EPA Desk Statement

EPA is proposing to approve the State of Colorado's plan to attain the 2008 8-hour ozone standard for the Denver Metro/North Front Range nonattainment area. EPA's proposed approval is based on a thorough analysis of the State's submission, including extensive monitoring information and emission inventories, attainment and further progress demonstrations, a motor vehicle inspection and maintenance program, a new source review program certification, and other measures and analyses in the plan as required under the Clean Air Act.

EPA's proposed action recognizes and advances Colorado's efforts to improve air quality and ensure the protection of public health and the environment. Many of the measures specified in the State's plan are already being implemented and have begun to realize emission reductions. We expect additional measures associated with the plan's implementation over time will continue to reduce ozone concentrations in Denver and Front Range communities.

EPA is collecting public comments on the proposed action through XX, 2018, and will carefully evaluate all comments received before making a final determination. Visit https://www.regulations.gov/, docket ID EPA-R08-OAR-2017-0567, to review and comment on the proposed action.

Question 1

Why is EPA proposing to approve the state's SIP when monitoring data indicate continued nonattainment?

Under the Clean Air Act, EPA's action on SIP submissions is a separate process from a finding that an area has attained or failed to attain national standards. EPA is proposing to approve Colorado's plan because the State has met applicable Clean Air Act

requirements to demonstrate attainment. EPA's evaluation of emissions reduction measures and air quality analyses indicates the plan will reduce ozone and achieve compliance with the 2008 ozone standard.

Under the Clean Air Act, EPA will begin an evaluation of the attainment status and recent ozone monitoring data for the Denver Metro/North Front Range later this year, with a final determination due in January 2019. Monitoring data indicate recent air quality improvements in the area, evidence that Colorado's attainment plan is resulting in decreasing ozone levels. Although three monitors violate the standard using 2015-2017 data, values recorded in 2017 are lower than the preceding two years. We also anticipate that the State will be submitting exceptional events packages that, if EPA concurs, these exceptional events would reduce values contributing to nonattainment and will allow the State to qualify for a one-year extension of the attainment date to July 20, 2019.

Colorado worked quickly to develop a viable SIP under tight Clean Air Act deadlines associated with the ozone standard. Denver was reclassified from a Marginal to a Moderate nonattainment area on May 4, 2016 and Colorado had only about 18 months to develop a SIP, implement controls, and realize emission reductions. We expect measures taken as the State's plan is implemented over time will achieve additional reductions in ozone across the area.

Question 2

How does EPA's action on the 2008 ozone standard relate to the new ozone standard?

EPA's approval of the State's 2008 ozone moderate area plan will ensure emission reduction controls are in place, helping to set the foundation for State planning efforts as it prepares to meet the more stringent 2015 70 ppb ozone standard.

Background Information

On May 4, 2016, the EPA published its determination that the DMNFR had failed to attain the 2008 8-hour ozone NAAQS by the attainment deadline, and that the DMNFR was accordingly reclassified to a Moderate ozone nonattainment area. This was a national rulemaking involving multiple nonattainment areas. Moderate areas are required to attain the 2008 8-hour ozone NAAQS by no later than six years after the effective date of designation, which means that DMNFR nonattainment area must attain by July 20, 2018.

The CAA outlines SIP requirements applicable to ozone nonattainment areas in each classification category. Moderate area classification triggers additional state requirements established under the provisions of the EPA's ozone implementation rule for the 2008 8-hour ozone NAAQS. Colorado submitted revisions to its SIP on May 31, 2017 to meet the requirements of a Moderate area classification for the DMNFR nonattainment area. EPA is proposing approval of the attainment plan because we find that the state has met Moderate nonattainment area CAA regulatory, and policy requirements for an attainment demonstration associated with the 2008 ozone NAAQS.

EPA will be acting on several reasonably available control technology (RACT) items in a future rulemaking. These include RACT area source Control Techniques Guidelines (CTG) categories for metal furniture coatings, miscellaneous metal products coatings, and wood furniture manufacturing operations and major volatile organic compound (VOC) and nitrogen oxide (NO_x) RACT sources. Colorado does not rely on any emission reductions from these sources in their attainment demonstration, so we are able to act on these categories in a separate action. EPA will also be acting separately on Regulation Number 7, Section X revisions pertaining to VOC controls of industrial cleaning solvents and Section XIX revisions pertaining to RACT requirements for major sources. EPA will work closely with the State to address RACT for major sources and any outstanding CTG source categories.

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