

Public Comment of John Jacus on behalf of the Colorado Chamber of Commerce
Before the Colorado Air Quality Control Commission

September 19, 2019

Chairman Grobe, Commissioners, Director Kaufman:

My name is John Jacus and I am here in my capacity as Chair of the Energy & Environment Policy Council of the Colorado Chamber of Commerce.

The Chamber has a long history of involvement in air quality regulation and policy development in Colorado, and is committed to future, constructive involvement for its member companies. Our more recent past and current involvement in matters before or directed by this Commission include:

Participation in the Stationary Source Control Fund stakeholder process that arose from the last permit fee increase legislation, which the Chamber supported;

Participation as a party in SSM and CTGs rulemaking proceedings in 2016 and 2017; and

Participation in Major Source RACT stakeholder processes for many months following the Moderate Nonattainment status Bump Up, to name just a few involvements.

The Chamber's members are concerned that this Commission is embarking on an aggressive schedule of significant rulemakings in the next couple of years that could easily result in a departure from its past practice and commitment to robust stakeholder processes preceding formal rulemaking. We urge you to take and make the time for meaningful stakeholder engagement to develop better

regulations and regulatory policies and solutions. We also recently commented to EPA in the context of ozone nonattainment re-designation primarily to ask for extended SIP deadlines to allow this very thing to continue, the development of better regulations and solutions through meaningful stakeholder engagement before adopting new regulations, whether going into a SIP or not.

The Chamber and its members are also quite concerned about the economic consequences of ozone nonattainment status in general, and urge the Commission's members specifically to give careful consideration to your opportunities to promote the creation, registration and use of Emission Reduction Credits necessary to satisfy offset requirements for new and modified major sources in the nonattainment area. We are disappointed that the Reg. 3 and Reg. 7 rulemaking being proposed today by the Division does not include such provisions.

We also are generally opposed to putting anything more than that which is absolutely necessary to demonstrate attainment of the ozone standards into the ozone SIP, given the great difficulty of changing SIP provisions later on, and associated concerns about conformance with anti-backsliding provisions of the federal Clean Air Act. The flexibility this general approach affords you, your professional staff, the regulated community and other stakeholders in fashioning control and compliance strategies that work for Colorado is a precious commodity of which you should be particularly mindful in your approach to future rulemaking.

We also generally favor narrowly-scoped rulemaking to address discrete regulatory issues and SIP requirements, as opposed to broad, open-ended rulemaking that can result in all manner of proposals, a circumstance which greatly complicates the rulemaking process and challenges the expectations of due process for all parties that appear before you.

Finally, we urge the Commission to insist upon modeling whenever possible to support significant future rulemaking adopting ozone control strategies in particular, whether SIP-required or not. This is an important tool for assessing the future effectiveness of control strategies without the risk of trial-and-error regulation.

Thank you for your public service to Colorado citizens, businesses, and their employees, and for the opportunity to provide this brief public comment on behalf of the Colorado Chamber of Commerce, and its Energy & Environment Policy Council.