



Administrator Andy Wheeler
Environmental Protection Agency
Mail Code 1101A, 6101A
1200 Pennsylvania Avenue NW
Washington, DC 20460

April 26, 2019

RE: Public Comment Request, Colorado's Withdrawal from 2008 NAAQs Extension Request

The Colorado Chamber of Commerce requests the Environmental Protection Agency (EPA) open an official public comment period prior to granting or denying Colorado Governor Polis' request to withdraw the state's NAAQs extension request (attached), and prior to reclassification of the Denver-Boulder-Greeley-Ft. Collins-Loveland, Colorado nonattainment area from "Moderate" to "Serious."

An opportunity for public comment on the Governor's request, and on reclassification, is a necessary one. The EPA's November 14, 2018, proposed rule titled "Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Several Areas Classified as Moderate for the 2008 Ozone National Ambient Air Quality Standards" proposed and solicited comment on granting the one-year extension previously requested by the State of Colorado. However, the proposed rule did not consider or solicit comment on reclassification of the area.

In addition, the Governor's request to withdraw the state's extension request came more than a month after the close of the extended public comment period on the proposed rule, thus bypassing the public comment period. As the proposed rule did not contemplate reclassification and the Governor's request was not made while the public comment period was open, there has been no opportunity for the public to comment on either the Governor's request and EPA's response to it, nor on a possible EPA determination to reclassify the Colorado nonattainment area based on the Governor's request.

The Colorado Chamber and its members have been active participants in the development of the Regional Air Quality Council's and Air Quality Control Commission's process of developing the State Implementation Plan (SIP). Therefore, the Colorado Chamber's reasonable request for a public comment period would allow all interested parties the necessary time and appropriate opportunity to properly examine the role all source contributors play in our state's ability to attain the 2008 ozone NAAQS, as well as the rationale for Colorado's petition to withdraw its extension request.

Granting withdrawal request would have significant effects. Withdrawing Colorado's formal extension request of additional time to demonstrate compliance with the 2008 ozone NAAQS would set in motion mandatory, immediate, inflexible and lasting requirements under the Clean Air Act that would have a massive impact on the members of the Colorado Chamber of Commerce. The jump to "Serious" nonattainment would affect more than 600 individual sources in the Denver Metro North Front Range (DMNFR) nonattainment area, requiring those businesses to evaluate additional emission controls, be identified as major sources and submit applications for operating permits at considerable additional cost. The withdrawal of Colorado's extension request would also bring substantial administrative burdens to the Colorado Department of Public Health & Environment (CDPHE), likely requiring new resources at a large cost not just to those sources in the nonattainment area, but to all sources within the State of Colorado. Such redesignation would also have immeasurable economic impacts on the



business community we represent. For our members and the business community as a whole, the drastic changes that would be required under a “Serious” designation, or even worse under a “Severe” designation, were it requested and granted, would disregard the successful commonsense work already accomplished and the expected ozone precursor emission reductions that are anticipated to occur in our communities.

From an economic perspective, the Colorado Chamber of Commerce is deeply concerned that designating Colorado as a “Serious” nonattainment area now would set the DMNFR nonattainment area up for almost certain failure to attain the (Serious) standard in the timeframe mandated, and will likely require a “Severe” redesignation in just a few short years. It would also mean the Denver and North Front Range areas would likely be the sole designee of that level among our neighboring states, virtually ensuring business and population flight out of Colorado, as employers are unable to expand employment opportunities and transportation solutions potentially stagnate.

Moving forward: The Colorado Chamber believes that as Colorado seeks to attain the ozone NAAQS, there should be a reasonable opportunity for public input. EPA should provide an opportunity for all members of the public to engage in a thoughtful discussion of issues like whether Colorado should be considering the effects of “exceptional events” such as those due to wildfire emissions, as well as acknowledging the contribution of transported ozone from international sources. Given the far-reaching potential effects of granting a withdrawal of Colorado’s extension request, a public comment period allows all stakeholders to have a voice and contribute productively to the EPA’s decision-making process.

Background: In June of 2018, then-Governor John Hickenlooper requested a one-year extension of the 2008 ozone NAAQS attainment deadline for the DMNFR area. With that request, it was believed Colorado would be able to address several factors allowing the DMNFR area to avoid redesignation to “Serious” status, including cooperatively addressing Reasonably Available Control Technique (RACT) requirements for major source permit holders in the nonattainment area, the significant amount of foreign source contributions and the impact of emissions from wildfires in the west.

At Present: On March 26, 2019, Colorado Governor Jared Polis issued a letter to the EPA asking to withdraw Colorado’s 2018 ozone extension request. The Colorado Chamber of Commerce believes public comment is a necessary step for the EPA to consider all of those who are invested in such an important and impactful request by the State of Colorado.

Thank you for considering our request for a public comment period, prior to the EPA granting or denying Colorado’s request to withdraw from its 2008 NAAQs extension request.

Sincerely,

Leah Curtsinger
Federal Policy Director
Colorado Chamber of Commerce

Cc: Doug Benevento, Senior Counselor
Cc: Deb Thomas, Acting Region VIII Administrator