COLORADO
Air Quality Control Commission
Department of Public Health & Environment

NOTICE OF RULEMAKING HEARING

Regarding proposed revisions to:

Ozone State Implementation Plan (SIP)
Regulation Number 7 & Regulation Number 21 & Regulation Number 25 & Regulation Number 26 & Air Quality Standards, Designations, and Emission Budgets

5 CCR 1001-9 & 5 CCR 1001-25 & 5 CCR 1001-29 & 5 CCR 1001-30 & 5 CCR 1001-14

SUBJECT:
The Air Quality Control Commission will hold a rulemaking hearing to consider revisions to reduce emissions of ozone precursors and other pollutants for purposes of, without limitation, attaining the federal National Ambient Air Quality Standard for ozone and improving public health and welfare, consistent with the proposal from the Air Pollution Control Division ("Division"). This proposal includes revisions to Colorado's State Implementation Plan (SIP) and revisions to associated regulations, both in and outside of the SIP.

The proposal by Division includes two components to be addressed by the Commission:

(1) SIP Revisions:

a. Ozone Nonattainment Area SIP Elements revisions to include the Severe SIP element for the Denver Metro and North Front Range (DMNFR) 2008 Ozone Nonattainment Area and severe SIP elements specific to the withdrawn emission inventories, attainment demonstration, and motor vehicle emission budgets (MVEB); and non-substantive, administrative updates to the severe SIP elements specific to enhanced monitoring, reasonable further progress, reasonably available control technology (RACT), reasonably available control measures (RACM), motor vehicle inspection and maintenance (I/M), nonattainment new source review (NSR), contingency measures, clean fuel fleet program, vehicle miles travelled offset demonstration, and major source fee program.

b. Air Quality Standards, Designations and Emission Budgets revisions to satisfy the transportation conformity requirements of Section 176(c) of the Clean Air Act and include MVEB in the Severe SIP.

c. Regulation Number 7 revisions including clean up and responding to EPA concerns with adopted SIP requirements and reporting.

d. Regulation Number 21 revisions to respond to EPA concerns with adopted SIP requirements and reporting.

e. Regulation Number 25 revisions to respond to EPA concerns with adopted SIP requirements and reporting.

f. Regulation Number 26 revisions to include requirements to include provisions that require the implementation of RACT for major sources of VOC or NOx in the DMNFR, and to respond to other EPA concerns with adopted SIP provisions and reporting.

(2) State-Only Restrictions That Will Reduce Ozone Precursors, GHG, and Otherwise Improve Public Health and Welfare:

a. Regulation Number 7 revisions for oil and gas drilling and pre-production operations. The scope of this element of the rulemaking is limited to operations located in areas in nonattainment for the ozone NAAQS (the 8-hour Ozone Control Area and Northern Weld County). These revisions are not being proposed for inclusion in the SIP. However, the Commission may consider whether to include these provisions in the SIP as part of this rulemaking process.

b. Regulation Number 26 requirements to emissions from stationary combustion engines. The scope of this element of the rulemaking is limited, and will not extend to engines in service (i.e. existing engines) of the type and size that are not already within the scope of the Division's proposal.

All required documents for this rulemaking can be found on the Commission website at: https://cdphe.colorado.gov/aqcc

PUBLIC COMMENT SESSION

DATE: December 12, 2023
TIME: 4:30 p.m. to 7:30 p.m.
PLACE: The session will be held online only; there will be no in-person participation. Details related to participation and registration can be found at: https://cdphe.colorado.gov/aqcc

NOTE: The public comment session may end early if all commenters that are registered and in attendance before 6:30 have had an opportunity to speak prior to 7:30.

PARTY TESTIMONY & DELIBERATIONS

DATE: December 12-15, 2023
TIME: To begin at 9:00 a.m. on Dec 12, 2023
PLACE: The hearing will be held in a hybrid fashion both in-person and via Zoom. Parties to rulemaking hearings are encouraged to participate in-person. Details related to participation and registration can be found at: https://cdphe.colorado.gov/aqcc

IMPORTANT: As Colorado begins to re-open from COVID-19, the Commission may reestablish conducting meetings at the Colorado Department of Public Health and Environment in its entirety or structured as a hybrid meeting. Any such changes will be noticed on the Commission's website at: https://cdphe.colorado.gov/aqcc

The hearing may be continued at such places and time as the Commission may announce. Any such changes will be noticed on the Commission's website. Interested parties may contact the Commission Office at cdphe.aqcc-comments@state.co.us to confirm meeting details.

PUBLIC COMMENT:

The Commission encourages input from the public, either orally during the public comment session or in writing prior to the hearing. However, oral public comment will generally not be permitted by persons who offer comment on behalf of an entity that is a party. Those persons may, however, submit written public comment.

Instructions for registering to provide oral public comment will be posted in the agenda on the Commission's website at https://cdphe.colorado.gov/aqcc on December 1, 2023.
In order for Commissioners to have the opportunity to review the information within the comments you provide, written comments should be submitted no later than **November 28, 2023** by emailing cdphe.aqcc-comments@state.co.us or mailing to:

Colorado Air Quality Control Commission
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South, EDO-AQCC-A5
Denver, Colorado 80246

IMPORTANT DATES AND DEADLINES:

PROCESS DESCRIPTION	DUE DATE & TIME
Request for Party Status	October 12, 2023 by 5:00 p.m.
Status Conference	October 16, 2023 at 8:30 a.m.
Alternate Proposal	October 30, 2023 by 5:00 p.m.
Prehearing Statement	October 30, 2023 by 5:00 p.m.
Prehearing Conference	November 6, 2023 at 2:00 p.m.
Rebuttal Statement	November 16, 2023 by 12:00 p.m.
Written Public Comments	November 28, 2023 by 5:00 p.m.

Submittals for this hearing should be emailed to cdphe.aqcc-comments@state.co.us unless an exception is granted pursuant to Subsection III.I.3. of the Commissions Procedural Rules.

REQUEST FOR PARTY STATUS:
A request for party status must:

1) identify the applicant (this could be a company and/or contact name);
2) provide the name, address, telephone and email address of the applicant's representative or counsel; 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.

In addition, requests for party status should indicate whether the applicant intends to file an alternate proposal and, if so, briefly describe the scope and nature of the alternate proposal.

The request for party status must be electronically mailed to:

- Air Quality Control Commission staff: theresa.martin@state.co.us
- Air Quality Control Commission attorney: robyn.wille@coag.gov
- Air Pollution Control Division staff: leah.martland@state.co.us
- Air Pollution Control Division attorney: laura.mehew@coag.gov
- Air Pollution Control Division attorney: rylie.slaybaugh@coag.gov

Requests received beyond the 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 Commission's Procedural Rules.

STATUS CONFERENCE:
Attendance at the status conference is mandatory for anyone who has requested party status, though each party need only have one representative present. The status conference is intended 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. Following the status conference, party status will be confirmed and a party list will be generated and distributed. The status conference will be held virtually via video conference. A registration link will be provided by the Commission's office prior to the status conference. Note that if the Hearing Officer deems the status conference unnecessary, the status conference may be cancelled.

ALTERNATE PROPOSAL:
Alternate proposals will be considered by the Commission "only if the subject matter of the alternative proposal is consistent with and fits within the scope of the notice." 5 CCR §1001-1, Section V.E.4.b. The submission of redlined language is not automatically considered an alternate proposal. Whether specific redlines rise to the level of an alternate proposal is determined on a case-by-case basis, taking into consideration many factors, including the impact of those redlines on the Division's proposal. Parties submitting redlines that they do not believe should be considered alternate proposals are encouraged to provide information demonstrating that the redlines simply delete, clarify, or elaborate on the Division's proposal.

The submittal of an alternate proposal must be accompanied by a separate electronic copy of the alternate proposed rule and statement of basis and purpose language and all other associated documents as required by the Commission's Procedural Rules, including an economic impact analysis. Alternate proposals and associated exhibits must be emailed to all persons listed on the party status list or otherwise provided through an approved method of electronic transmission. Objections to the submission of redlines that are not identified as alternate proposals and accompanied by the required information for alternate proposals under the Commission's Procedural Rules must be made by motion in writing prior to the Prehearing Conference.

PREHEARING STATEMENTS:
Each party must submit a prehearing statement. Exhibits to a prehearing statement must be submitted in a separate electronic transmission. Prehearing statements and associated exhibits must be emailed to all persons listed on the party status list or otherwise provided through an approved method of electronic transmission. Prehearing statements must contain all the necessary elements described in subsection V.E.6.c of the Commission's Procedural Rules (5 CCR §1001-1). The Hearing Officer may prescribe limitations on prehearing statements, such as page limits.

PREHEARING CONFERENCE:
Attendance at the prehearing conference is mandatory for all parties to this hearing, though each party need only have one representative present. The prehearing conference will be held virtually, and registration information will be provided by the Commission's office prior to the prehearing conference.

REBUTTAL STATEMENTS:
Rebuttal statements may be submitted by the Division and any party to the hearing to respond to issues and arguments identified in prehearing statements. Rebuttal statements may not raise any issues, or be accompanied by alternate proposals, that could have been raised in the party's prehearing statement. Rebuttal statements and associated exhibits must be emailed to all persons listed on the party status list or otherwise provided through an approved method of electronic transmission. The filing of rebuttal statements is optional.

DELIBERATION AND FINAL ACTION:
The Commission intends to deliberate and take final action on the proposed changes to these Regulations at the conclusion of the testimony.

STATUTORY AUTHORITY FOR THE COMMISSION'S ACTIONS:

General Authority:

The Colorado Air Pollution Prevention and Control Act, Section 25-7-105(1) directs the Commission to promulgate such rules and regulations as are consistent with the legislative declaration set forth in Section 25-7-102 and are necessary for the proper implementation and administration of Article 7. Section 25-7-105(1)(b) directs the Commission to promulgate emission control regulations in accordance with Section 25-7-109.

Sections 109(1)(a), (2), and (3) authorize the Commission to promulgate regulations requiring effective practical air pollution controls for significant sources and categories of sources and emission control regulations pertaining to nitrogen oxides and hydrocarbons. Section 109(10) also directs reductions in emissions from oil and gas activities, including NOx and hydrocarbons.

Section 25-7-105(12) authorizes the Commission to promulgate regulations necessary to implement the provisions of the emission notice, construction permit, and Title V programs. Section 25-7-106(1)(c) authorizes the Commission to promulgate emission control regulations applicable to the entire state, specified areas or zones, or when a specified class of pollution is present. Section 25-7-106(6) further authorizes the Commission to require owners and operators of any air pollution source to monitor, record, and report information.

Specific Authority:

As it relates to the SIP revisions, Section 25-7-105(1)(a), Sections 25-7-201 through 25-7-206, Section 25-7-210, Section 25-7-301, and Section 25-7-302, direct the Commission to adopt and revise, as necessary, the SIP to assure attainment and maintenance of national ambient air quality standards and prevent significant deterioration of air quality in conformance with the Federal and Colorado Acts. The authority to establish emissions budgets and to establish criteria for transportation conformity determinations is included in the general authority to adopt a SIP are set out in Section 25-7-105(1), C.R.S.

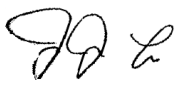
As it relates to the Division's proposal for Regulation Number 7, Section 25-7-105(1)(e) directs the Commission to reduce GHG, reducing pollution statewide and in disproportionately impacted communities. This statute requires specific GHG reductions from sources in the industrial and manufacturing sectors and the oil and gas sector, which include oil and gas preproduction activities. The Environmental Justice Act also directed the Division to protect disproportionately impacted communities from the impacts of pollution from, among other things, oil and gas operations.

As it relates to the Division's proposal for GHG emission fees, House Bill 21-1266 amended Section 25-7-114.7 to specifically direct the Commission to set these fees.

The rulemaking hearing will be conducted in accordance with Sections 24-4-103 and 25-7-110, 25-7-110.5 and 25-7-110.8 C.R.S., as applicable and amended, the Commission's Procedural Rules, all other applicable rules and regulations, 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 27th day of September 2023 at Denver, Colorado

Colorado Air Quality Control Commission



Jojo La, Administrator

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Air Quality Control Commission

REGULATION NUMBER 26

Control of Emissions from Engines and Major Stationary Sources

5 CCR 1001-30

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Outline of Regulation

Pursuant to Colorado Revised Statutes §~~Section~~ 24-4-103 (12.5), materials incorporated by reference are available for public inspection during normal business hours, or copies may be obtained at a reasonable cost from the Air Quality Control Commission (the Commission), 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530. The material incorporated by reference is also available through the United States Government Printing Office, online at www.govinfo.gov. Materials incorporated by reference are those editions in existence as of the date indicated and do not include any later amendments.

PART A General Provisions

I. General Provisions

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I.C. New Sources

All new sources shall utilize controls representing RACT, pursuant to applicable provisions in Regulation Number 7, Number 24, Number 25, Number 26 and Regulation Number 3, Part B, Section III.D., upon commencement of operation.

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PART B Combustion Equipment and Major Source RACT

I. Control of Emissions from Engines

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I.D. Control of emissions from new, modified, existing, and relocated natural gas fired reciprocating internal combustion engines.

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I.D.5. (State Only) Additional Requirements for Natural Gas Fired Reciprocating Internal Combustion Engines

I.D.5.a. Applicability

I.D.5.a.(i) This Section I.D.5. applies to stationary natural gas fired reciprocating internal combustion engines state-wide with a manufacturer's design rate greater than or equal to 1000 horsepower.

I.D.5.a.(i)(A) For purposes of this Section I.D.5., modified means any physical change to the engine or change in method of operation that results in an increase in the emission rate of any air pollutant, and does not include any physical or operational changes excluded by 40 C.F.R. 60.14(e).

I.D.5.a.(i)(B) For purposes of this Section I.D.5., placed in service means the bringing of an engine on-site for use. The placed in service date is the date the engine begins to operate. The following is not considered placed in service: (1) moving an engine subject to an Alternative Company-Wide Compliance Plan to another site with the same owner or operator; (2) for engines in service on or before November 14, 2020, replacement under an authorized alternative operating scenario.

I.D.5.a.(i)(C) For purposes of this Section I.D.5., relocated means the bringing of an engine into the 8-Hour Ozone Control Area from outside the 8-Hour Ozone Control Area or the bringing of an engine into the State of Colorado from outside the State of Colorado. The relocation date is the date the subject engine begins to operate.

I.D.5.a.(ii) Exemptions.

I.D.5.a.(ii)(A) Engines that burn less than 100 MMBtu per year of natural gas on a rolling-12-month basis are not subject to Sections I.D.5.b., I.D.5.d., I.D.5.e., I.D.5.f.(i)-(iii) and (v)-(vi), or I.D.5.g.

I.D.5.a.(ii)(B) Non-road engines, as defined in Regulation Number 3, Part A, Section I.B.36~~4~~ are not subject to this Section I.D.5.

I.D.5.a.(ii)(C) Any emergency power generator exempt from APEN or construction permit requirements pursuant to Regulation Number 3, Parts A or B are not subject to this Section I.D.5.

I.D.5.a.(ii)(D) Emergency power generators that operate less than 250 hours per year on a rolling-12-month basis are not subject to Sections I.D.5.b., I.D.5.d., I.D.5.e., I.D.5.f.(i)-(iii) and (v)-(vi), or I.D.5.g.

I.D.5.b. Emission Standards for Engines Subject to Section I.D.5.a.

I.D.5.b.(i) The owner or operator of any stationary natural gas fired reciprocating internal combustion engine that is placed in service, modified, or relocated after November 14, 2020, must comply with the emission standards in Table 2 upon placement in service, modification, or relocation.

I.D.5.b.(ii) The owner or operator of any stationary natural gas fired reciprocating internal combustion engine not subject to Section I.D.5.b.(i) must comply with the emission standards in Table 2 in accordance with the timing set forth Section I.D.5.b.(v).

TABLE 2

Engine Type	Emission Standards (g/hp-hr)		
	NOx	CO	VOC
4-Stroke Lean Burn engines in service on or before November 14, 2020, (unless subject to a more stringent emission standard under Section I.D.3.b, above)	1.2	2.0	0.7
Rich Burn engines in service on or before November 14, 2020	0.8	2.0	0.7
4-Stroke Lean Burn engines placed in service, modified, or relocated after November 14, 2020	0.7	2.0	0.7
Rich Burn engines placed in service, modified, or relocated after November 14, 2020	0.5	2.0	0.7
4-Stroke Lean Burn engines placed in service, modified, or relocated after January 30, 2024	0.5	2.0	0.7
Rich Burn engines placed in service, modified, or relocated	0.3	2.0	0.7

after January 30, 2024			
2-Stroke Lean Burn engines	3.0	2.0	0.7

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I.D.6. (State Only) Additional Requirements for Internal Combustion Engines

I.D.6.a. Applicability

I.D.6.a.(i) This Section I.D.6. applies to stationary rich burn natural gas fired reciprocating internal combustion engines state-wide with a manufacturer's design rate greater than or equal to 100 horsepower but less than 1000 horsepower and lean burn natural gas fired reciprocating internal combustion engines state-wide with a manufacturer's design rate greater than or equal to 250 horsepower but less than 1000 horsepower.

I.D.6.a.(ii) This Section I.D.6. applies to stationary diesel or dual-fuel fired internal combustion engines state-wide with a manufacturer's design rate greater than or equal to 500 horsepower.

I.D.6.a.(iii) For purposes of this Section I.D.6., modified means any physical change to the engine or change in method of operation that results in an increase in the emission rate of any air pollutant, and does not include any physical or operational changes excluded by 40 C.F.R. 60.14(e).

I.D.6.a.(iv) For purposes of this Section I.D.6., placed in service means the bringing of an engine on-site for use. The placed in service date is the date the engine begins to operate. For engines in service on or before January 30, 2024, replacement under an authorized alternative operating scenario is not considered placed in service.

I.D.6.a.(v) For purposes of this Section I.D.6., relocated means the bringing of an engine into the 8-hour ozone control area from outside the 8-hour ozone control area or the bringing of an engine into the State of Colorado from outside the State of Colorado. The relocation date is the date the subject engine begins to operate.

I.D.6.a.(vi) Exemptions.

I.D.6.a.(vi)(A) Engines that burn less than 100 MMBtu per year of natural gas on a rolling-12-month basis are not subject to Sections I.D.6.a. through I.D.6.d, or I.D.6.f.

I.D.6.a.(vi)(B) Non-road engines, as defined in Regulation Number 3, Part A, Section I.B.36 are not subject to this Section I.D.6.

I.D.6.a.(vi)(C) Any emergency power generator exempt from APEN or construction permit requirements pursuant to Regulation

Number 3, Parts A or B are not subject to this Section I.D.6.

I.D.6.a.(vi)(D) Emergency power generators that operate less than 250 hours per year on a rolling-12-month basis are not subject to Sections I.D.6.a. through I.D.6.d, or I.D.6.f.

I.D.6.a.(vii) Owners and operators of natural gas-fired engines less than 100 horsepower are subject to reporting requirements in Section I.D.6.f.(ii).

I.D.6.b. Emission Standards for Engines Subject to Section I.D.6.a.

I.D.6.b.(i) The owner or operator of any stationary natural gas-fired reciprocating internal combustion engine that is placed in service, modified, or relocated after January 30, 2024, must comply with the emission standards in Table 5 upon placement in service, modification, or relocation.

I.D.6.b.(ii) The owner or operator of any stationary natural gas-fired reciprocating internal combustion engine not subject to Section I.D.6.b.(i) must comply with the emission standards in Table 5 in accordance with the timing set forth Section I.D.6.b.(v).

TABLE 5

Engine Type	Emission Standards NOx (g/hp-hr)
Lean Burn and Rich Burn engines in service on or before January 30, 2024	0.5
Lean Burn engines placed in service, modified, or relocated after January 30, 2024	0.5
Rich Burn engines placed in service, modified, or relocated after January 30, 2024	0.3

I.D.6.b.(iii) The owner or operator of any stationary diesel or dual-fuel internal combustion engine that is placed in service, modified, or relocated after January 30, 2024, must achieve or exceed EPA Tier IV standards for NOx upon placement in service, modification, or relocation.

I.D.6.b.(iv) The owner or operator of any stationary diesel or dual-fuel internal combustion engine not subject to Section I.D.6.b.(iii) must achieve or exceed EPA Tier IV standards for NOx in accordance with the timing set forth Section I.D.6.b.(vi).

I.D.6.b.(v) Permit Modification.

I.D.6.b.(v)(A) An engine in service on or before January 30, 2024 that requires only a modification of an existing permit to meet the emission standards in this Section I.D.6.b. must submit a complete permit application containing the necessary limitations no later than May 1, 2024.

I.D.6.b.(v)(B) For any engine not subject to Section I.D.6.b.(v)(A), owners and operators must modify existing permits to reflect the emission standards or other operating conditions necessary to achieve compliance with Table 5. Complete permit applications must be submitted to the Division at least 365 days prior to the date established in Section I.D.6.b.(vi) for that engine.

I.D.6.b.(vi) Compliance deadlines for engines subject to Sections I.D.6.b.(ii) or I.D.6.b.(iv).

I.D.6.b.(vi)(A) Engines that comply with the emission standards on or before January 30, 2024, or are subject to Section I.D.6.b.(v)(A) must meet the emission standards in Table 5 by May 1, 2025.

I.D.6.b.(vi)(B) Engines not subject to Section I.D.6.b.(v)(A) must meet the emission standards in Table 5 in accordance with the timing set forth in Table 6.

TABLE 6

Location of Subject Engines by Owner or Operator	Compliance Deadlines				
	May 1, 2025	May 1, 2026	May 1, 2027	May 1, 2028	May 1, 2029
	Percent (%) of engines that must comply with Table 5 limits				
Inside, or inside and outside, the 8-Hour Ozone Control Area	At least 34% of engines inside the 8-Hour Ozone Control Area	At least 67% of engines inside the 8-Hour Ozone Control Area; and at least 25% of engines outside the 8-Hour Ozone Control Area	100% of engines in the 8-Hour Ozone Control Area; and at least 50% of engines outside the 8-Hour Ozone Control Area	At least 75% of engines outside the 8-Hour Ozone Control Area	100% of all engines
Outside the 8-Hour Ozone Control Area only	At least 20%	At least 40%	At least 60%	At least 80%	100%

I.D.6.b.(vii) If an owner or operator replaces an engine subject to an emission standard under this Section I.D.6.b. with a different stationary engine under an alternative operating scenario pursuant to an existing Division issued permit, the replacement

engine must, meet the same emission standard as the engine being replaced.

I.D.6.c. Performance Testing

I.D.6.c.(i) Engines subject to this Section I.D.6. must conduct a performance test consistent with the following requirements.

I.D.6.c.(i)(A) The owner or operator of an engine subject to Section I.D.6.b.(ii) must conduct a performance test for NOx by May 1, 2025.

I.D.6.c.(i)(B) The owner or operator of an engine placed in service, modified, relocated or replaced after January 30, 2023, must conduct a performance test within 12 months of the date the engine is placed in service, modified, relocated or replaced.

I.D.6.c.(i)(C) The following engines are exempt from the requirements of this Section I.D.6.c.

I.D.6.c.(i)(C)(1) Engines subject to the performance testing requirements of 40 C.F.R. Part 60, Subpart JJJJ (July 1, 2023) or 40 C.F.R. Part 60, Subpart IIII (July 1, 2023).

I.D.6.c.(i)(C)(2) Engines subject to at least semi-annual portable analyzer testing or ongoing performance testing in a permit issued on or before January 30, 2024.

I.D.6.c.(i)(D) A performance test conducted in accordance with 40 C.F.R. §60.4244 (July 1, 2023) or 40 C.F.R. §60.4212 – 60.4213 (July 1, 2023) between January 1, 2023 and May 1, 2024, will satisfy the initial performance testing requirements in Section I.D.6.c.(i)(A).

I.D.6.c.(ii) Performance tests must be conducted in accordance with the applicable reference test methods of 40 C.F.R. Part 60, Appendix A (July 1, 2023), and a test protocol submitted to the Division for review at least thirty (30) days prior to testing and in accordance with AQCC Common Provisions Regulation Section II.C.

I.D.6.c.(iii) Tuning of an engine prior to the performance test required by this Section I.D.6.c. is not a violation of this rule. However, readjustment of an engine set point following the performance test that would negatively impact the performance of the engine (i.e., result in increased emissions above applicable permit limits) is a violation of this rule.

I.D.6.d. Monitoring. Except as provided in Section I.D.6.a.(vi), owners or operators of an engine subject to Section I.D.6.a. must:

I.D.6.d.(i) Beginning on May 1, 2025, conduct annual portable analyzer monitoring for NOx. At least six calendar months must separate the annual tests.

I.D.6.d.(i)(A) If the engine is operated for less than 200 hours in any 12-month period, then the portable analyzer monitoring need not occur during that annual period (i.e., the engine does not need to be started for the sole purpose of portable monitoring).

I.D.6.d.(i)(B) All portable analyzer testing required by this section must be conducted using the Division's Portable Analyzer Monitoring Protocol (version: March 2006).

I.D.6.d.(i)(C) Tuning of an engine prior to annual monitoring events required by this Section I.D.6.d.(i) is not a violation of this rule. However, readjustment of an engine set point following the monitoring event that would negatively impact the performance (i.e., result in increased emissions above applicable permit limits) of the engine is a violation of this rule.

I.D.6.d.(i)(D) A performance test conducted pursuant to Section I.D.6.c., 40 C.F.R. Part 60, JJJJ, IIII, or a permit requirement may take the place of the next required annual portable analyzer test required by this section.

I.D.6.d.(i)(E) An engine subject to at least annual portable analyzer testing requirements in an existing permit issued by the Division can comply with this Section I.D.6.d.(i) by complying with the testing requirements in the permit.

I.D.6.d.(ii) Beginning May 1, 2024, if a catalyst is used to reduce emissions:

I.D.6.d.(ii)(A) Monitor the inlet temperature to the catalyst daily and conduct maintenance if the temperature is not within applicable limits.

I.D.6.d.(ii)(B) Measure the pressure drop across the catalyst monthly and conduct maintenance if the pressure drop is greater than 2 inches outside the baseline value established after each annual portable analyzer monitoring.

I.D.6.d.(ii)(C) Engines that are subject to catalyst temperatures and catalyst pressure drop monitoring requirements in an existing permit issued by the Division or 40 C.F.R. Part 63, Subpart ZZZZ (July 1, 2023) satisfy the monitoring requirements of this Section I.D.6.d.(ii).

I.D.6.d.(iii) Beginning May 1, 2024 or the date the engine is placed in service, modified, relocated or replaced (if later), install (if not already installed) and operate an hour meter or Division approved alternate method to continuously track the hours of operation of the subject engine.

I.D.6.d.(iv) Conduct the following inspections and adjustments at least annually, unless otherwise specified, beginning in 2025.

I.D.6.d.(iv)(A) Change oil and filters as necessary; and,

I.D.6.d.(iv)(B) Inspect air cleaners, fuel filters, hoses, and belts and clean or replace as necessary; and,

I.D.6.d.(iv)(C) Inspect spark plugs and replace as necessary; or,

I.D.6.d.(iv)(D) Conduct a combustion process adjustment according to the manufacturer recommended procedures and schedule. Alternatively, the owner or operator may rely on a combustion process adjustment conducted in accordance with requirements and schedules of a New Source Performance Standard in 40 CFR Part 60 (July 1, 2023) or National Emission Standard for Hazardous Air Pollutants in 40 CFR Part 63 (July 1, 2023) conducted during the same annual period to satisfy the annual combustion process adjustment requirement of this Section I.D.6.d.(iv)(D) for that 12-month period.

I.D.6.e. Recordkeeping. The following records must be kept for a period of five years and made available to the Division upon request.

I.D.6.e.(i) Records of performance tests conducted pursuant to Section I.D.6.c., including I.D.6.c.(i)(D), including the date, engine settings on the date of the test, and documentation of the methods and results of the testing.

I.D.6.e.(ii) Records of semi-annual portable analyzer monitoring, including the date, engine settings on the date of the monitoring, and documentation of the results of the monitoring. These records must include any demonstration that no annual portable analyzer monitoring was required as provided under Sections I.D.6.d.(i)(D) or I.D.6.d.(i)(E), if applicable.

I.D.6.e.(iii) Records of catalyst monitoring required by Section I.D.6.d.(ii) and any actions taken to address monitored values outside the temperature or pressure drop parameters, including the date and a description of actions taken.

I.D.6.e.(iv) If claiming an exemption under Section I.D.6.a.(vi), records demonstrating that fuel combustion was less than 100 MMBtu per year or hours of operation are less than 250 hours per year.

I.D.6.e.(v) Hours of operation as recorded by the hour meter or alternative device approved by the Division continuously tracking hours as required by Section I.D.6.d.(iii), at least on a calendar month basis.

I.D.6.e.(vi) Records of tuning, adjustments, or other combustion process adjustments required under Section I.D.6.d.(iv), including:

I.D.6.e.(vi)(A) The date of the adjustment.

I.D.6.e.(vi)(B) A description of any corrective action taken.

I.D.6.e.(vi)(C) If the owner or operator conducts the combustion process adjustment according to the manufacturer recommended procedures and schedule and the manufacturer specifies a combustion process adjustment on an operation time schedule, the hours of operation since the last combustion process adjustment and the procedures followed. The owner or operator must retain documentation of any relied upon manufacturer recommended procedures, specifications, and maintenance schedule for five years after the owner or operator ceases to rely upon it.

I.D.6.e.(vi)(D) If the owner or operator conducts the combustion process adjustment according to a New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants, what standard applied and what procedures were followed.

I.D.6.f. Reporting.

I.D.6.f.(i) Beginning on the date specified and by May 1 of each year thereafter, the owner or operator of each engine subject to this Section I.D.6. must submit the following information covering the preceding calendar year.

I.D.6.f.(i)(A) Beginning May 1, 2024, a statement of the status of performance testing required under Section I.D.6.c., and the date and results of that testing.

II.D.6.f.(i)(B) Beginning May 1, 2025, an identification of any engines placed in service, modified, relocated, or replaced, including AIRS number, serial number, location, engine configuration, and a certification as to whether the emission standards in Table 5 are met.

I.D.6.f.(i)(C) Beginning May 1, 2026, the date on which the monitoring required by Sections I.D.6.d.(iv) was performed.

I.D.6.f.(i)(D) Beginning May 1, 2026, the date that all required annual portable analyzer testing was performed under Section I.D.6.d.(i), and the results of that testing.

I.D.6.f.(ii) Owners and operators subject to I.D.6.a.(vii) must submit the following information on or before May 1, 2024.

I.D.6.f.(ii)(A) A identification of any engines less than 100 horsepower placed in service, modified, relocated, or replaced before January 30, 2024, including AIRS number, serial number, location, and engine configuration.

I.D.6.f.(ii)(B) For each identified engine, the previous calendar year actual NOx emission rate expressed in g/hp-hr.

I.D.6.f.(ii)(C) For each identified engine, the current permitted NOx emission rate expressed in g/hp-hr.

II. Control of Emissions from Stationary and Portable Combustion Equipment in the 8-Hour Ozone Control Area or Northern Weld County

II.A. Requirements for major sources of NOx

II.A.1. Applicability.

II.A.1.a. Except as provided in Section II.A.2., the requirements of this Section II. apply to owners and operators of any stationary combustion equipment that existed at a major source of NOx (greater than or equal to 100 tpy NOx) as of June 3, 2016, located in the 8-Hour Ozone Control Area.

II.A.1.b. Except as provided in Section II.A.2., the requirements of Section II. apply to owners and operators of any stationary combustion equipment that existed at a major source of NOx (greater than or equal to 50 tpy NOx) as of January 27, 2020, located in the 8-Hour Ozone Control Area, that is not already subject as provided under Section II.A.1.a.

II.A.1.c. Except as provided in Section II.A.2., the requirements of Section II. apply to owners and operators of process heaters that existed at source that emits, or has the potential to emit, NOx emissions greater than or equal to 25 tpy NOx as of July 20, 2021, located in the 8-Hour Ozone Control Area, that is not already subject as provided under Sections II.A.1.a. or II.A.1.b.

II.A.1.d. Except as provided in Section II.A.2., the requirements of Section II. apply to owners and operators of any stationary combustion equipment that existed at a major source of NOx (greater than or equal to 25 tpy NOx) as of November 7, 2022, located in the 8-Hour Ozone Control Area, that is not already subject as provided under Sections II.A.1.a. through II.A.1.c.

II.A.1.e. Except as provided in Sections II.A.2. or III.C., the requirements of Section II. apply to owners and operators of any stationary combustion equipment that existed at a major source of NOx (greater than or equal to 100 tpy NOx) as of November 7, 2022, located in northern Weld County.

II.A.2. Exemptions. The following stationary combustion equipment are exempt from the emission limitation requirements of Section II.A.4., the compliance demonstration requirements in Section II.A.5., and the related recordkeeping and reporting requirements of Sections II.A.7.a-e. and II.A.8, but these sources must maintain any and all records necessary to demonstrate that an exemption applies. These records must be maintained for a minimum of five years and made available to the Division upon request. Qualifying for an exemption in this section does not preclude the combustion process adjustment requirements of Section II.A.6., when required by II.A.6.a.

Once stationary combustion equipment no longer qualifies for any exemption, the owner or operator must comply with the applicable requirements of this Section II.A. as expeditiously as practicable but no later than 36 months after any exemption no longer applies. Additionally, once stationary combustion equipment that is not equipped with CEMS or CERMS no longer qualifies for any exemption, the owner or operator must conduct a performance test using EPA test methods within 180 days and notify the

Division of the results and whether emission controls will be required to comply with the emission limitations of Section II.A.4.

II.A.2.a. Any stationary combustion equipment whose utilization is less than:

II.A.2.a.(i) 20% of its capacity factor on an annual average basis over a 3-year rolling period for boilers; or

II.A.2.a.(ii) 10% of its capacity factor on an annual average basis over a 3-year rolling period for stationary combustion turbines and compression ignition reciprocating internal combustion engines.

II.A.2.b. An engine testing operation or process line.

II.A.2.c. Any gaseous fuel fired stationary combustion equipment used to control VOC emissions from a commercial or industrial process.

II.A.2.d. Any stationary combustion equipment with total uncontrolled actual emissions less than 5 tpy NOx on a calendar year basis.

II.A.2.e. Any natural gas-fired reciprocating internal combustion engines subject to a work practice or emission control requirement contained in this Regulation Number 26, Part B, Section I.A. or I.B.

II.A.2.f. Any stationary combustion equipment subject to a federally enforceable work practice or emission control requirement contained in this Regulation Number 26, Part B, Sections III.A. through III.C. or Regulation 23.

II.A.3. Definitions

II.A.3.a. "Affected unit" means any stationary combustion equipment that is subject to or becomes subject to an emission limitation in Section II.A.4.

II.A.3.b. "Boiler" means an enclosed device using controlled flame combustion and having the primary purpose of recovering thermal energy in the form of steam or hot water.

II.A.3.c. "Capacity factor" means the ratio of the amount of fuel burned by an emissions unit in a calendar year to the amount of fuel it could have burned if it had operated at the designed heat input rating for 8,760 hours during the calendar year. Alternatively, for electric generating units, capacity factor can mean the ratio of the unit's actual annual electric output (expressed in MWe/hr) to the electric output the unit could have achieved if it operated at its nameplate capacity (or maximum observed hourly gross load (expressed in MWe/hr) if greater than the nameplate capacity) for 8,760 hours during the calendar year.

II.A.3.d. "Ceramic kiln" means equipment used for the curing or firing of ceramic products or glaze on ceramic products. A kiln may operate continuously or by batch process.

II.A.3.e. "Continuous emission monitoring system" ("CEMS") or "Continuous emission rate monitoring system" ("CERMS") means the total equipment required to sample, condition (if applicable), analyze, and provide a written record of such emissions and/or emission rates, expressed on a

continuous basis in terms of an applicable emission limitation. Such equipment includes, but is not limited to, sample collection and calibration interfaces, pollutant analyzers, a diluent analyzer (oxygen or carbon dioxide), stack gas volumetric flow monitors (if appropriate for CERMS), and data recording and storage devices.

II.A.3.f. "Compression ignition reciprocating internal combustion engine (RICE)" means a type of stationary RICE that is liquid fuel-fired and not ignited with a spark plug or other sparking device.

II.A.3.g. "Digester gas" means any gaseous byproduct of wastewater treatment typically formed through the anaerobic decomposition of organic waste materials and composed principally of methane and carbon dioxide.

II.A.3.h. "Duct burner" means a device that combusts fuel and is placed in the exhaust duct from another source (e.g., stationary combustion turbine, internal combustion engine, or kiln) to allow the firing of additional fuel to heat the exhaust gases before the exhaust gases enter a heat recovery steam generating unit.

II.A.3.i. "Dryer" means a device that is used to reduce or evaporate moisture content or remove organic contaminants.

II.A.3.j. "Furnace" means an enclosed device that is an integral component of a manufacturing process and that uses thermal treatment to accomplish recovery of materials or energy.

II.A.3.k. "Gaseous fuel" means natural gas, landfill gas, refinery fuel gas, digester gas, methane, ethane, propane, butane, or any gas stored as a liquid at high pressure such as liquefied petroleum gas.

II.A.3.l. "Glass melting furnace" means an emissions unit comprising a refractory vessel in which raw materials are charged, melted at high temperature, refined, and conditioned to produce molten glass.

II.A.3.m. "Kiln" means the equipment used to remove combined (chemically bound) water and/or gases from mineral material through direct or indirect heating.

II.A.3.n. "Lightweight aggregate" means the expanded, porous product from heating shales, clays, slates, slags, or other natural materials in a kiln.

II.A.3.o. "Liquid fuel" means any fuel which is a liquid at standard conditions including but not limited to distillate oils, kerosene and jet fuel. Liquefied gaseous fuels are not liquid fuels.

II.A.3.p. "Process heater" means an enclosed device using controlled flame and a primary purpose to transfer heat indirectly to a process material or to a heat transfer material for use in a process unit, instead of generating steam. Process heaters are devices in which the combustion gases do not come into direct contact with process materials.

II.A.3.q. "Reciprocating internal combustion engine" means any reciprocating internal combustion engine which uses reciprocating motion to convert

heat energy into mechanical work and which is not used to propel a motor vehicle or a vehicle used solely for competition.

II.A.3.r. "Stationary combustion equipment" means an emissions unit that combusts solid, liquid, or gaseous fuel, generally for the purposes of producing electricity, generating steam, or providing useful heat or energy for industrial, commercial, or institutional use. Stationary combustion equipment includes, but is not limited to, boilers, duct burners, engines, glass melting furnaces, kilns, process heaters, stationary combustion turbines, dryers, furnaces, and ceramic kilns.

II.A.3.s. "Stationary combustion turbine" means a non-mobile, enclosed fossil or other fuel-fired device that is comprised of a compressor, a combustor and a turbine, and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine. Stationary combustion turbines can be simple cycle or combined cycle and they may or may not include a duct burner.

II.A.4. Emission limitations.

By October 1, 2021, or the applicable date in Section II.A.4.g. for process heaters, no owner or operator of stationary combustion equipment specified in Section II.A.1.a. may cause, allow, or permit NOx to be emitted in excess of the following emission limitations. When demonstrating compliance using continuous emissions monitoring pursuant to Section II.A.5.b.(i), the following emission limitations are on a 30-day rolling average basis, unless otherwise specified.

By July 20, 2021, or the applicable date in Section II.A.4.g. for process heaters, no owner or operator of stationary combustion equipment specified in Section II.A.1.b. may cause, allow, or permit NOx to be emitted in excess of the following emission limitations. When demonstrating compliance using continuous emissions monitoring pursuant to Section II.A.5.b.(i), the following emission limitations are on a 30-day rolling average basis, unless otherwise specified.

By May 1, 2022, or May 1 2023, as specified in Section II.A.4.g., no owner or operator of process heaters specified in Section II.A.1.c. may cause, allow, or permit NOx to be emitted in excess of the following emission limitations. Compliance with the applicable emission limitations contained in Section II.A.4. must be determined according to the applicable methods contained in Sections II.A.5. When demonstrating compliance using continuous emissions monitoring pursuant to Section II.A.5.b.(i), the following emission limitations are on a 30-day rolling average basis, unless otherwise specified.

By May 1, 2024, or the applicable date in Section II.A.4.g. for process heaters, no owner or operator of stationary combustion equipment specified in Sections II.A.1.d. or II.A.1.e. may cause, allow, or permit NOx to be emitted in excess of the following emission limitations. When demonstrating compliance using continuous emissions monitoring pursuant to Section II.A.5.b.(i), the following emission limitations are on a 30-day rolling average basis, unless otherwise specified.

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II.A.4.f. Landfill gas or biogas gas fired RICE.

II.A.4.f.(i) For landfill gas or biogas fired RICE with a maximum design power output equal to or greater than 500 horsepower, 1.5~~2~~ grams per brake horsepower-hour.

II.A.4.g. Process heaters

II.A.4.g.(i) Except as specified in Section II.A.4.g.(ii), by May 1, 2022, process heaters must comply with the following NOx emission limits in Table 2.

Table 2 – NOx limits for process heaters

Heat input rate (MMBtu/hr)	Fuel type	NOx emission limit (lb/MMBtu)
≥ 5 and < 100	Natural gas	0.05
~~≥ 5~~	~~Refinery fuel gas~~	~~0.1~~

II.A.4.g.(ii) Process heaters that require a permitting action or facility shut-down to comply with the NOx emission limits in Table 2 must comply by May 31, 2023.

II.A.4.g.(iii) Process heaters subject under Section II.A.1.e. must comply with the NOx emission limits in Table 2 by May 1, 2024.

II.A.5. Compliance demonstration.

II.A.5.a. Compliance date

II.A.5.a.(i) By October 1, 2021, for stationary combustion equipment that existed at a major source of NOx (greater than or equal to 100 tpy NOx) located in the 8-hour ozone control area as of June 3, 2016, except for process heaters specified in Section II.A.4.g., the owner or operator of an affected unit must determine compliance with the applicable emission limitations contained in Section II.A.4. according to the applicable methods contained in this Section II.A.5.

II.A.5.a.(ii) By July 20, 2021, for stationary combustion equipment specified in Section II.A.1.b., except for process heaters specified in Section II.A.4.g., the owner or operator of an affected unit must determine compliance with the applicable emission limitations contained in Section II.A.4. according to the applicable methods contained in Sections II.A.5.

II.A.5.a.(iii) By May 1, 2022, for process heaters specified in Section II.A.4.g.(i). or May 31, 2023, for process heaters specified in Section II.A.4.g.(ii), the owner or operator of an affected unit must determine compliance with the applicable emission limitations contained in Section II.A.4. according to the applicable methods contained in Sections II.A.5.

II.A.5.a.(iv) By May 1, 2024, for stationary combustion equipment specified in Section II.A.1.d., except for process heaters specified in

Section II.A.4.g., the owner or operator of an affected unit must determine compliance with the applicable emission limitations contained in Section II.A.4. according to the applicable methods contained in Sections II.A.5.

II.A.5.a.(v) By May 1, 2024, for stationary combustion equipment specified in Section II.A.1.e., except for process heaters specified in Section II.A.4.g., the owner or operator of an affected unit must determine compliance with the applicable emission limitations contained in Section II.A.4. according to the applicable methods contained in Sections II.A.5.

II.A.5.b. Emissions monitoring requirements for major source RACT limits

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II.A.5.b.(ii) Initial and periodic performance testing

II.A.5.b.(ii)(A) An owner or operator of a stationary combustion turbine subject to 40 CFR Part 60, Subparts GG or KKKK (October 7, 2020) that has used and continues to use performance testing to demonstrate compliance with either Subpart GG or KKKK (October 7, 2020), as applicable, may use those performance testing procedures to demonstrate continued compliance with an applicable limitation contained in Section II.A.4.b., thereby satisfying the requirements of this Section II.A.5.b.(ii).

II.A.5.b.(ii)(B) An owner or operator of a process heater subject to a NOx emission limit in Section II.A.4.g. must

II.A.5.b.(ii)(B)(1) For natural gas-fired and refinery gas-fired process heaters greater than or equal to 100 MMBtu/hr, conduct an initial performance test in accordance with Sections II.A.5.b.(ii)(D)(1), II.A.5.b.(ii)(D)(4), and II.A.5.b.(ii)(E) by April 1, 2022, or by November 30, 2023, for process heaters specified in Section II.A.4.g.(ii), and conduct subsequent performance tests in accordance with Sections II.A.5.b.(ii)(D)(1), II.A.5.b.(ii)(D)(4), and II.A.5.b.(ii)(E) every 2 years thereafter.

II.A.5.b.(ii)(B)(2) For natural gas-fired process heaters greater than or equal to 50 MMBtu/hr and less than 100 MMBtu/hr, conduct an initial performance test in accordance with Sections II.A.5.b.(ii)(D)(1), II.A.5.b.(ii)(D)(4), and II.A.5.b.(ii)(E) by April 1, 2022, or by November 30, 2023, for process heaters specified in Section II.A.4.g.(ii), and comply with the combustion process adjustment requirements in Section II.A.6. thereafter.

II.A.5.b.(ii)(B)(3) For natural gas-fired process heaters greater than or equal to 5 MMBtu/hr and less than 50 MMBtu/hr and refinery gas-fired process heaters greater than or equal to 5 MMBtu/hr and less than 100 MMBtu/hr, comply with the combustion process adjustment requirements in Section II.A.6.

II.A.5.b.(ii)(B)(4) For a group of process heaters that vent to a common stack, the owner or operator may either assess compliance for the heaters individually by performing a separate emission test of each heater in the duct leading from the heater to the common stack or may perform a single emission test in the common stack. The owner or operator must include in the test protocol for these units a definition of representative conditions for performance testing purposes.

II.A.5.b.(ii)(B)(5) For natural gas-fired process heaters subject under Sections II.A.1.d. or II.A.1.e. and greater than or equal to 50 MMBtu/hr and less than 100 MMBtu/hr, conduct an initial performance test in accordance with Sections II.A.5.b.(ii)(D)(1), II.A.5.b.(ii)(D)(4), and II.A.5.b.(ii)(E) by April 1, 2024, and comply with the combustion process adjustment requirements in Section II.A.6. thereafter.

II.A.5.b.(ii)(B)(6) Performance tests conducted in accordance with Sections II.A.5.b.(ii)(D)(1) through II.A.5.b.(ii)(D)(3) and II.A.5.b.(ii)(E) within three (3) years of the applicable performance testing date in Sections II.A.5.b.(ii)(B)(1) or II.A.5.b.(ii)(B)(2) will satisfy the initial performance testing requirement.

II.A.5.b.(ii)(B)(7) As an alternative to the requirements in Sections II.A.5.b.(ii)(B)(1), II.A.4.b.(ii)(B)(2), II.A.5.b.(ii)(B)(4), and II.A.5.b.(ii)(B)(5), the owner or operator may install, operate, and maintain a NOx CEMS or CERMS in accordance with Sections II.A.5.b(i)(A)(1) through II.A.5.b.(i)(A)(4) to monitor compliance with the applicable emission limit.

II.A.5.b.(ii)(C) An owner or operator of a boiler subject to a NOx limit under Sections II.A.4.a.(v) or II.A.4.a.(vi), conduct an initial performance test in accordance with Sections II.A.5.b.(ii)(D)(1), II.A.5.b.(ii)(D)(4), and II.A.5.b.(ii)(E) by April 1, 2024, and comply with the combustion process adjustment requirements in Section II.A.6. thereafter.

II.A.5.b.(ii)(D) Except as otherwise provided for in Sections II.A.5.b.(ii)(A), II.A.5.b.(ii)(B), or II.A.5.b.(ii)(C), the owner or operator of an affected unit subject to a NOx emission

limitation contained in Sections II.A.4.a.(iv), II.A.4.b., or II.A.4.e. that is not equipped with NOx CEMS or CERMS, must conduct an initial performance test and subsequent performance tests every 2 years thereafter, according to the following requirements, as applicable, to determine the affected unit's NOx emission rate for each fuel fired in the affected unit.

II.A.5.b.(ii)(D)(1) A performance test is not required for a fuel used only for startup or for a fuel constituting less than 2% of the unit's annual heat input, as determined at the end of each calendar year.

II.A.5.b.(ii)(D)(2) Initial performance test must include a determination of the capacity load point of the unit's maximum NOx emissions rate based on one 30-minute test run at each capacity load point for which the unit is operated, other than for startup and shutdown, in the load ranges of 20 to 30%, 45 to 55%, and 70 to 100%. Subsequent performance tests must be performed within the capacity load range determined to result in the maximum NOx emissions rate.

II.A.5.b.(ii)(D)(3) Performance tests must determine compliance with Section II.A.4. based on the average of three 60-minute test runs performed at the capacity load determined in Section II.A.5.b.(ii)(D)(2).

II.A.5.b.(ii)(D)(4) Initial performance test must be conducted at both high and low load capacity. If site operations do not allow testing at high and low loads, the initial performance test must be conducted at the highest achievable load that site conditions allow. The owner or operator must submit a summary of six months of operating performance with the test protocol supporting the testing load(s). Subsequent performance tests must be performed within the capacity load range determined to result in the maximum NOx emissions rate. Performance tests must determine compliance based on the average of three 60-minute test runs.

II.A.5.b.(ii)(E) The owner or operator of an affected unit subject to a NOx emission limitation contained in Section II.A.4.f. that is not equipped with NOx CEMS or CERMS, must conduct an initial performance test by May 1, 2025, and subsequent performance tests every 3 years thereafter, according to the requirements in Sections II.A.5.b.(ii)(D)(1) through II.A.5.b.(ii)(D)(4), as applicable, to determine the affected unit's NOx emission rate for each fuel fired in the affected unit. In lieu of subsequent triennial performance tests, the owner or operator may

conduct semi-annual portable analyzer monitoring for NOx conducted using the Division's Portable Analyzer Monitoring Protocol (March 2006). A performance test conducted on the engine in accordance with 40 C.F.R. Part 60 (July 1, 2023) between January 1, 2022, and April 30, 2025, will satisfy the initial performance test requirement.

II.A.5.b.(ii)(~~E~~F) All performance tests must be conducted in accordance with EPA test methods and a test protocol submitted to the Division for review at least thirty (30) days prior to testing and in accordance with AQCC Common Provisions Regulation Section II.C.

II.A.5.b.(iii) For affected units' subject to a production-based or output based emission limit contained in Section II.A.4. (e.g. lb of NOx/ton of product), the owner or operator must install, operate, and maintain monitoring equipment for measuring and recording the affected unit's production or output, on an hourly basis, in units consistent with the applicable emission limitation.

II.A.5.b.(iv) Where measuring fuel use is necessary to calculate an emission rate in the units of the applicable standard, fuel flowmeters must be installed, calibrated, maintained, and operated according to manufacturer's instructions for measuring and recording heat input in terms of the applicable emission limitation. Alternatively, fuel flowmeters that meet the installation, certification, and quality assurance requirements of 40 CFR Part 75, Appendix D (July 19, 2018) are acceptable for demonstrating compliance with this section. The installation of fuel-flowmeters is not required where emissions of NOx in terms of the applicable standard can be calculated in accordance with applicable provisions of EPA Method 19 (July 19, 2018) or where the standard is concentration based (e.g. parts per million dry volume corrected for oxygen).

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II.A.7. Recordkeeping. The following records must be kept for a period of five years and made available to the Division upon request:

II.A.7.a. The applicable emission limit and calculated heat input weighted emission limit for stationary combustion equipment demonstrating compliance for multiple fuels.

II.A.7.b. The 30-day rolling average emission rate calculated on a daily basis for sources using CERMS to comply with Section II.A.

II.A.7.c. The type and amount of fuel used.

II.A.7.d. The stationary combustion equipment's annual capacity factor on a calendar year basis.

II.A.7.e. All records generated to comply with the reporting requirements contained in Section II.A.8.

II.A.7.f. For stationary combustion equipment subject to the combustion process adjustment requirements in Section II.A.6., the following recordkeeping requirements apply:

II.A.7.f.(i) The owner or operator must create a record once every calendar year identifying the combustion equipment at the source subject to Section II.A. and including for each combustion equipment:

II.A.7.f.(i)(A) The date of the adjustment;

II.A.7.f.(i)(B) Whether the combustion process adjustment under Sections II.A.6.b.(i) through II.A.6.b.(vi) was followed, and what procedures were performed;

II.A.7.f.(i)(C) Whether a combustion process adjustment under Sections II.A.6.c.(i). and II.A.6.c.(ii). was followed, what procedures were performed, and what New Source Performance or National Emission Standard for Hazardous Air Pollutants applied, if any; and

II.A.7.f.(i)(D) A description of any corrective action taken.

II.A.7.f.(i)(E) If the owner or operator conducts the combustion process adjustment according to the manufacturer recommended procedures and schedule and the manufacturer specifies a combustion process adjustment on an operation time schedule, the hours of operation.

II.A.7.f.(i)(F) If multiple fuels are used, the type of fuel burned and heat input provided by each fuel.

II.A.7.f.(ii) The owner or operator must retain manufacturer recommended procedures, specifications, and maintenance schedule if utilized under Section II.A.6.c.(i). for the life of the equipment.

II.A.7.f.(iii) As an alternative to the requirements described in Section II.A.7.f.(i), the owner or operator may comply with applicable recordkeeping requirements related to combustion process adjustments conducted according to a New Source Performance Standard in 40 CFR Part 60 (July 1, 2022) or National Emission Standard for Hazardous Air Pollutants in 40 CFR Part 63 (July 1, 2022).

II.A.7.g. All sources qualifying for an exemption under Section II.A.2. must maintain all records necessary to demonstrate that an exemption applies.

II.A.7.h. Records of semi-annual portable analyzer monitoring, including the date, engine settings on the date of the monitoring, and documentation of the results of the monitoring.

II.A.8. Reporting

II.A.8.a. For affected units demonstrating compliance with Section II.A.4. using CEMS or CERMS in accordance with Section II.A.5.c.(i)(A), the owner or operator must submit to the Division the following information:

II.A.8.a.(i) Quarterly or semi-annual excess emissions reports no later than the 30th day following the end of each semi-annual or quarterly period, as applicable. Excess emissions means emissions that exceed the applicable limitations contained in Section II.A.4. Excess emission reports must include the information specified in 40 CFR Part 60, Section 60.7(c) (July 1, 2018).

II.A.8.b. For affected units demonstrating compliance with Section II.A.4 using performance testing pursuant to Section II.A.5.c.(ii)(C), the owner or operator must submit to the Division the following information:

II.A.8.b.(i) Performance test or portable analyzer testing reports within 60 days after completion of the performance test program or portable analyzer testing. All performance test reports must determine compliance with the applicable emission limitations set by Section II.A.4.

II.A.8.c. Beginning in 2024, the owner or operator must submit periodic reports (e.g., deviation reports, compliance certifications) as required by the source's operating permit.

III. Control of Emissions from Specific Major Sources of VOC and/or NOx in the 8-hour Ozone Control Area

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III.D. Golden Aluminum (123-0089) must submit a RACT analysis for the facility emission points with actual emissions equal to or greater than 2 tpy VOC, except point 018, to the Division no later than June 30, 2024. Approved RACT determinations will be addressed in the relevant source permit or through rule revisions, as appropriate.

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V. Control of Emissions from Foam Manufacturing in the 8-hour Ozone Control Area

V.A. Requirements for Foam Product Manufacturing

V.A.1. Applicability

V.A.1.a. Except as provided in Section V.A.2., the requirements of Section V. apply to owners or operators of foam manufacturing operations that existed at a major source of VOC (greater than or equal to 50 tpy VOC) as of January 27, 2020, located in the 8-hour Ozone Control Area.

V.A.1.b. Except as provided in Section V.A.2., the requirements of Section V. apply to owners or operators of foam manufacturing operations that existed at a major source of VOC (greater than or equal to 25 tpy VOC) as of November 7, 2022, located in the 8-hour Ozone Control Area.

V.A.2. Exemptions

Any foam manufacturing operation that uses only non-VOC blowing agents is exempt from this Section V.A.

V.A.3. Definitions

V.A.3.a. "Blowing agent" means any liquid, gaseous or solid substance that alone or in conjunction with other substances is capable of producing a cellular (foam) structure in a polymeric material.

V.A.3.b. "Expandable polystyrene (EPS) beads" means polystyrene beads, particles, or granules, usually less than one-twelfth inch in diameter, that are formulated with a blowing agent (typically 3.5% to 7% of bead weight). When subjected to prescribed heating in an expansion system, the beads puff up, expanding many times their original volume into low density foam globules (called "prepuff" or "puff") from which a variety of EPS foam products are molded.

V.A.3.c. "Expanded polystyrene (EPS) foam" means a lightweight, foam material, made of polystyrene, from which a variety of common items are made, such as ice-chests, insulation board, protective packaging, and single-use cups.

V.A.3.d. "Foam" means a solid material in a lightweight cellular form (having internal voids or cavities called cells that contain air or a gas) resulting from the introduction or generation of gas bubbles throughout its mass during processing.

V.A.3.e. "Foam manufacturing operation" means any EPS production line, or portion of a production line, which processes raw EPS bead into final molded EPS product. Production line processes include, but are not limited to: pre-expansion, aging (pre-puff), and molding. The manufacturing process ends after the product exits the EPS mold. "Foam manufacturing operation" also means any production line processing methylene diphenyl diisocyanate (MDI), resins, and various hardeners and thickeners into foam products and which results in VOC emissions into the atmosphere. The manufacturing process ends after the product exits the drying tunnel.

V.A.3.f. "Non-VOC blowing agent" means a blowing agent which does not contain VOCs.

V.A.3.g. "Polystyrene" means any grade, class, or type of thermoplastic polymer, alloy, or blend that is composed of at least 80% polymerized styrene by weight.

V.A.3.h. "Raw material" means all polystyrene, polyethylene and polypropylene, and blowing agent used in the manufacture of foam products.

V.A.4. Emission Limitations

V.A.4.a. By May 1, 2022, for sources subject pursuant to Section V.A.1.a. and by May 1, 2024, for sources subject pursuant to Section V.A.1.b., owners and operators of foam manufacturing operations must either

V.A.4.a.(i) Limit VOC emissions from foam manufacturing to 3.0 lbs. per 100 lbs. of total material process, averaged monthly, or

V.A.4.a.(ii) Control VOC emissions from foam manufacturing by 90%. The control device must have a control efficiency of at least 95%.

V.A.5. Work Practices

The owner or operator of any foam manufacturing operation must implement the following work practice requirements at all times to reduce VOC emissions from fugitive sources.

V.A.5.a. Store raw materials in closed, leak-free, labeled containers when not in use.

V.A.5.b. Cover open containers in a manner that minimizes evaporation into the atmosphere.

V.A.6. Monitoring

V.A.6.a. The owner or operator of foam manufacturing operations must operate and maintain the control device consistent with the manufacturer's specifications.

V.A.6.b. By November 1, 2022, and every three (3) years afterward, owners or operator of foam manufacturing operations must conduct a performance test during representative operations using EPA Method 24 (October 7, 2020) to determine VOC content and EPA Method 18, 25, or 25A (November 14, 2018) to determine control efficiency of the emission control equipment.

V.A.7. Recordkeeping

The following records must be kept for a period of five (5) years and made available to the Division upon request

V.A.7.a. Any records necessary to demonstrate that an exemption in Section V.A.2. applies.

V.A.7.b. The amount of raw material processed on a daily basis.

V.A.7.c. The type of blowing agent used.

V.A.7.d. The amount of blowing agent used on a monthly basis.

V.A.7.e. The total monthly VOC emissions.

V.A.7.f. For operators complying with the emission limitation in Section V.A.4.a.(i), the total monthly VOC emissions calculated on a pounds per 100 lbs. of material processed basis.

V.A.7.g. For operators that use a control device to comply with the emission limitations in Section V.A.4.a.

V.A.7.g.(i) A manufacturer guarantee of the control equipment's emission control efficiency to demonstrate compliance with Section V.A.4.

V.A.7.g.(ii) The amount of supplementary natural gas combusted in the control device on a monthly basis.

V.A.7.g.(iii) Records of performance tests conducted pursuant to Section V.A.6.

V.A.7.h. Records of calendar year VOC emission estimates demonstrating whether the foam manufacturing operation meets or exceeds the applicability threshold in Section V.A.1.

V.A.8. Reporting

V.A.8.a. Performance test protocols required for performance tests under Section V.A.6.b. must be submitted to the Division for review at least thirty (30) days prior to testing and in accordance with AQCC Common Provisions Regulation Section II.C.

V.A.8.b. Beginning in 2024, the owner or operator must submit periodic reports (e.g., deviation reports, compliance certifications) as required by the source's operating permit.

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PART C Statements of Basis, Specific Statutory Authority and Purpose

II. DATE, 2023 (Revisions to Part A, Section I.C.; and Part B, Sections I.D.5., I.D.6., II., III.D., and V.)

This Statement of Basis, Specific Statutory Authority, and Purpose complies with the requirements of the State Administrative Procedure Act, § 24-4-101, C.R.S., et seq., the Colorado Air Pollution Prevention and Control Act, § 25-7-101, C.R.S., et seq., and the Air Quality Control Commission's (Commission) Procedural Rules, 5 C.C.R. §1001-1.

Basis

On October 7, 2022, EPA reclassified the Denver Metro/North Front Range (DM/NFR) to severe for the 2008 8-hour Ozone National Ambient Air Quality Standard of 75 parts per billion (ppb) (2008 ozone NAAQS), after 2019-2021 ozone data failed to show attainment. See 86 Fed. Reg. 60926. Separately, EPA has also designated the DM/NFR as marginal nonattainment for the 2015 ozone NAAQS of 70 ppb, effective August 3, 2018 (83 Fed. Reg. 25776 (June 4, 2018)). On November 30, 2021, EPA expanded the boundary of the 2015 ozone nonattainment area to include all of Weld County, effective December 30, 2021 (86 Fed. Reg. 67864). On October 7, 2022, EPA reclassified the DM/NFR and northern Weld County to moderate, after 2019-2021 ozone data failed to show attainment. See 86 Fed. Reg. 60897.

To ensure progress towards attainment of the 2008 and 2015 ozone NAAQS and respond to Colorado's requirements under the Clean Air Act, the Commission adopted revisions to include reasonably available control technology (RACT) for major sources of volatile organic compounds (VOC) and nitrogen oxides (NOx) in the nonattainment areas, specifically expanding requirements for foam manufacturing, modifications to requirements for landfill and biogas fuel fired engines, modifications to requirements for process heaters, and a requirement for additional major source RACT analyses. The Commission also adopted additional, state-only, state-wide requirements for stationary combustion engines.

Specific Statutory Authority

The State Air Act, specifically § 25-7-105(1), directs the Commission to promulgate such rules and regulations as are consistent with the legislative declaration set forth in § 25-7-102 and that are necessary for the proper implementation and administration of Article 7. The Act broadly defines air pollutant to include essentially any gas emitted into the atmosphere (and, as such, includes VOC, NOx, methane and other hydrocarbons) and provides the Commission broad authority to regulate air pollutants. § 25-7-105(1)(a)(I) directs the Commission to adopt a state implementation plan (SIP) to attain the NAAQS. § 25-7-106 provides the Commission maximum flexibility in developing an effective air quality program and promulgating such combination of regulations as may be necessary or desirable to carry out that program. § 25-7-106 also authorizes the Commission to promulgate emission control regulations applicable to the entire state, specified areas or zones, or a specified class of pollution. § 25-7-106(6) further authorizes the Commission to require owners and operators of any air pollution source to monitor, record, and report information. §§ 25-7-109(1)(a) and (2) of the Act authorize the Commission to promulgate regulations requiring effective and practical air pollution controls for significant sources and categories of sources and emission control regulations pertaining to nitrogen oxides and hydrocarbons.

Purpose

The following section sets forth the Commission's purpose in adopting the revisions to Regulation Number 26, and includes the technological and scientific rationale for the adoption of the revisions.

Stationary Combustion Engines

In 2020, the Commission adopted state-wide, state-only requirements to minimize emissions from natural gas-fired reciprocating internal combustion engines greater than or equal to 1,000 horsepower (hp). At that time, the Commission requested that the Division consider evaluating strategies to increase the electrification of engines, lower emissions standards for engines, and possible controls applicable to smaller engines. In response to this directive and to further address NOx emissions affecting Colorado's ability to meet the ozone NAAQS, as well as other state goals, the Commission adopted additional NOx emission limits for natural gas-fired engines greater than or equal to 100 hp and diesel engines greater than or equal to 500 hp. The Commission also adopted new reporting requirements for natural gas-fired engines below 100 hp. Based on Division data, there are a large number of engines in this category of engines below 100 hp operating in the oil and gas sector throughout the state. However, data on these engines and the associated NOx emissions are not readily available because many of these sources are exempt from permitting and APEN requirements in Regulation Number 3.

For engines placed in service, modified, or relocated after January 30, 2024, the Commission adopted, generally, more stringent NOx standards. However, for lean burn engines, the NOx standard is the same whether the engine is currently in use at a site or brought on at a later date. The Commission also intends that any engines subject to a more stringent standard under a permit must still comply with that more stringent limit. The Commission adopted varying timing requirements for owners or operators to meet the emission standards, based on the location of subject engines inside and outside of the 8-hour ozone control area. Owners or operators with any engines in the 8-hour ozone control area are subject to a more aggressive timeline, which requires 100% of engines inside the 8-hour ozone control area to meet the emission standards by May 1, 2027, and 100% of engines outside the 8-hour ozone control area meet the emission standards by May 1, 2029. Operators with no engines inside the 8-hour ozone control area must follow the second timeline and meet the standards of at least 20% of engines each year from 2024 to 2029.

The Commission intends that the emission standards in Table 5 are a gram per horsepower-hour (g/hp-hr) limit based on appropriate averaging times. The Commission also intends that operators demonstrate compliance with the certification and recordkeeping requirements through the performance testing results required by Section I.D.6.c. and the portable analyzer results obtained in accordance with Section I.D.6.d., using the appropriate averaging times.

Major Source RACT

Due to the reclassifications to severe and moderate, Colorado must submit revisions to its SIP to address the Clean Air Act's (CAA) ozone nonattainment area requirements, as set forth in CAA §§ 172, 182(b), 182(d), and the final SIP Requirements Rules. Severe SIPs must include provisions that require the implementation of RACT for major sources of VOC and/or NOx (i.e., sources that emit or have the potential to emit 25 tpy or more) and for each category of VOC sources covered by a Control Technique Guideline (CTG) for which Colorado has sources in the nonattainment area.

Therefore, to address the severe nonattainment area requirements under CAA § 182(d), the Commission adopted revisions to Regulation Number 26 to include RACT requirements in Colorado's ozone SIP for 25 tpy major sources of VOC and/or NOx including expanding the foam manufacturing operations. In response to EPA concerns and limited disapproval, the Commission also adopted revised requirements for process heaters, landfill and biogas engines, a coil coating facility, and periodic reporting.

Foam Manufacturing

In response to the DM/NFR being reclassified to severe nonattainment under the 2008 ozone NAAQS the Commission adopted revisions to Regulation 26 to expand VOC control requirements initially adopted in December 2020 to foam manufacturing operations with VOC emissions greater than or equal to 25 tons per year (tpy). These provisions include work practice, monitoring, and recordkeeping requirements for foam manufacturing operations.

In addition, to address EPA's concern with the lack of specified reporting, and as discussed further below, the Commission adopted SIP revisions to include requirements for sources to comply with the periodic reporting requirements in the operating permit. This periodic reporting can be annually, biannually, or more frequently and includes reports of monitoring and/or permit deviations, including probable cause and corrective actions taken, and compliance certifications, stating the compliance status of each requirement of the permit over the certification period.

Landfill and Biogas Fuel Fired Engines

In 2020, the Commission expanded the NOx emission limit requirements for compression ignition reciprocating internal combustion engines (RICE) and combustion process adjustment requirements for stationary RICE to landfill and biogas fired engines at major sources (50 tpy). Considering the potentially subject sources at that time, the Commission adopted the 2.0 g/hp-hr NOx emission limit in EPA's NSPS JJJJ for landfill/digester gas fired engines. In reviewing the adopted requirements and considering the remaining subject engines, EPA has raised concerns with the NOx emission limit and testing requirements. The Commission re-reviewed the subject engines, several having since been removed from service, and is adopting a revised NOx emission limit of 1.5 g/hp-hr for these engines. The Commission also expanded the periodic performance testing requirements currently applicable to other subject major source engines.

Process Heaters

In 2021, the Commission adopted additional requirements for refinery fuel fired process heaters at major NOx sources. In response to EPA's comments and concerns and to allow for further evaluation, the Commission removed the NOx emission limits for these heaters. The process heaters will continue to be subject to combustion process adjustment requirements, as they have been since the 2021 revisions, and performance testing requirements. The Commission directs the Division to return to the Commission with proposed revisions in the future related to these heaters following further useful input from EPA, if necessary and appropriate.

Golden Aluminum (coil coating facility)

In 2020, the Commission evaluated the NOx emission points at Golden Aluminum as it became a major source of NOx emissions under the 50 tpy serious major stationary source threshold. Golden Aluminum is a coil coating operation and, therefore, subject to the coil coating provisions in Regulation Number 25 (formerly in Regulation Number 7, Part C), which were adopted many years ago based on the recommendations in EPA's corresponding coil coating CTG. EPA is taking issue with Colorado's reliance on EPA's long-standing interpretation and position that states may utilize EPA's control techniques guidelines (CTG) recommendations and definition of the subject VOC source category when revising the state's SIP to include provisions that require the implementation of RACT for that particular VOC source category (i.e., SIP RACT). Specifically, EPA has proposed a limited disapproval because Colorado did not evaluate VOC emission points at this coil coating operation that were also not addressed in EPA's coil coating CTG. Therefore, the Commission adopted a requirement for Golden Aluminum to conduct and submit a RACT analysis to the Division for further evaluation of the VOC-emitting points at issue in EPA's proposed disapproval.

Periodic Reporting

To address EPA's concern with the lack of specified reporting (see EPA's limited disapproval, discussing EPA's perceived lack of periodic reporting sufficient to determine compliance by regulated entities (88 Fed. Reg. 29827, May 9, 2023)), to avoid federal sanctions the Commission included requirements for major sources to comply with the periodic reporting requirements in the operating permit, specifically foam manufacturing and combustion equipment at major NOx sources. This periodic reporting can be annually, biannually, or more frequently and includes reports of monitoring and/or permit deviations, including probable cause and corrective actions taken, and compliance certifications, stating the compliance status of each requirement of the permit over the certification period.

The Commission also made typographical, grammatical, and formatting corrections throughout the regulations.

Incorporation by Reference

The Commission will update regulatory references as needed as opportunities arrive.

Additional Considerations

Colorado must revise Colorado's ozone SIP to address the severe ozone nonattainment area requirements. The CAA does not expressly address all of the provisions adopted by the Commission. Rather, federal law establishes the ozone NAAQS and requires Colorado to develop a SIP adequate to attain the NAAQS. Therefore, the Commission adopted certain revisions to Regulation Number 26 to satisfy Colorado's nonattainment area obligations and further achieve reductions of ozone precursor emissions. These revisions do not exceed or differ from the federal act due to state flexibility in determining what control strategies to implement to reduce emissions. However, where the proposal may differ from federal rules under the federal act, in accordance with § 25-7-110.5(5)(b), CRS, the Commission determines:

(I) The revisions to Regulation Number 26 address foam manufacturing, landfill biogas fuel fired engines, a coil coating operation, and process heaters. NSPS T, MACT DDDDD, MACT ZZZZ, and MACT SSSS may also apply to and the above listed equipment and operations. However, the revisions to Regulation Number 7 apply on a broader basis.

(II) The federal rules discussed in (I) are primarily technology-based in that they largely prescribe the use of specific technologies or work practices to comply.

(III) The CAA establishes the 2008 and 2015 ozone NAAQS and requires Colorado to develop SIP revisions that will ensure attainment of the NAAQS. The ozone NAAQS was not determined taking into account concerns unique to Colorado. Similarly, EPA develops NSPS or NESHAP considering national information and data, not Colorado specific issues or concerns. In addition, Colorado cannot rely exclusively on a federally enforceable permit or federally enforceable NSPS or NESHAP to satisfy Colorado's ozone nonattainment area RACT obligations. Instead, Colorado can adopt applicable provisions into its SIP directly, as the Commission has done here.

(IV) In addition to the 2008 NAAQS, Colorado must also comply with the lower 2015 ozone NAAQS. These current revisions may improve the ability of the regulated community to comply with new requirements needed to attain the lower NAAQS insofar as RACT analyses and efforts conducted to support the revisions adopted by the Commission may prevent or reduce the need to conduct additional RACT analyses for the more stringent NAAQS.

(V) EPA has established Colorado's SIP RACT implementation deadlines. There is no timing issue that might justify changing the time frame for implementation of federal requirements.

(VI) The revisions to Regulation Number 26 strengthen Colorado's SIP. These sections currently address emissions from foam manufacturing, landfill and biogas fuel fired engines, a coil coating operation, and process heaters, while allowing for continued growth of Colorado's industry.

(VII) The revisions to Regulation Number 26 establish reasonable equity for owners and operators subject to these rules by providing the same standards for similarly situated and sized sources.

(VIII) If EPA does not approve Colorado's SIP, EPA may promulgate a Federal Implementation Plan; thus potentially determining RACT for Colorado's sources. This outcome may subject others to increased costs.

(IX) Where necessary, the revisions to Regulation Number 26 include minimal monitoring, recordkeeping, and reporting requirements that correlate, where possible, to similar federal or state requirements.

(X) Demonstrated technology is available to comply with the revisions to Regulation Number 26. Some of the revisions expand upon requirements already applicable. The revisions concerning major sources of NOx generally reflect current emission controls and work practices.

(XI) As set forth in the Economic Impact Analysis, the revisions to Regulation Number 26 will reduce emissions in a cost-effective manner.

(XII) Alternative rules could also provide reductions in ozone, VOC, and NOx to help to attain the NAAQS. However, a no action alternative would very likely result in an unapprovable SIP.

Findings of Fact

To the extent that § 25-7-110.8, C.R.S., requirements apply to this rulemaking, and after considering all the information in the record, the Commission hereby makes the determination that

(I) These rules are based upon reasonably available, validated, reviewed, and sound scientific methodologies, and the Commission has considered all information submitted by interested parties.

(II) Evidence in the record supports the finding that the rules shall result in a demonstrable reduction of greenhouse gas and VOC emissions.

(III) Evidence in the record supports the finding that the rules shall bring about reductions in risks to human health and the environment that justify the costs to implement and comply with the rules.

(IV) The rules are the most cost-effective alternative to achieve the necessary reduction in air pollution and provide the regulated entity flexibility.

(V) The selected regulatory alternative will maximize the air quality benefits of regulation in the most cost-effective manner.
