: 41 tons/day
Colorado Springs Attainment/Maintenance Area	<u>Carbon Monoxide</u> 2010 and Beyond: 531 tons/day
Ft. Collins Attainment/Maintenance Area	<u>Carbon Monoxide</u> 2005 through 2009: 99 tons/day 2010 through 2014: 98 tons/day 2015 and Beyond: 94 tons/day
Greeley Area Attainment/Maintenance Area	<u>Carbon Monoxide</u> 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 PM<sub>10</sub> applies to total primary PM<sub>10</sub> emissions, including emissions from tailpipe exhaust, unpaved roads (except for the Denver PM<sub>10</sub> 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 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 1,520 tons per day budget takes effect pursuant to this section and 40 CFR 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 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 531 tons per day budget takes effect pursuant to this section and 40 CFR 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 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 16,244 pounds-per-day budget takes effect pursuant to this section and 40 CFR 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

V.A.4.h. Lamar PM10

The 7,534 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 7,534 pounds-per-day budget takes effect pursuant to this section and 40 CFR 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 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 21,773 pounds-per-day budget takes effect pursuant to this section and 40 CFR 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 PM<sub>10</sub> Attainment/Maintenance Area

V.C.1. Geographic Coverage

The geographic coverage for the Denver PM<sub>10</sub> Motor Vehicle Emissions Budget is the modeling domain contained in the most recent revision to the Denver PM<sub>10</sub> 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.

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.

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

## 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 III 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 fees 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 through-out 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 is 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 may 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 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.

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

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.

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. PM<sub>10</sub>*

The Denver PM<sub>10</sub> 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 PM<sub>10</sub> 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 PM<sub>10</sub> emissions and emissions of PM<sub>10</sub> precursors. The Regional Air Quality Council proposed and the Air Quality Control Commission adopted a regional PM<sub>10</sub> 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 PM<sub>10</sub> Budget

The attainment demonstration for the Denver PM<sub>10</sub> SIP indicates that modeled concentrations approaching the federal PM<sub>10</sub> health and welfare standard are limited to a very small portion of the Denver region centered along the I-25 corridor generally between Broadway and I-70. The remainder of the region is

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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. 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 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, 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 commission's regulation does not allocate the entire safety margin to mobile sources, as authorized by federal regulations. Instead, the commission 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 commission adopts this change under its general authority to promulgate and adopt a state implementation plan, as set out in section 25-7-105(1)(a), C.R.S.

Findings pursuant to 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.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's regulation allocates the entire safety margin to mobile sources, as authorized by federal regulations.

Statutory authority

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

Findings pursuant to 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.

# **FINAL ADOPTION**

# STATE OF COLORADO

Bill Owens, Governor  
Douglas H. Benevento, Executive Director

## COLORADO AIR QUALITY CONTROL COMMISSION

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Colorado Department  
of Public Health  
and Environment

### NOTICE OF FINAL ADOPTION

PURSUANT to the provisions of sections 25-7-105(1), 105.1(4), and 133.5(4), C.R.S. (2004) of the Colorado Pollution Prevention and Control Act.

NOTICE IS HEREBY GIVEN that after a public rulemaking hearing on December 18, 2003, and in compliance with the requirements of sections 25-7-105(1), 105.1(4), and 133.5(4), C.R.S. (1999), the Colorado Air Quality Control Commission made revisions to:

The Longmont Carbon Monoxide Maintenance Plan including revisions to the Ambient Standards Regulation

The Commission adopted revisions to the EPA-approved maintenance plan developed with the MOBILE6 emissions model. The revisions included the removal of the Basic I/M program from the federally enforceable SIP as well as revised mobile source emission budgets. The Commission also adopted revisions to the Ambient Air Quality Standards Regulation and to Regulation Number 11.

This action was submitted to the Secretary of State's Office within 20 days after adoption for publication in the Colorado Register, pursuant to 24-4-103(5) and (11)(d), C.R.S., and will become effective March 1, 2004. Additionally, pursuant to 24-4-103(8)(d), C.R.S., within 20 days after the date of the Attorney General's Opinion, this action will be submitted to the Office of Legislative Legal Services for review.

Dated this 19th day of December, 2003 at Denver, Colorado.

COLORADO AIR QUALITY CONTROL COMMISSION

Douglas A. Lempke, Administrator

# **MAINTENANCE PLAN**

# *Revised Carbon Monoxide Maintenance Plan for the Longmont Attainment/ Maintenance Area*

*Revisions to the Maintenance Plan adopted by:*

*The Colorado Air Quality Control Commission, December 18, 2003*

*The Longmont City Council, September 9, 2003*

*Redesignation Request and Maintenance Plan originally adopted by:*

*The Colorado Air Quality Control Commission, December 18, 1997*

*Original Redesignation Request and Maintenance Plan approved by:*

*The U.S. Environmental Protection Agency, September 24, 1999*



Colorado Department  
of Public Health  
and Environment

*Revisions prepared by:*

*The Air Pollution Control Division*

*Colorado Department of Public Health & Environment*

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*(303) 692-3100*

## **1. Background**

The Environmental Protection Agency (EPA) approved a carbon monoxide (CO) redesignation request and maintenance plan for the Longmont area on September 24, 1999 (64 FR 51694), which became effective on November 23, 1999. The Longmont redesignation request and maintenance plan, which was adopted by the Colorado Air Quality Control Commission (AQCC) on December 18, 1996, established an attainment year of 1993, provided for the continuation of the enhanced inspection and maintenance program and the oxygenated gasoline program in the Longmont area, established a carbon monoxide emission budget of 27 tons per day for mobile sources (to be utilized in transportation conformity determinations), and established a contingency plan in the event a violation of the carbon monoxide National Ambient Air Quality Standards (NAAQS) was measured. The 27 tons per day emission budget was not approved by EPA due to a calculation error, and EPA established a default budget of 16.76 tons per day when the maintenance plan was approved in the Federal Register.

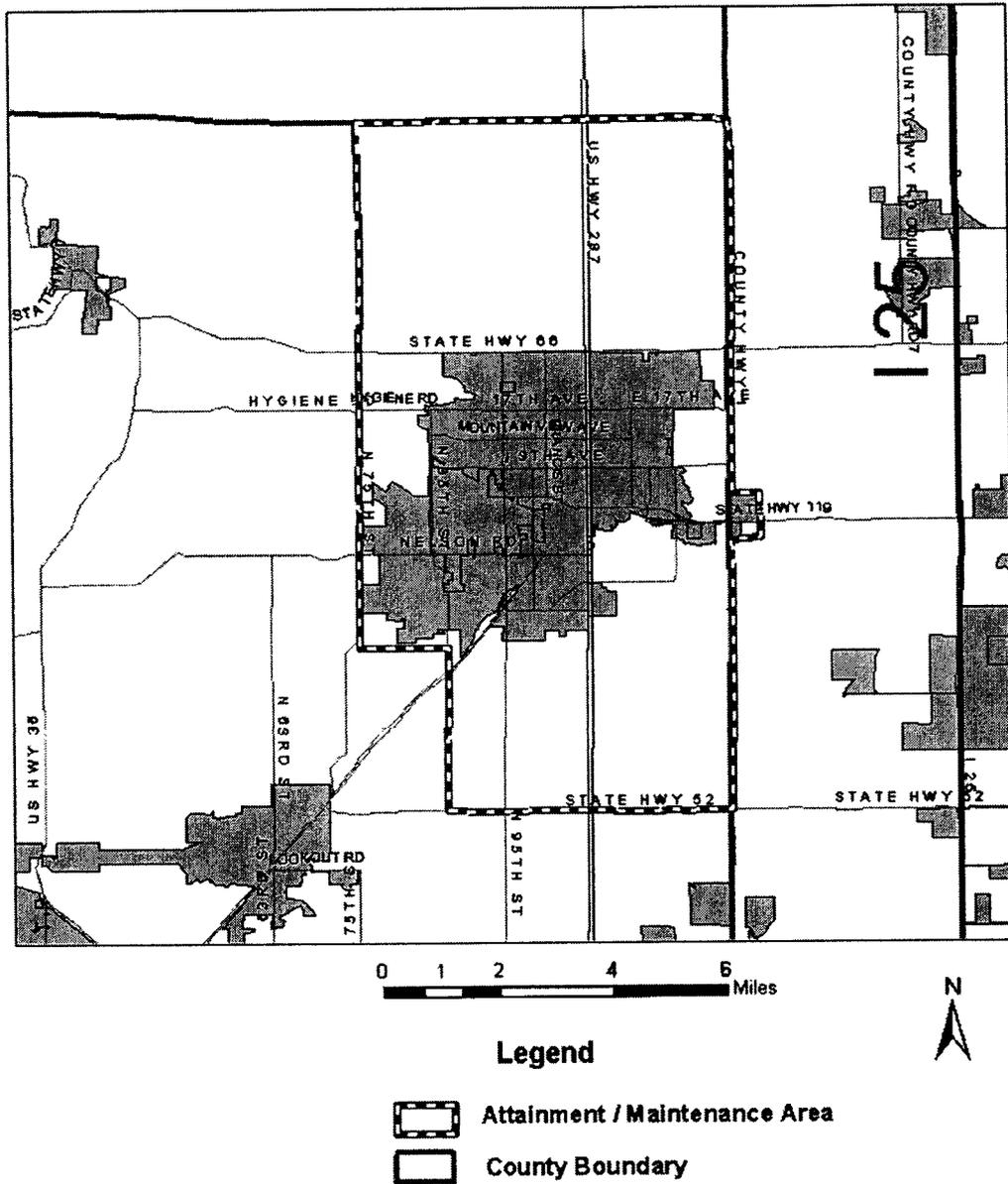
This revision to the maintenance plan updates the emissions inventories using the latest EPA-approved tools (including the MOBILE6.2 on-road mobile sources emissions model) and revises the CO emission budget from 16.76 to 41 tons per day for the years 2010 through 2014 and for 2015 and beyond. The control measures are not being revised with this amended maintenance plan.

## **2. Emission Inventories and Maintenance Demonstration**

The area shown in Figure 1 below represents the boundaries of the Longmont attainment maintenance area and the modeling domain used to determine the emission inventories. The emission inventories for the 1993 attainment year, the 2005, 2006 and 2010 interim years, and the 2015 maintenance year are presented in Table 1. Each inventory accounts for the emission control programs effective during that period. As shown, emissions for all future years are less than emissions for the 1993 attainment year. Therefore, maintenance of the CO NAAQS is demonstrated.

The inventories provide emissions estimates for a weekday during the winter CO season (November through February). The modeling domain consists of the Longmont attainment/maintenance area, which encompasses the City of Longmont and surrounding communities. The inventories were developed using EPA-approved emissions modeling methods, including the MOBILE6.2 emissions model and the latest transportation and demographic data from the Denver Regional Council of Governments (DRCOG). The technical support document for this maintenance plan contains detailed information on model assumptions and parameters for each source category corresponding to each inventory year. The technical support document for this maintenance plan describes in detail the assumptions and methodologies used for all modeling work.

**Figure 1. Longmont Carbon Monoxide Attainment/Maintenance Area**



Map created by the APCD Technical Services Program,  
Colorado Department of Public Health and Environment

**Table 1.**

**1993-2015 Longmont Attainment/Maintenance Area  
Carbon Monoxide Emission Inventories (tons/day)**

<b>Source Category</b>	<b>1993</b>	<b>2005</b>	<b>2006</b>	<b>2010</b>	<b>2015</b>
Aircraft	0.50	0.53	0.54	0.55	0.56
Residential Heating	0.11	0.14	0.14	0.15	0.16
Commercial Heating	0.04	0.04	0.05	0.05	0.05
Commercial Non-road	2.50	3.64	3.73	4.11	4.58
Construction Non-road	0.63	0.58	0.58	0.56	0.54
Industrial Non-road	1.53	1.50	1.50	1.49	1.48
Commercial Lawn & Garden	1.17	1.36	1.38	1.45	1.53
Residential Lawn & Garden	0.21	0.24	0.24	0.25	0.26
Agricultural Non-road	0.00	0.00	0.00	0.00	0.00
Wood Burning	2.54	1.74	1.67	1.40	1.07
Railroad Non-road	0.01	0.01	0.01	0.01	0.01
Railroad Locomotives	0.03	0.05	0.05	0.05	0.06
Point Sources	0.18	0.12	0.12	0.09	0.07
<b>Subtotal</b>	<b>9.45</b>	<b>9.95</b>	<b>10.01</b>	<b>10.16</b>	<b>10.37</b>
On-Road Mobile	43.26	33.97	35.32	28.01	25.99
<b>TOTAL</b>	<b>52.71</b>	<b>43.92</b>	<b>45.33</b>	<b>38.17</b>	<b>36.36</b>

Note: Results are reported with two decimal place precision to provide representation of smaller source categories. This level of precision is not intended to suggest a level of accuracy.

**3. Enforceable Control Measures for the Maintenance Period**

- AQCC Regulation No. 11, Inspection/Maintenance
- AQCC Regulation No. 13, Oxygenated Gasoline
- Federal Motor Vehicle Emissions Control tailpipe standards and regulations, including those for small engines and non-road mobile sources. Credit is taken for these federal requirements, but they are part of a federally administered program and not a state commitment of the Colorado SIP.
- AQCC Regulation No. 3, Air Contaminant Emission Notice
- AQCC Regulation No. 4, Wood Stove Standards

- AQCC Regulation Number 6, Standards of Performance for New Stationary Sources
- AQCC Common Provisions Rule

The Common Provisions and Regulation No. 6 delineate industrial source control programs. The Common Provisions, and Parts A and B of Regulation No. 3, are already included in the approved Colorado SIP. Regulation No. 6 and Part C of Regulation No. 3 implement the federal standards of performance for new stationary sources and the federal operating permit program. The revised Longmont maintenance plan makes no changes to these regulations.

#### 4. **Transportation Conformity and Mobile Source Carbon Monoxide Emission Budgets**

The transportation conformity provisions of Section 176(c)(2)(A) of the CAA require regional transportation plans and programs to show that emissions expected from implementation of plans and programs are consistent with estimates of emissions from motor vehicles and necessary emissions reductions contained in the applicable state implementation plan. The establishment of mobile source emission budgets in this maintenance plan assures that transportation plans and their resulting emissions will conform with the emission projections and the demonstration of long-term maintenance of the CO NAAQS documented in this maintenance plan.

The Longmont attainment/maintenance area mobile source emission budgets are **41 tons/day for 2010 through 2014 and 41 tons/day for 2015 and beyond**. These budgets were derived by taking the difference between the base year (1993) total emissions and the 2010 and 2015 total emissions, then subtracting one ton. This difference is the “safety margin”, and the safety margin is added to the 2010 and 2015 mobile sources emissions to determine the budget.

2010-2014:     $52.71 - 38.17 = 14.54$  tons  
                    $14.54 - 1 = 13.54$  tons (safety margin)  
                    $13.54 + 28.01 = 41.55$  or **41 tons/day emission budget**

2015 and         $52.71 - 36.36 = 16.35$  tons  
 beyond:         $16.35 - 1 = 15.35$  tons (safety margin)  
                    $15.35 + 25.99 = 41.34$  or **41 tons/day emission budget**

Typically, emission budgets are the level of mobile source emissions in future years. For Longmont, the budget could have been 25.99 tons per year for 2015 and beyond. The City of Longmont and DRCOG have elected to add the margin of safety to the budget in order to maximize the flexibility for determining conformity in future years.

## **5. Monitoring Network / Verification of Continued Attainment**

The APCD will continue to operate an appropriate air quality monitoring network in accordance with 40 CFR Part 58 to verify the continued attainment of the CO NAAQS. If measured mobile source parameters (e.g., vehicle miles traveled, congestion, fleet mix, etc.) change significantly over time, the APCD will perform the appropriate studies to determine whether additional and/or re-sited monitors are necessary. Annual review of the NAMS/SLAMS air quality surveillance system will be conducted in accordance with 40 CFR 58.20(d) to determine whether additional and/or re-sited monitors are necessary. Annual review of the NAMS/SLAMS air quality surveillance system will be conducted in accordance with 40 CFR 58.20(d) to determine whether the system continues to meet the monitoring objectives presented in Appendix D of 40 CFR Part 58.

## **6. Contingency Plan**

Section 175A(d) of the CAA requires that the maintenance plan contain contingency provisions to assure that the State will promptly correct any violation of the CO NAAQS which occurs in the Longmont attainment/maintenance area. The contingency plan must ensure that the contingency measures are adopted expeditiously once the need is triggered. The primary elements of the contingency plan involve the tracking and triggering mechanisms to determine when contingency measures are needed and a process for implementing appropriate control measures.

### **A. Tracking**

The tracking plan for the Longmont area consists of continuous carbon monoxide monitoring and analysis of CO concentrations by the APCD. The APCD will notify the EPA, the AQCC, DRCOG and the City of Longmont of any exceedance of the CO standard within 30 days of occurrence. The ongoing regional transportation planning process carried out by DRCOG in coordination with the Colorado Department of Transportation (CDOT), the APCD, the AQCC, and the EPA, will serve as another means of tracking mobile source CO emissions into the future. Since revisions to the regions' transportation improvement programs are prepared every two years, which must go through a transportation conformity determination, a process is in place to periodically review the vehicle miles traveled (VMT) and mobile source emissions of CO presented in this maintenance plan.

## **B. Triggering and Response**

Triggering of the contingency plan does not automatically require a revision of the SIP, nor is the area necessarily redesignated once again to nonattainment. Instead, the State will normally have an appropriate time-frame to correct a violation by implementing one or more adopted contingency measures. In the event that violations continue to occur after contingency measures have been implemented, additional contingency measures will be implemented until the violations are corrected.

An exceedance of the CO NAAQS (any value over 9.5 ppm) may trigger a voluntary, local process by DRCOG, the City of Longmont and APCD to identify and evaluate potential contingency measures. However, the only federally enforceable trigger for mandatory implementation of contingency measures shall be a violation of the CO NAAQS. Specifically, this would be a second value of 9.5 ppm or higher at the same monitor during any calendar year.

The State will move forward with mandatory implementation of contingency measures under the SIP if a violation of the CO NAAQS occurs. No more than 60 days after being notified by the APCD that a violation occurred, the City of Longmont and DRCOG, in conjunction with the APCD and the AQCC, will initiate a subcommittee process to begin evaluating potential contingency measures. The subcommittee will present recommendations within 120 days of notification, and the recommended contingency measures will be presented to the AQCC within 180 days of notification.

The AQCC will then hold a public hearing to consider the recommended contingency measures, along with any other contingency measures the AQCC believes may be appropriate to effectively address the violation. The necessary contingency measures will be adopted and implemented within one year after a violation occurs.

## **C. List of Potential Contingency Measures**

The City of Longmont, DRCOG and the APCD may choose one or more of the following measures to recommend to the AQCC for consideration. The measures are designed to bring the area quickly back into compliance with the CO NAAQS.

- An enhanced vehicle inspection and maintenance program as described in AQCC Regulation No. 11 prior to the modifications adopted by the AQCC on January 10, 2000.
- A 3.1% oxygenated gasoline program from November 8 through February 7, with 2.0% oxygen content required from November 1 through November 7.
- Nonattainment New Source Review permitting requirements.

In addition to these potential contingency measures, the State may evaluate other potential strategies in order to address any future violations in the most appropriate and effective manner possible.

#### **7. Subsequent Maintenance Plan Revisions**

It is required that a maintenance plan revision be submitted to EPA eight years after the original redesignation request/maintenance plan is approved. The purpose of this revision is to provide for maintenance of the NAAQS for an additional ten years following the first ten-year period. The State of Colorado commits to submit a revised maintenance plan eight years after redesignation to attainment (year 2007), as required by the CAA and EPA.