

# Proposed Colorado Rules for Air Permits in Disproportionately Impacted Communities

Chris Colclasure  
January 19, 2023



# Background & Statutory Directives

- Air Quality Control Commission is revising Regulation No. 3, “Stationary Source Permitting”
  - Hearing May 18-19, 2023
  - <https://cdphe.colorado.gov/aqcc>
- Mandated by HB 21-1266, Environmental Justice Act



Photo credit: [CDPHE Commerce City North Denver](#)



# AQCC's Mandate Under C.R.S. 25-7-114.4(5)

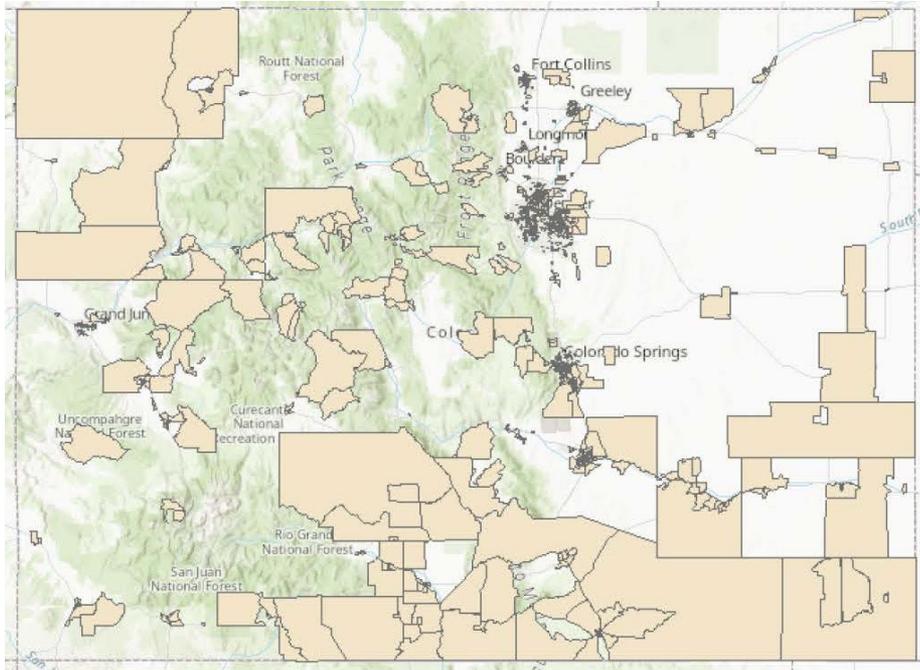
- Adopt rules by June 1, 2023
- Identify DI Communities and revisit the listing at least every 3 years
- Affected pollutants:
  - VOCs, NO<sub>x</sub>, fine PM, BTEX
  - Other HAPs identified by AQCC
- AQCC may set applicability thresholds



- “The commission’s rules must provide for enhanced modeling and monitoring requirements for new and modified sources of affected pollutants in disproportionately impacted communities that are identified or approved at the time of permit application. In adopting the rules, the commission shall also consider requiring enhanced monitoring for existing sources of affected pollutants.”

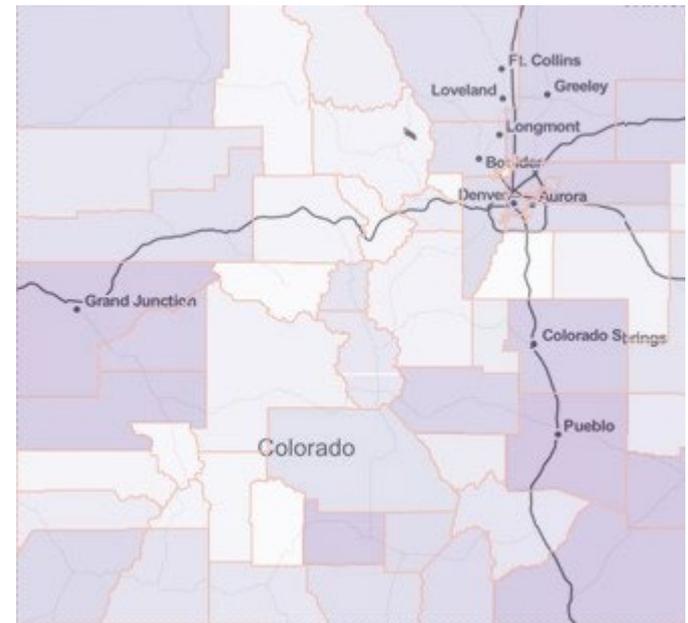


# Requirements Depend on EnviroScreen Score



CDPHE Open Data [DI Community Map](#)  
September 2021

## Colorado [EnviroScreen](#) EJ Mapping Tool



# New Components of Permit Applications

- Environmental Justice summary
  - Beginning July 15, 2023, permit applications must include an EJ summary
    - Emissions of affected pollutants
    - Location in/out of DI Community
    - EnviroScreen score and data
    - EJ “considerations”
- Reasonably Available Control Technology analysis
  - Sources that commence construction or modify on or after July 15, 2023 in a DI Community must apply RACT for VOCs, NOx, fine PM
  - APCD encourages consideration of BTEX

# Enhanced Modeling

- APCD “will require enhanced modeling, as appropriate, for sources that are new or modified on or after July 15, 2023” in all DI Communities
- “Enhanced modeling” not defined
- Stakeholder meetings suggested use of a more stringent 1-hour NOx emissions rate threshold to trigger modeling
- The Economic Impact Analysis suggests current modeling requirements (after the 2022 subject matter expert panel) may be enough



# Enhanced Modeling

- APCD “will include requirements, as appropriate, for enhanced monitoring for sources of affected pollutants that commence construction or are modified on or after July 15, 2024”
  - EnviroScreen score > 80%: conduct enhanced monitoring or pay fee for community monitoring
  - EnviroScreen score ≤ 80%: pay fee for community monitoring
  - Proposal allows APCD to require more
- APCD will convene a panel of monitoring experts to develop guidelines
- Title V renewal permits may add monitoring requirements

# Initial Reaction to Proposal

- Does not establish or change ambient concentration thresholds
- Does not prohibit permits but imposes new obligations
- Broad APCD discretion
- Facilities may want data to defend operations

Passive Sorbent, EPA Method 325A/B



Open Path FTIR and reflector

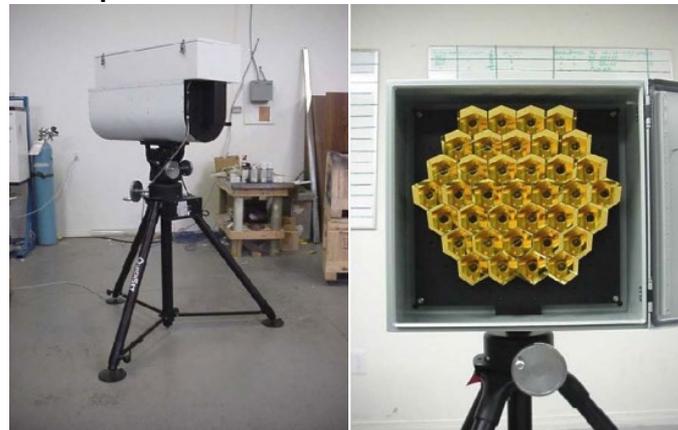


Photo credits: EPA



# AQCC Hearing Timeline

- January 19, “Request for Hearing”
- ~ February 9, Party status requests due
- ~ May 2, Written public comments due  
[cdphe.aqcc-comments@state.co.us](mailto:cdphe.aqcc-comments@state.co.us)
- May 17 or 18, Verbal public comments
- May 18-19, Hearing

# Related CDPHE Initiatives

- HB 21-1189 fenceline and community monitoring
- HB 22-1244 toxic air contaminants
- CDPHE, COGCC, and local government monitoring
- EJ Action Task Force
  - [November 2022 recommendations](#)
- More stringent air quality regulations in DI Communities

Boulder Reservoir monitor



Photo credit: Boulder County

