

STATE OF COLORADO

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COLORADO AIR QUALITY CONTROL COMMISSION

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Colorado Department
of Public Health
and Environment

Notice of Meeting and Agenda Air Quality Control Commission

December 20, 2012

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

9:00 a.m.

- Call to Order:** Determination of a Quorum
- Approval of Minutes:** Review/Approval of the October 18, 2012 meeting minutes of the Air Quality Control Commission.
- 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 item today; however, items may be scheduled for further discussion or action.

CONSENT AGENDA

The Commission will vote on Item Numbers 1 through 5 as part of a Consent Agenda. Adoption of a Consent Agenda allows the Commission to consolidate voting on agenda items that do not need to be discussed individually and for which presentation of additional information is not required.

REQUEST FOR PUBLIC HEARINGS – FEBRUARY 21, 2013

1. Regulation Number 9: Open Burning, Prescribed Fire and Permitting

The National Park Service will request a public hearing to present to the Commission its revised significant user prescribed fire planning document.

2. DRCOG Conformity Determination

The Division and the DRCOG will request a public hearing to present to the Commission its transportation conformity determinations for DRCOG's 2035 Regional Transportation Plan and Transportation Improvement Program. This conformity determination has been determined to be "non-routine" because there are several regional transit projects proposed for removal from the 2035 Plan and revisions of high occupancy vehicle lane usage rules are being proposed; these plan revisions necessitate the Commission's consideration in accordance with Regulation Number 10.

REQUEST FOR WRITTEN COMMENT ONLY RULEMAKING HEARINGS – MARCH 21, 2013

3. Procedural Rules – Rule Review

The Commission will set a written comment only rulemaking hearing to consider revisions to the Commission's Procedural Rules. The proposed revisions would eliminate or update obsolete provisions, delete duplicate language, and improve their "readability" so that the rules can be more easily understood by the general public.

RULEMAKING HEARINGS

4. Lamar PM10 Maintenance Plan and Air Quality Standards Regulation

The Commission will consider proposed changes to the Lamar PM10 Maintenance Plan. This is the second of the 10-year plans required by the Clean Air Act. Additionally, a change to the "Air Quality Standards – Air Quality Standards, Designations and Emission Budgets" regulation is proposed to update the PM10 emission budget for the Lamar area.

5. Regulation Number 3, Parts A, B, C and D

The Commission will consider proposed changes to Regulation 3, Parts A, B, C and D that will correct and clarify existing provisions to ensure consistency with federal regulations and Colorado's implementation of these rules.

REGULAR AGENDA

REQUEST FOR RULEMAKING HEARING – MARCH 21, 2013

6. Regulation Number 6, Part B

(10 minutes presentation, 10 minutes discussion)

The Division will request that the Commission set a rulemaking hearing to consider proposed changes to Regulation Number 6, Part B, Section I.B. specific to relocation of newer engines into Colorado from outside of Colorado. The proposed revisions would reduce the regulatory burden on owners and operators of these engines and in some cases could reduce the emission control requirements for these engines to the minimum standards required by federal NSPS IIII or NSPS JJJJ requirements. Typographical, grammatical and formatting errors found throughout the regulation will also be corrected.

RULEMAKING HEARINGS

7. Regulation Number 7

(15 minutes presentation, 20 minutes discussion)

The Commission will consider proposed changes to Regulation 7 to address regulatory provisions for oil and gas operations that EPA did not approve for inclusion into Colorado's State Implementation Plan. The more significant revisions 1) remove the sunset date for the system-wide condensate storage tank control requirement applicable in the Denver/North Front Range ozone nonattainment area, 2) clarify that federally enforceable monitoring requirements cannot be replaced by state-only options, and 3) clarify that the first 90 day controls on condensate tanks are state-only requirements.

8. Regulation Number 11

(20 minutes presentation, 20 minutes discussion)

The Commission will consider modifications to Regulation 11, Motor Vehicle Emissions Inspection Program that would take effect in January 2015. Significant proposed program changes include increasing model year exemptions from four to seven model years and implementing an on-board diagnostics testing program for model years' eight through eleven.

BRIEFINGS, DISCUSSIONS AND REPORTS

9. Regulation Number 9: Annual Update

(15 minutes presentation, 15 minutes discussion)

The Division will provide an annual update to the Commission on the projected costs for the Smoke Management Program.

10. Commissioner Informational Items

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.

11. Division Director's Report – Will Allison

- Monthly activities report
- Legislative update

12. Attorney General's Report – Andrea Gelfuso-Goetz

- Update of any recent court actions on air quality issues

13. Administrator's Report – Mike Silverstein

- Review February 2013 agenda items (there will not be a January 2013 meeting)
- Review of Action Items from today's Commission meeting

Adjourn