

# DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

## Air Quality Control Commission

### REGULATION NUMBER 18

#### CONTROL OF EMISSIONS OF ACID DEPOSITION PRECURSORS

##### 5 CCR 1001-22

- I. The Colorado Air Quality Control Commission hereby adopts and incorporates by reference the regulations promulgated by the U.S. Environmental Protection Agency, published at 40 CFR Part 72 (July 1, 2011) and Part 76 (July 1, 2011) for the purposes of implementing an acid rain program that meets the requirements of Title IV of the Clean Air Act. This material is made a part of the Colorado Air Quality Control Commission Regulations. Materials incorporated by reference are those in existence as of the date of this regulation and do not include later amendments. The material incorporated by reference is available for public inspection during regular business hours at the Office of the Commission, located at 4300 Cherry Creek Drive South, Denver, Colorado 80246. Parties wishing to inspect these materials should contact the Technical Secretary of the Commission, located at the Office of the Commission. The material incorporated by reference is also available through the United States Government Printing Office, online at [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys).

The term "permitting authority" shall mean the Colorado Air Pollution Control Division (Division).

The term "Administrator" shall mean the Administrator of the United States Environmental Protection Agency.

If the provisions or requirements of 40 CFR part 72, or part 76 conflict with or are not included in the Colorado Air Quality Control Commission Regulation No. 3, the part 72 and part 76 provisions and requirements shall apply and take precedence.

The Colorado Air Quality Control Commission commits to take action, following the promulgation by EPA of regulations implementing sections 407 and 410 of the Clean Air Act 42 USC Sections 7651f and 7651i, or revising either 40 CFR part 72 or the regulations implementing sections 407 or 410; to either incorporate such new or revised provisions by reference or submit for EPA approval, Colorado Air Quality Control Commission regulations implementing these provisions.

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

##### A. May 15, 1997

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

##### Basis

The EPA promulgated the Phase II nitrogen oxide control regulations on December 19, 1996. Phase II of the acid rain regulations apply to utilities in Colorado and it is required that the states adopt the acid rain regulations to comply with the requirements for an acceptable Title V operating permits program.

##### Specific Statutory Authority

Section 25-7-105(12) requires that the Commission promulgate rules necessary to implement the minimum elements of the Title V permit program in the federal act. Section 25-7-109(l)(c) provides the Commission with the authority to regulate nitrogen oxides.

### Purpose

The emission limits required under these provisions will reduce nitrogen oxides nationwide to reduce acid deposition. The Federal Regulations allow for the development of a nitrogen oxides trading program to be implemented through State Implementation Plan (SIP) revision. The Commission notes, that because there are several market based programs, under either development or being submitted to EPA, the Division does not intend to implement this trading option at this time.

The Title IV program is a delegated program and this action is not a SIP revision.

B. May 21, 1998

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

### Basis

The EPA promulgated amendments to part 72 and 76 of the federal acid deposition regulations. On December 18, 1997 the EPA adopted changes to Section 72.8(b)(2) changing the words "which that the unit" to "which the unit". On June 12, 1997 the EPA adopted changes clarifying the text of 76.6 by removing "Phase II" from lines 6 and 7.

The October 24, 1997 revisions to Part 72 include the following:

#### Exemptions

- Additional exemptions for new sources that burn clean fuels.

- Clarifications of the exemption for retired units.

- Clarification of the industrial utility units exemption.

Relationship between the acid rain program and Title V permitting.

- Clarification of State authority to administer acid rain program.

#### Other permitting

- Clarification of procedures for selecting and changing the designated representative.

- Revisions to procedures for submitting substitution and reduced utilization plans.

- Revisions to procedures for federal permit issuance.

- Revisions to reduced utilization accounting procedures.

Phase II of the acid rain regulations apply to utilities in Colorado and it is required that the states adopt the acid rain regulations to comply with the requirements for an acceptable Title V operating permits program.

### Specific Statutory Authority

Section 25-7-105(12) requires that the Commission promulgate rules necessary to implement the minimum elements of the Title V permit program in the federal act. Section 25-7-109(l)(c) provides the Commission with the authority to regulate nitrogen oxides.

### Purpose

The revisions to part 72 and 76 clarify the applicability and intent of the federal acid deposition program. The Title IV program is a delegated program and this action is not a SIP revision.

C. February 15, 2001

Statement of Basis, Specific Statutory Authority and Purpose

### Purpose

The revisions to part 72 and 76 clarify the applicability and intent of the federal acid deposition program. The Title IV program is a delegated program and this action is not a SIP revision. Incorporation by Reference of Federal Amendments to 40 C.F.R. parts 72 and 76, the Federal Acid Rain Program, into Colorado Air Quality Control Commission Regulation No. 18, Section I

### Background

This Statement of Basis, Specific Statutory Authority and Purpose complies with the requirements of the Administrative Procedures Act, C.R.S. (1988), Sections 24-4-103 (4) and (12.5) for adopted or modified regulations, and with the requirements of federal regulations incorporated by reference.

Title IV of the 1990 Clean Air Act Amendments (CAAA) authorizes the Environmental Protection Agency (EPA) to establish the Acid Rain Program. The Acid Rain Program sets emissions limitations to reduce acidic particles and deposition and their serious, adverse effects on public health, natural resources, ecosystems, materials and visibility.

### Basis

In accordance with the referenced authority, the EPA has promulgated revisions to 40 C.F.R. parts 72 and 76, the Federal Acid Rain Program. The State of Colorado is required under Title IV of the CAAA to adopt such revisions into its regulations. This rulemaking adopts these revisions.

### Authority

Sections 25-7-105(l)(b) and 25-7-109(2)(a) and (c), C.R.S. (1999) authorize the Commission to adopt emission control regulations and emission control regulations relating to visible pollutants, sulfur oxides and nitrogen oxides, respectively.

### Purpose

Adoption of the federal amendments to 40 C.F.R. parts 72 and 76 will make these revisions to the Federal Acid Rain Program enforceable under Colorado law.

Adoption of the amendments will not impose upon sources additional requirements beyond the minimum required by federal law, and may benefit the regulated community by providing sources with up-to-date information. In addition, Title V permits will contain the requisite amendments.

D. Adopted: February 21, 2002

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

Incorporation by Reference of Federal Amendments to 40 C.F.R. part 72, the Federal Acid Rain Program, into Colorado Air Quality Control Commission Regulation No. 18, section I

#### Background

This Statement of Basis, Specific Statutory Authority and Purpose complies with the requirements of the Administrative Procedures Act, C.R.S. (1988), sections 24-4-103(4) and (12.5) for adopted or modified regulations, and with the requirements of federal regulations incorporated by reference.

Title IV of the 1990 Clean Air Act Amendments (CAAA) authorizes the Environmental Protection Agency (EPA) to establish the Acid Rain Program. The Acid Rain Program sets emissions limitations to reduce acidic particles and deposition and their serious, adverse effects on public health, natural resources, ecosystems, materials and visibility.

#### Basis

In accordance with the referenced authority, the EPA has promulgated revisions to 40 C.F.R. Part 72, the Federal Acid Rain Program. The State of Colorado is required under Title IV of the CAAA to adopt such revisions into its regulations. This rulemaking adopts these revisions.

#### Authority

Sections 25-7-105(l)(b) and 25-7-109(2)(a) and (c), C.R.S. (1999) authorize the Commission to adopt emission control regulations and emission control regulations relating to visible pollutants, sulfur oxides and nitrogen oxides, respectively.

#### Purpose

Adoption of the federal amendments to 40 C.F.R. Part 72 will make these revisions to the Federal Acid Rain Program enforceable under Colorado law.

Adoption of the amendments will not impose upon sources additional requirements beyond the minimum required by federal law, and may benefit the regulated community by providing; sources with up-to-date information.

E. April 17, 2003

This Statement of Basis, Specific Statutory Authority and Purpose complies with the requirements of the Administrative Procedures Act, C.R.S. (1988), Sections 24-4-103(4) and (12.5) for adopted or modified regulations, and with the requirements of federal regulations incorporated by reference.

Title IV of the 1990 Clean Air Act Amendments (CAAA) authorizes the Environmental Protection Agency (EPA) to establish the Acid Rain Program. The Acid Rain Program sets emission limitations to reduce acidic particles and deposition and their serious, adverse effects on public health, natural resources, ecosystems, materials and visibility.

#### Basis

In accordance with Title IV of the CAAA, the EPA has promulgated revisions to 40 C.F.R. Parts 72 and 76, the federal Acid Rain Program. The State of Colorado is required under Title IV of the CAAA to adopt such revisions into its regulations. This rulemaking adopts these revisions.

#### Authority

Sections 25-7-105(l)(b) and 25-7-109(2)(a) and (c), C.R.S. (1999) authorize the Commission to adopt emission control regulations and emission control regulations relating to visible pollutants, sulfur oxides and nitrogen oxides, respectively.

#### Purpose

Adoption of the federal amendments to 40 C.F.R. Parts 72 and 76 will make these revisions to the Federal Acid Rain Program enforceable under Colorado law. Adoption of these revisions will not impose upon sources additional requirements beyond the minimum required by federal law, and may benefit the regulated community by providing sources with up-to-date information. In addition, Title V permits will contain the requisite amendments.

F. Adopted February 6, 2007

This Statement of Basis, Specific Statutory Authority and Purpose complies with the requirements of the Administrative Procedures Act, C.R.S. (1988), Sections 24-4-103(4) and (12.5) for adopted or modified regulations, and with the requirements of federal regulations incorporated by reference.

Title IV of the 1990 Clean Air Act Amendments (CAAA) authorizes the Environmental Protection Agency (EPA) to establish the Acid Rain Program. The Acid Rain Program sets emission limitations to reduce acidic particles and deposition and their serious, adverse effects on public health, natural resources, ecosystems, materials and visibility.

#### Basis

On May 18, 2005, the EPA promulgated amendments to 40 C.F.R. Part 72, the Federal Acid Rain Program, as part of a broader rulemaking to address mercury emissions from coal-fired electric utility steam generating units. The amendments revised the definition of "continuous emission monitoring system" and added a new definition for "sorbent trap monitoring system."

The State of Colorado is required under Title IV of the CAAA to adopt such revisions into its regulations. This rulemaking adopts these revisions.

#### Authority

Sections 25-7-105(l)(b) and 25-7-109(2)(a) and (c), C.R.S. (1999) authorize the Commission to adopt emission control regulations and emission control regulations relating to visible pollutants, sulfur oxides and nitrogen oxides, respectively.

#### Purpose

Adoption of the federal amendments to 40 C.F.R. Part 72 will make these revisions to the Federal Acid Rain Program enforceable under Colorado law.

Adoption of these revisions will not impose upon sources additional requirements beyond the minimum required by federal law, and will ensure consistent interpretation of terminology used in the Acid Rain Program and other federal programs.

G. Adopted October 18, 2012

This Statement of Basis, Specific Statutory Authority, and Purpose complies with the requirements of the Administrative Procedures Act, C.R.S. (1988), Sections 24-4-103(4) and 103(12.5) for adopted or modified regulations, and with the requirements of federal regulations incorporated by reference.

Title IV of the 1990 Clean Air Act Amendments (CAAA) authorizes the Environmental Protection Agency (EPA) to establish the Acid Rain Program. The Acid Rain Program sets emission limitations to reduce acidic particles and deposition and their serious, adverse effects on public health, natural resources, ecosystems, materials, and visibility.

#### Basis

On March 28, 2011, the EPA promulgated amendments to 40 C.F.R. Part 72, the Federal Acid Rain Program, as part of a broader rulemaking amending and establishing the Protocol Gas Verification Program and minimum competency requirements for air emission testing. The Part 72 amendments revise and add definitions and an American Society for Testing and Materials standard.

The State of Colorado is required under Title IV of the CAAA to incorporate such revisions into its regulations.

#### Authority

Sections 25-7-105(1)(b) and 25-7-109(2)(a) and (c), C.R.S. (2011) authorize the Commission to adopt emission control regulations and emission control regulations relating to visible pollutants, sulfur oxides, and nitrogen oxides, specifically.

#### Purpose

Adoption of the federal amendments to 40 C.F.R. Part 72 will make these revisions to the Federal Acid Rain Program enforceable under Colorado law. Adoption of these revisions will not impose upon sources additional requirements beyond the minimum required by federal law, and will ensure consistent interpretation of terminology used in the Acid Rain Program and other federal programs. Further, these revisions may correct typographical, grammatical, and formatting errors throughout the regulation.