

AQCC Procedural Rules – Chamber Testifies

The Colorado Chamber participated last week in the Air Quality Control Commissions Procedural Rules. The Chamber generally supported the rules as drafted by Air Division staff but testified in favor of a joint consensus motion for appealing scope determinations and supported many of the positions of a Joint Industry Working Group around the pre-petition process, submission for final redlines after the rules and urged the Commission for flexibility in the requirement to use Templates.

The Chamber's rebuttal testimony was influential in convincing the Commission to modify the order of testimony to have the Air Division staff and/or Proponent of any alternative proposal to go first on rebuttal and always allowing CDPHE's division staff up to 10 minutes of Surrebuttal to "have the last word". The chamber and other parties were also successful in convincing the Commission Despite having unanimous support from rulemaking parties the proposal on Joint Appeals was not fully adopted by the Commission. Parties also agreed jointly to a process to submit final redlines which will also be adopted by the Commission. At the end of the day, the Commission staff are taking back several small revisions to the Divisions proposal for adoption at the next hearing of the Commission in January. A [final action memo](#) and [redline highlight](#) can be found here.

Special thanks to Julie Rosen and John Jacus for their support in this rulemaking

Chamber files for Party Status Regulation 30 – Air Toxics Rules

The Chamber filed for party status in the [CDPHE Regulation 30](#) (new rule) Air Toxics Regulations noticed in October for a January rulemaking. The Air Division must set up to five priority air toxics and has chosen Acrolein, Benzene, Chromium Compounds (Hexavalent), Hydrogen Sulfide and Ethylene Oxide. The Chamber has filed for also supported a joint motion by a Joint Industry Working Group (JIWG) to extend the deadlines on the Air Toxics regulations, extending the deadline to file prehearing statements to December 4. The Chamber's [prehearing statement](#) on December 4 addressing five main issues;

1. The Division did not prepare or provide an adequate Economic Impact Analysis as required by law;
2. Provisions to account for control technologies are not clearly delineated by the Divisions in the choices of the priority TACs;
3. The use of short-duration monitoring data to assess chronic health effects and the use of overestimated emissions reporting should be further refined in future regulatory proceedings as more data becomes available;
4. The presence of contaminants and population do not translate directly to exposure and risk; and
5. Any approach to air toxics should be accompanied by a reasoned and thoughtful public information and education campaign.

Special thank to all who helped review and provide comment. If you would like to participate in future discussion on air toxics, please email cwoodward@cochamberregaffairs.com to be included in that distribution list.