

**EPA Comments on
DRAFT August 6, 2008
Denver Metro Area & North Front Range
Ozone Action Plan**

Table of Contents:

Attachment A, SIP Rule Language should be separated from the Ozone Action Plan and submitted to us for approval along with the Ozone Action Plan (under the same Governor's letter). If Regulation No. 7 and Regulation No. 3 are Attachments to the Ozone Action Plan, any revision to Regulation No. 7 or Regulation No. 3 would require a revision to the Ozone Action Plan. In addition, Regulation No. 11 should also be submitted to us for approval.

Attachment B, State Only Rule Language should be separated from the Ozone Action Plan. The State Only Rule Language should not be submitted to us for approval as it is State Only Rule Language.

Page iv, Measures proposed for the federally-enforceable SIP:

“1. Adopt more stringent cut-points for inspection/maintenance program in 7-county Denver metro area.” Colorado must submit revisions to Regulation No. 11 (similar to Regulation No. 7) for EPA approval, along with the Ozone Action Plan, in order to take credit for this control measure.

“2. Require 7.8 psi RVP (reid vapor pressure) gasoline in the entire non-attainment area.” It appears EPA will not be conducting a rulemaking to require 7.8 psi RVP gasoline in 8-hr ozone nonattainment areas at this time. Colorado may not claim emission control credit in the 2010 Base Case or 2010 Control Case inventories for this control measure at this time.

**EPA Comments on
Denver Metro Area & North Front Range
8-Hour Ozone Attainment Plan**

General. The document contains a number of typos and grammatical and structural problems. Please proof-read and edit.

Page I-1. Various core SIP requirements for marginal areas are listed in bullets on this page. Please list the requirement of section 182(a)(3), including periodic inventories and emission statements.

Page II-2, B. Quality Assurance Program:

The “ozone season” defined as March 01 through September 30 should be clarified as the “ozone monitoring season.”

The last sentence in this paragraph states that "A valid sampling day is one in which at least 75% of the hourly maxima are recorded." "Maxima" should actually be "averages."

Page II-3, C. Monitoring Network/Verification of Continued Attainment:

The sentence: *"The APCD has and will continue to operate an appropriate air quality monitoring network of National Air Monitoring System (NAMS) and State/Local Air Monitoring System (SLAMS) monitors in accordance with 40 CFR Part 58 to verify the attainment of the 8- hour-hour ozone NAAQS."*, needs to be revised.

With the Monitoring Rule of 2006, the monitor type NAMS was discontinued; it is no longer a term defined in CFR or used by EPA. In early 2007, in response to the 2006 Monitoring Rule, all NAMS monitor types in EPA's AQS database were given end dates in AQS of 12/31/06, and converted to type SLAMS. The mention of NAMS in the Ozone Action Plan is obsolete and should be deleted.

Page III-1, 1st paragraph:

The "summer ozone season" defined as May through September should be clarified as the "high summer ozone season" or "peak summer ozone season."

Page III-2, 4:

The "summer ozone season" defined as June 1 to September 15 should be clarified as the "summer RVP ozone season."

Page III-3, 6:

The EPA Tier 4 standards for locomotives will not go into effect until 2015. Colorado should not be taking credit for this control measure in the 2010 Base Case or the 2010 Control Case inventories.

Page III-4:

The attainment plan describes that non-oil and gas area source emissions are taken from the 2002 EPA National Emission Inventory (NEI). The emissions were then grown, using population data, to predict 2006 and 2010 emission levels. The 2005 NEI emission data are now available from the State and should be used to compare with the predictions to see how accurate those predictions are compared to actual emissions.

Page III-5, Table 5:

The emission units (i.e., tpd?) are missing from the table showing NO_x and VOC 2006 and 2010 Base Case inventories.

Page IV-1. SIP Control Measures:

In the 3rd line, the language, “that are incorporated in the attainment of the 1997 ...NAAQS by 2010.” This language is unclear and should be revised. Perhaps it should instead read, “that are incorporated in this attainment demonstration SIP for the 1997 0.08 ppm 8-hour ozone NAAQS.”

Also, please include the FR citation, 69 FR 23857, April 30, 2004, in the 2nd to last line of the first paragraph, referring to the “area designated by the EPA as a non-attainment area for the 8-hour ozone standard in 2004.”

Page IV-1, A. Revisions to Regulation No. 11 – Automobile Inspection and Readjustment (AIR) Program

These revisions to Regulation No. 11 should be submitted to EPA for action along with the Ozone Action Plan (similar to Regulation No. 7).

Page IV-1, B. 7.8 Reid Vapor Pressure in North Front Range

EPA will not be taking rulemaking action to require 7.8 psi RVP gasoline in 8-hr ozone nonattainment areas at this time. Colorado may not take credit for this control measure in the 2010 Base Case or the 2010 Control Case inventories.

Page IV-2, C. Condensate Tank Emissions Controls

The last two bullets should mirror Regulation No. 7. This requires changing “95%” to “98%” control, unless there is some explanation for the use of 95%.

Pages IV-2 and 3, D. Pneumatic Control Devices

The last three bullets should mirror the Pneumatic Device language being submitted to EPA along with the Ozone Action Plan. For example, the draft Pneumatic Device language does not include requirements for all new pneumatic control devices to be low-bleed devices effective February 1, 2009. Rather, the draft Pneumatic Device language states all high-bleed pneumatic devices shall be replaced with low-bleed devices by May 2, 2009.

Please note that we have a number of concerns regarding the draft rule language for pneumatic devices, which we detail in our comments on the rule, below. Based on the current form of the rule language, it’s not clear what credit is appropriate in the modeling.

Page V-1, A. Photochemical Modeling for the 2006 and 2010 Base Case Scenarios

The third paragraph refers to a Technical Support Document (TSD). The TSD has not been submitted to us for review at this time. We request the TSD be submitted to us, or made available on-line, as soon as possible for adequate time to review and provide comments.

Page V-2, B. Base Case Relative Response Factors (RRF):

The equation shown for the RRF appears to contain the wrong dates. The equation should be the "Mean 2010 Base Case Modeled Ozone Conc./Mean 2006 Base Case Modeled Ozone Conc.," rather than 2007/2002.

Page V-4, 2nd and 3rd bullets and 1st paragraph following bullets:

The Rule Effectiveness (RE) needs to be further explained/justified. We agree an RE of 0.83 was established in 2006. However, portions of Regulation No. 7 controlling emissions from condensate tanks are currently being revised. The state needs to review the current Regulation No. 7 and justify whether 0.83 RE is still relevant/appropriate.

Because the regulations for pneumatic control devices are brand new, there is no enforcement or inspection history. Also, we have a number of concerns regarding the pneumatic rule (see detailed comments, below.) Accordingly, we need to further discuss the appropriate level of credit, and the RE for the pneumatic rule.

Page V-4, 4th bullet:

The state needs to submit Regulation No. 11 to us for approval in order to take VOC, and NO_x, emission reduction credit in the 8-Hour Ozone Attainment Plan.

Page V-4, 1st full paragraph:

The last sentence reads, "This essentially discounts the calculated reduction estimates by 83%." This sentence should read, "This essentially discounts the calculated reduction estimates by 17%."

Page V-5, Table 7: VOC Base Case & Control Case Emission Inventory (tpsd)

The acronym "tpsd" is not defined. We believe this might be a typographical error and it should read "tpd", or does "tpsd" stand for "tons per summer day?"

Please define "b1-megan Biogenicis."

Page V-6, Table 8: NO_x Base Case & Control Case Emission Inventory (tpsd)

The acronym "tpsd" is not defined. We believe this might be a typographical error and it should read "tpd", or does "tpsd" stand for "tons per summer day?"

The Anthropogenic Total for 2010 NO_x should be "338.6" not "337.5."

Please define "b1-megan Biogenicis."

Page V-7, Table 9: 2010 Control Case Design Values for Each Monitoring Site for Modeled Days greater than 0.075 ppm:

The table does not contain results as the modeling analysis is still pending. These results are critical to the attainment plan and we recommend that they be completed/released as soon as possible. In addition, how can the paragraph following Table 9 draw conclusions based on the incomplete table?

Pages V-7 to V-8, F. Weight of Evidence (WOE) Analysis:

The text provides a list of potential Weight-of-Evidence analyses which is required since the design value is between 82 and 87 ppb. While all of the suggested analyses would be informative, a prioritized list would be useful given time and resource constraints. EPA believes the following should have the highest priority:

- 1) Review air quality related trends such as:
 - o Recent emissions trends
 - o Recent trends in monitored 1st maximum and 4th maximum ozone values
 - o Recent trends in three year design values

- 2) Review of conceptual models
 - o Back trajectory analysis
 - o Emissions trends versus monitored VOC levels
 - o Comparison of monitored versus modeled VOC/NO_x ratios
 - o Meteorological analysis, including 500 mb trends analysis, temperature trends, and dispersion effects
 - o Statistically-based ozone trend analyses that eliminate the effects of meteorology
 - o Weekend-weekday effect
 - o Further review of the base-year model performance evaluation

- 3) Review other modeled O₃ concentration thresholds to assess the changes in ozone levels in the NAA from 2006 base case to 2010 base case to 2010 control case.

A summary of the WOE analysis needs to be part of the SIP with links to the appropriate sections of the TSD for further information. This should be similar to what was done for the 2004 Early Action Compact.

Page V-8, 3rd line:

Please clarify the ozone standard referred to is the 1997 8-hour ozone standard to avoid confusion with the 2008 revised 8-hour ozone standard.

Page VI-1:

The 2nd paragraph needs to be deleted. The paragraph misapplies language from 40 CFR 93.118(b)(2)(i). This section of the transportation conformity rule applies in areas with submitted maintenance plans and requires that emissions be less or equal to the budget(s) established for the last year of the maintenance plan and also indicates what is to be done if the maintenance plan includes budgets only for the last year of the maintenance plan. As written the Denver SIP wrongly attempts to apply this to an attainment demonstration and cites it as a requirement to establish emissions budgets.

Please delete: *“The EPA’s Transportation Conformity Regulation (40 CFR 93.118) also requires that motor vehicle emission budget(s) be established for the last year of the implementation plan, and may be established for any other years deemed appropriate if the plan does not specify emissions budgets for years other than the last year of the plan, the regulation requires that a demonstration of consistency with the emission budgets be accompanied by a qualitative finding that there are no factors that would cause or contribute to a new violation or exacerbate an existing violation in the years before the last year of the implementation plan.”*

This paragraph should be replaced with: *“EPA’s transportation conformity rule requires that control strategy implementation plans, which are defined in 40 CFR 93.101 as reasonable further progress plans and attainment demonstrations, contain motor vehicle emissions budgets. Because this SIP is an 8-hour ozone attainment demonstration, motor vehicle emissions budgets for VOCs and NOx are proposed for 2010, which is the area’s attainment year. Once these budgets are found adequate or are approved, the metropolitan planning organizations in the nonattainment area will use the budgets to demonstrate that projected emissions that would result from implementation of their transportation plans and transportation improvement programs are less than or equal to the adequate or approved emissions budgets.”*

Page VI-2, B. Mobile Vehicle Emission Budgets

The title of this section should be “Motor Vehicle Emission Budgets.”

The 1st paragraph needs to be revised. The paragraph currently reads: *“Mobile Source Vehicle Emissions Budgets for VOC and NOx are proposed for the 2010 attainment year, the last year of the plan, and beyond. Budgets are proposed for two sub-regional areas defined as follows and shown in Figure 2:”*

The paragraph should be revised as follows: *“Motor vehicle emissions budgets for VOC and NOx are proposed for the 2010 attainment year. Budgets are proposed for two sub-regional areas defined as follows and shown in Figure 2:”*

The conformity rule requires that budgets be established for individual years and the rule contains requirements that dictate how these budgets are applied to years beyond that for which the budgets are established. When a SIP contains language along the lines of that currently in the draft 8-Hour Ozone Attainment Plan, it could be interpreted to mean that budgets are established for 2010 and every year thereafter meaning that the Metropolitan

Planning Organizations (MPOs) in the area would have to address every year from 2010 through the last year of their transportation plans in their conformity determinations, which clearly goes well beyond the requirements of the conformity rule.

Page VI-3, Table 10: Total 8-Hour 2010 and Sub-Regional Area Emissions Budgets

The 2010 sub-regional VOC and NOx budgets do not add up to the total on-road VOC and NOx emissions for the nonattainment area which are presented in Tables 7 and 8. Table 7 indicates that on-road VOC emissions in the 2010 control case are 113.1 tpd while the 2010 sub-regional on-road VOC budgets in Table 10 add up to 112 tpd of VOC. Table 8 indicates that on-road NOx emissions in the 2010 control case are 119.4 tpd while the 2010 sub-regional budgets in Table 10 add up to 119 tpd of NOx. These discrepancies between the on-road emissions in the 2010 control case and the total 2010 on-road emissions presented as sub-regional budgets must be eliminated.

The process of determining the motor vehicle emission budgets for the Southern Sub-regional and the Northern Sub-regional areas needs to be further explained. This will include providing, at least, the Southern Sub-regional and Northern Sub-regional On-Road Mobile Source emissions for 2006, 2010 Base Case and 2010 Control Case inventories (both VOC and NOx), if not the entire emission inventory for each source category. These sub-regional budgets must be the same as the motor vehicle emissions inventory values for the two sub-regions. In addition, the underlying information for determining sub-regional budgets such as VMT, speeds, fleet composition, needs to be included.

Furthermore, these budgets do not coincide with the budgets in the corresponding Transportation Improvement Programs and Long Range Transportation Plans for the Metropolitan Planning Organizations (MPOs). If the budgets in this Ozone Action Plan were to be found adequate, it is unclear if the MPOs will be able to demonstrate conformity.

Finally, we would like to confirm that the on-road emissions in the 2010 control case and in the motor vehicle emissions budgets are calculated assuming that 7.8 psi RVP fuel is used in the area in which 7.8 psi RVP fuel is currently required, and that 9.0 psi RVP fuel is used in the remainder of the nonattainment area. This would be consistent with the area's attainment demonstration. We would also like to confirm that the MPOs are using these same assumptions about fuel RVP when carrying out their regional emissions analyses.

**EPA Comments on
Attachment A
SIP Rule Language**

We understand that you are working on another version of the rule language that is currently going through your internal review process. Instead of waiting for the next version, we are providing these comments to help expedite the process. If

possible, please consider these comments before producing the next version of the rule language.

It is unclear if the document with the headers “Condensate Tank – Threshold – NAA,” “Pneumatic Devices,” “Regulation 7 Expansion and Edits,” “Case-by-case RACT Rev 6,” and “Regulation 7 Edits,” are all going to be combined into one Regulation No. 7. Section XII, Volatile Organic Compound Emissions From Oil and Gas Operations in the document with the header “Condensate Tank – Threshold – NAA” is different from Section XII in the document with the header “Regulation 7 Edits.” Section XIII.I in the document with the header “Pneumatic Devices” is different from Section XIII.I in the document with the header “Regulation 7 Edits.” Section I of the document with the header “Regulation 7 Expansion and Edits” is different from Section I of the document with the header “Case-by-case RACT Rev 6.” Finally, the document with the header “Case-by-case RACT Rev 6” is different from the document with the header “Regulation 7 Edits.” We would prefer to review and provide comments on one complete Regulation No. 7.

Regulation No. 11 will also need to be submitted as the 8 Hour Ozone Attainment Plan relies on the emission reduction credits from this regulation.

“Condensate Tank-Threshold-NAA”

XII.A, Applicability. Is the intent that gas processing plants and glycol natural gas dehydrators will only be subject to the listed sections? If so, we suggest some changes. First, it doesn’t make sense to us to reference section XVI in XII.A.3. Section XVI applicability is not relevant to section XII applicability, which is what you’re defining in XII.A. Second, we suggest changing the language in XII.A.3 and XII.A.4 to read, “are *only* subject to sections XII.B.... *of this section XII.*” Also, in XII.A.2, we suggest changing the language to read, “Oil refineries are not subject to this section *XII* of the rule.”

XII.B.2, Definition of Air Pollution Control Equipment. 2nd to last line, we recommend changing "comply with" to "have been approved in accordance with," so this sentence would read, "devices and process that have been approved in accordance with the requirements of Section XII.D.2.A(II)." Please note there are two different sections XII.D.2.A(II). It's important that the cross-reference be to the approval section for alternative control equipment and pollution prevention devices.

XII.B.13, Definition of System-Wide. Reference to "this section XII.D.2.A" doesn't make sense. Also, the structure of the definition is hard to follow. Suggest changing to something like, "System-Wide, when used to refer to ... shall mean ...reductions from all *above-threshold* atmospheric condensate storage tanks at affected operations within an ozone non-attainment area. *For purposes of this definition, "above-threshold atmospheric condensate storage tank" means an [ACST] with actual VOC emissions equal to or greater than two tons per year.*"

XII.D., Emission Controls. 2nd to last line, should be "tank", not "tanks."

XII.D.1.A, related to drilled, re-completed, re-fractured wells. There's a provision that allows the owner to project emissions for 12 months and provide notice to the Division. This provision doesn't say what happens if the state or EPA disagrees with the owner/operator's projections. The method for projecting future emissions should be more specific to ensure replicability and enforceability. Also, the provision should state that, in any enforcement action, the owner/operator shall have the burden of showing its projection of emissions were reasonable.

XII.D.1.B, relating to control requirement for new or modified ACST's. 2nd to last line, "upon start-up," should be changed to read, "beginning with startup." We are concerned with the allowance of 100 hours of downtime. Such a provision appears to be inconsistent with our interpretations regarding startups, shutdowns, and malfunctions and appears to be inconsistent with protection of the NAAQS.

XII.D.2.A(II), relating to the system-wide control strategy. 3rd line from end, it's not clear whether the phrase, "for which uncontrolled actual VOC emissions are equal to or greater than two tons per year" modifies atmospheric condensate storage tanks or affected operations. Assuming it's intended to modify ACST's, we suggest you use the term "above threshold atmospheric condensate storage tanks" and then define the term as follows: "'above-threshold atmospheric condensate storage tank" means an [ACST] with actual VOC emissions equal to or greater than two tons per year."

XII.D.2.B(I), relating to emission control for tanks formerly controlled under system-wide approach. 1st line, delete the word, "For" at the beginning of the sentence. We are concerned with the 12-month averaging period. Allowing a 12-month averaging period could lead to significant fluctuations in emissions on a short-term basis during the summer ozone season. A long-term averaging period of this nature is not consistent with EPA's interpretations regarding appropriate averaging periods for SIP emission limits.

Subparagraphs (II), (III), and (IV), somehow need to make clear that (I), if it applies, takes precedence. Also, for (II), (III), and (IV), the percent reduction requirement should be expressed in a form that makes it clear that it is an ongoing obligation and not just a one-time obligation that has to be met by the May 1 deadline. So, this section should say something like, "Beginning May 1, 2010, VOC emissions from existing uncontrolled tanks having actual emissions equal to or greater than 10 tons per year ... shall be reduced by at least 98% from uncontrolled actual emissions."

XII.D.3, specifies control efficiency requirement. This section allows for 100 hours of downtime. We are concerned with this. See prior comment in XII.D.1.B. Furthermore, the provision needs to specify how the 98% control efficiency will be measured, monitored, confirmed, and enforced.

XII.E., Monitoring. The lead-in sentence to the subsections reads, "The inspection shall include the following:", but then the subsections speak in terms of what the tanks shall

check or do. The language doesn't seem to follow from the lead-in sentence. Also, tanks aren't going to be doing the checking. The EPA-approved version of the subsections uses the language, " a check that ...", which makes sense given the lead-in sentence.

XII.E.1, requires an auto-ignitor. The first thing XII.E.1 says is "New and modified tanks ... shall install and operate an auto-ignitor upon start-up..." This isn't related to the lead-in sentence in XII.E., which relates to what the inspection shall consist of. We recommend separating the requirement for the auto-ignitor under a separate heading. Maybe it belongs under XII.D.1. Also, we recommend stating the requirement in the following form to clarify that it is an ongoing requirement and that it applies to each combustion device connected to the new or modified tank: "No later than start-up, owners/operators of new and modified tanks shall install and thereafter operate an auto-ignitor on each combustion device connected to a new or modified tank..."

Furthermore, owners and operators of new and modified tanks should also be required to install and operate electronic surveillance, similar to the existing tank requirements per XII.E.3.

XII.E.3, similar issue to the one above - includes the requirement for installation and operation of the auto-ignitor under inspection lead-in of XII.E. Also, XII.E.3 references XII.E.3.A, which is incorrect. Finally, XII.E.3.B and C are mis-numbered.

XII.E.3.B. We recommend this be changed to read, "Install and *thereafter* operate..."

XII.E.4.A, B, C, and D. The words "and document" were added in A. If added there, they should also be added to B, C, and D.

XII.F.3. How will emissions reductions be tracked on a weekly basis? Reference to maintaining "inspection records required pursuant to section XII.E. and E.1, but no records are required by these sections. Need to cross-reference the correct section(s).

XII.F.4.F. The way in which this has been changed does not make sense. Subsection E already deals with weekly uncontrolled and controlled for each tank. We think there may have been an error in the prior EPA-approved version of F - it was supposed to say total weekly system-wide uncontrolled and controlled but somehow ended up saying daily controlled. This probably means subsection G should also say total weekly percentage reduction of emissions, since this is how the emissions are being tracked.

XII.F.5.A. Several typos: 2nd line: correct the spelling of "controlled," and delete the word "in." We have concerns regarding use of a 12 month period. (See comments in XII.D.2.B(I) above.) In the 6th line, why were the words "if the well was producing" added? What is the justification for this limitation? Are there zero condensate tank emissions when the wells aren't producing? Same issue at the end of this subsection.

XII.F.5.C.(I) 2nd line, replace "shall include" with "including."

XII.F.7. Specifies reporting for tanks subject to the threshold control strategy under XII.D.2.B. Where's reporting for tanks subject to the 90 day requirement? The reporting for the threshold sources does not appear to be adequate. What about deviation reporting? What about compliance reporting?

XII.F.7.C. XII.F.9 shows up in the middle of this. Need to edit and number appropriately.

XII.F.7.C(III). Does this exception make sense? Are natural gas compressor station and natural gas drip station condensate tanks exempt from the threshold approach? If not, why should they be exempt from the reporting requirements?

Provisions with Director's discretions:

XII.C.1.C – Other means besides visual inspection

XII.E.1 – Other means besides visual inspection

XII.E.2 – Other means besides visual inspection

XII.E.3.C – Other means besides visual inspection

Is there a reason other potential means can't be included in the rule now and essentially pre-approved?

“Pneumatic Devices”

Provisions need to be added for monitoring and recordkeeping of low-bleed devices, unless you can provide sufficient justification that no monitoring of the devices is necessary.

XIII.I.1. The terms “Exploration and Production” and “Mid-Stream Facilities” need to be defined in section XIII.I.2.

XIII.I.2.A. We suggest you state that you're talking about cleaning, tuning, and repairing leaking gaskets, tubing fittings, and seals *of high-bleed pneumatic devices associated with oil and gas operations*. Same goes for tuning to operate over a broader range and eliminating unnecessary valve positioners.

XIII.I.2.B. We suggest you move the words “of gas” to follow “(SCFH).” So it would read, “High-Bleed Device shall mean ... that emit in excess of 6 standard cubic feet per hour (SCFH) of gas to the atmosphere.”

XIII.I.2.C. We suggest inserting the words “of gas” after SCFH, so it would read “emits less than 6 SCFH of gas...”

XIII.I.2.C. This definition refers to “process parameters.” We suggest stating the process to which you're referring. E.g., “process parameters for the exploration and production or mid-stream facilities” or whatever it happens to be.

XIII.I.3. The term “affected operations” needs to be defined.

Also, this section indicates emission reductions are required for new, modified and existing pneumatic devices as stated in XIII.I.3.A. But, XIII.I.3.A says all high bleed devices *shall be replaced* with low-bleed devices by May 1, 2009. It's not clear how the concept of replacement applies where a source is installing a new device. Shouldn't the regulation simply require that any time an owner operator installs a new pneumatic device, it has to be low bleed? Is this the same for a modification? And why use a May 1, 2009 date for new and modified devices? Why not apply the requirement immediately? We're also wondering whether you really intended to refer to new, modified, and existing pneumatic devices or to something else. What is a modified pneumatic device? The terms new, modified, and existing need to be defined, whether they apply to the pneumatic device, or the broader affected operations.

XIII.I.3.B. This provision indicates high bleed devices may remain in service if approved by the Division for safety purposes. We understand the basis for this potential exception, but it causes us concern. Assuming there is no way around this future case-by-case evaluation, it's not clear how the pneumatic device rule should be credited in the SIP. This is because we will not know in advance what percentage of the total pneumatic devices will be switched from high to low bleed.

XIII.I.4.A This provision talks about a device number that is assigned and tracked by owner/operator. It's not clear what is meant by "tracked by the owner/operator." Greater detail is needed.

XIII.I.4.B. Do only **new** high bleed devices need to be inspected? The rule should specify who needs to inspect the device, the owner/operator. Same comment regarding performance of the enhanced maintenance – specify that the owner/operator must perform the maintenance. Because the definition of enhanced maintenance is quite general, we're not sure of the value of the requirement for enhanced maintenance.

Do low-bleed devices ever fail? Require maintenance? Should inspection/maintenance of low bleed devices be required?

NEED FOR AN ADDITIONAL SECTION. After XIII.I.4 you should add a new section that requires the owner/operator to take prompt corrective action to address any problems identified during the inspection under XIII.I.4.B.

XIII.I.5.A. First line, please specify "owner or operator" of what? This paragraph's requirements are vague. What about the numbers that an owner/operator has assigned? Shouldn't these be referenced in the log? Because Division approval will be needed to keep high bleed devices, wouldn't it make sense to require the owner/operator to keep the approvals on file? That way, if an inspector checks and the source is using a high bleed device for which it has no approval on file, the inspector will know it's not authorized. Wouldn't it also make sense to require the owner/operator to maintain a log of low bleed devices?

In the last sentence, what does it mean to say the log shall be updated **as applicable**?

XIII.I.5.B. This seems like a reasonable and clear paragraph. We have one suggestion - clarify this provision to indicate that the owner/operator must prepare a record or log entry on a monthly basis reflecting the monthly inspection under XIII.I.4.B.

“Regulation 7 Expansion and Edits”

I.A.1.a. Should edit to read, “All provisions of this regulation apply to ozone nonattainment *areas*, which *include...*”

I.A.1.b. Suggest changing the first sentence to read, “and Section XVII *also* apply *to all other areas of the state.*” This would then dovetail better with I.A.1.a.

This provision indicates Section XVII is not part of the State Implementation Plan. We ask this section not be submitted to us along with the portions of Regulation No. 7 to be acted on as part of the SIP.

I.A.1.c. This provision indicates that XII and XVI apply in the Ozone Nonattainment Area. It’s not clear why this provision is needed; I.A.1.a already states that all provisions apply to ozone nonattainment areas, which include areas designated nonattainment for either the 1-hour or 8-hour ozone standard. Furthermore, it’s not clear to which ozone nonattainment area the provision is referring. Because there could be more than one nonattainment area at some future date, we recommend not using a generic term like Ozone Nonattainment Area without defining it more specifically.

“Exemptions - APEN and Permits”

Part A, II.D.1.eeee. This exemption has been repealed. We believe section II.D.1.eeee.(i) should also be repealed.

Please note that Section II of Part B and all of Part C have not been federally-approved into the SIP. Please verify no SIP credit was taken for Regulation No. 3 in the modeling as indicated on Page V-4, 5th bullet.

“Case-by-case RACT Rev 6”

Please note Section I.A is different from the version of Section I.A in the document “Regulation 7 Expansions and Edits.” Our comments above also apply here.

We have significant concerns with the structure of this rule. We suggest you reorganize the rule to include separate headings for the different areas, instead of having initial headings for source types. For example, one heading could be for RACT requirements for the former Denver 1-hour ozone nonattainment area. Then, you could indicate the requirements that apply for that area and for which sources and indicate they continue to apply. Another heading could be for RACT sources in parts of the 8-hour ozone

nonattainment area located outside the 1-hour nonattainment area. Then, you could indicate the requirements that apply for that area and for which sources. You can always cross-reference if needed. Another heading could be for future ozone nonattainment areas, if desired.

II.C.1.C. This provision says existing sources with potential emissions of 100 tons per year. This should say “with potential emissions equal to or greater than 100 tons per year.”

II.C.1.C.(II). Why does this provision say “if they are located in an 8-hour ozone non-attainment area”, instead of “if they are located in the Denver 8-hour ozone non-attainment area”?

It may be appropriate/advisable to insert a heading for new non-attainment areas as II.C.1.C.(III).

II.C.1.D. We recommend that generic references to “a 1-hour ozone nonattainment area” and “an 8-hour ozone nonattainment area” be changed to “Denver 1-hour ozone nonattainment area” and “Denver 8-hour ozone nonattainment area” or other appropriate specific designation. Then have a third category for potential future nonattainment areas.

II.C.1.D(IV):

This provision allows sources to utilize RACT beginning two years after the Division approves RACT, but there is no deadline for Division approval. This provision needs to be deleted, or a no later than date needs to be added.

“Regulation 7 Edits”

This version of Regulation No. 7 seems to be an old version and not the most current version with the latest changes from the stakeholder meetings.

Outline of Regulation, XVI. Control of Emissions from Stationary and Portable Engines in Ozone Non-Attainment Areas:

This title needs to be changed because these rules will still be required if/when areas become redesignated to attainment or maintenance of the ozone standard. The title of Section XVI in the regulation remains “... Engines in the 8-hour Ozone Control Area.”

XVII.E. State-Only Enforceable Engine Requirements:

This section should be moved to Attachment B, State-Only Rule Language, and not submitted to us as part of the SIP.

State-Only Rule Language

This Attachment should not be submitted to us as part of the 8-Hour Ozone Attainment Plan.