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Ref: 8P-AR

MAR 13 2008

Paul Tourangeau, Director
Air Pollution Control Division
Colorado Dept. Public Health
and Environment
4300 Cherry Creek Drive South
Denver, CO 80246-1530

Re: February 11 and 27, 2008 Reasonable Progress Stakeholder Presentations

Dear Paul:

We are responding to the Air Pollution Control Division's (APCD) request for written comments on the February 11, and February 27, 2008 reasonable progress (RP) stakeholder presentations. At this point, we have identified three main concerns with your approaches for completing the RP phase of APCD's Regional Haze (RH) State Implementation Plan (SIP) submittal. We have discussed aspects of these issues with APCD in the last few weeks, and appreciate the opportunity to engage with APCD in the stakeholder process.

1. Timing/Approvability of RP SIP provisions. It appears that APCD will be submitting an incomplete SIP to us this summer, with a RP SIP revision in summer of 2009, if the RP presumptive option is chosen, or a RP SIP revision in 2012, if the RP case-by-case determination option is chosen.

We have significant concerns with both of these options for developing a RP SIP revision. We are concerned that a RP presumptive option SIP revision may not be approvable, since it would not contain definite, enforceable limits for sources¹ and definite RP goals, but instead would contain presumptive limits with off ramps and speculative RP goals. This option would leave discretion with APCD to decide on SIP RP limits without EPA approval through the SIP revision process. For this submission, EPA will be unable to determine that the SIP is adequate to meet Clean Air Act (CAA) requirements. It appears that specific limits and RP goals will be speculative at the time we are asked to approve the SIP. The CAA requires that SIPs contain enforceable emission limits and the RH rule requires that RH SIPs contain RP goals. See CAA § 110 (a)(2)(A), and 40 CFR §51.308 (d)(1).

¹ As we indicated for the BART portion of the SIP, the RP portion of the SIP must also include emissions limits for the RP sources and monitoring, recordkeeping, and reporting requirements to ensure the limits are practically enforceable.

We are concerned that the case-by-case approach would delay submittal of a RP SIP revision until 2012, which would be 4 ½ to 5 years after the due date for the RH SIPs. This delay may put us in a position to have to take action in APCD's place.

As an alternative to the options that APCD presented on February 27, 2008, we would like to explore with APCD the potential for an option that involves setting definite emission limits in the near-term with no off ramps, which would be more likely to meet CAA RP requirements.

2. Whether all important sources/source categories that contribute to RH in Colorado Class I areas have been identified and will be addressed. The RH Rule requires that States set RP goals for each Class I area by considering the results of a four factor analysis at any potentially affected sources. See 40 CFR §51.308 (d)(1)(i)(A).

It is not clear that APCD's RP process for SO₂ and NO_x includes all significant contributing sources/source categories for individual Class I areas in Colorado. During the February 11, 2008 stakeholder meeting, APCD acknowledged that selection of Rocky Mountain National Park data resulted in a higher ton per year threshold than if another Class I area had been used. This raises some questions in our minds about whether or not the threshold is adequate to include all significant contributing sources/source categories at all Class I areas in Colorado. It would be helpful if APCD could make it clear that all significant source/source category contributions at each Class I area are included in APCD's RP process.

Significant out-of-state sources or source categories that are contributing to regional haze in Colorado Class I areas also should be identified and assessed. APCD's Colorado Class I Area (CO CIA) Emissions Trace Analysis Tool indicates that other States contribute 76% and 67%, respectively, of the anthropogenic contribution to the nitrate contribution to haze in 1) Mesa Verde National Park and 2) Black Canyon of the Gunnison National Park, Weminuche and La Garita Wilderness Areas. According to APCD's Technical Support Document for Mesa Verde National Park, New Mexico, Colorado and Arizona are the dominant contributors to nitrate at Mesa Verde National Park on the worst days in 2002 and 2018. As you know, consultation between States is part of the development of RP goals. See 40 CFR 51.308(d)(1)(iv). We must evaluate whether the RP goals are reasonable in light of potential impacts from out-of-State sources, so APCD's identification of significant out-of-State sources is important.

We are concerned that not all significant source categories will be addressed during your RP process. For example, according to APCD's CO CIA Emissions Trace Analysis Tool, at 1) Mesa Verde National Park and 2) Black Canyon of the Gunnison National Park, Weminuche and La Garita Wilderness Areas, NO_x from area and oil and gas sources is responsible for 72% and 80%, respectively, of the Colorado share; the Colorado share represents 12.3% and 7%, respectively, of the anthropogenic contribution

to the nitrate contribution to haze in these areas. Yet, it appears that oil and gas sources may not be addressed during this planning period.

The February 27, 2008 presentation indicated that APCD may consider controls for the Reciprocating Internal Combustion Engines (RICE) source category, but later during the presentation, Mike Silverstein indicated that APCD does not think it is reasonable to address RICE at this time. We believe APCD should more carefully consider the need for RICE controls as part of the RP SIP revision, in order to address the contribution of area/oil and gas sources to regional haze and to ensure RP. If APCD's four factor analysis shows that implementing RICE controls is unreasonable for this planning period, then APCD should consider including RICE controls in your long term strategy. As an aside, we note that some existing controls for oil and gas sources statewide are not part of the EPA-approved SIP. These controls could be included as part of APCD's RP measures.

3. Whether potential SO₂ control evaluation standards are sufficient. We note that on slide 9 of your February 27, 2008 stakeholder presentation, APCD lists wet scrubber efficiencies of 90 – 95 % with limits of 0.06 – 0.15 lbs/mmBtu, and dry scrubber efficiencies of 80 - 95 % with limits of 0.065 – 0.15 lbs/mmBtu. We believe that wet and dry scrubbers should be able to meet 90 – 95 % efficiencies and meet corresponding limits ranging from 0.04 lbs/mmBtu to 0.08 lbs/mmBtu (assuming use of Colorado coal which can meet 0.8 lbs SO₂/mmBtu uncontrolled). Thus, we are not convinced it would be appropriate to exempt potential RP sources from further analysis based on an SO₂ control threshold of 80%, which is what is suggested in slide 3 of the February 27, 2008 stakeholder presentation.

Thank you for your consideration of our concerns. We look forward to working with you to resolve these concerns. If you have any questions contact me at (303)312-6434, or Cynthia Cody of my staff at (303)312-6228.

Sincerely,



Callie A. Videtich, Director
Air Program

cc: Douglas Lempke, CAQCC

