AGENDA ITEM CONTROL SHEET

Item Title: Revisions to Regulation Number 6, Part A
Meeting Date: May 18, 2017

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Is this action a Rule Review? □ Yes  ☑ No

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CRS 25-7-105(1)(b), 25-7-109, and 25-7-106(6)

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2/27/2017
ISSUE STATEMENT:

The Colorado Department of Public Health and Environment, Air Pollution Control Division ("Division") requests that the Colorado Air Quality Control Commission ("Commission") revise Regulation Number 6, Part A to incorporate by reference additions and changes to the U.S. Environmental Protection Agency's ("EPA") New Source Performance Standards ("NSPS"), Emission Guidelines, and performance specifications in 40 C.F.R. Part 60. Specifically, the Division proposes to update the citation dates and incorporate by reference in full new and revised NSPS, Emissions Guidelines and Compliance Times, and performance specifications as identified in Sections I and II below. Additionally, the Division requests that the Commission approve the attached Clean Air Act ("CAA") Section 111(d) plans as discussed in Sections I and II below. States must develop and submit to the EPA 111(d) plan for implementing and enforcing federal standards on existing sources. The 111(d) plans discussed below are Colorado-specific plans proposed for EPA approval identifying how to implement the requirements for existing sources under CAA Section 111(d) and are not proposed as a regulation or for incorporation by reference into a regulation. The 111(d) plans will not be enforceable until approved by the EPA.

The proposed revisions may also correct any typographical, grammatical, and formatting errors found through the regulation.

SUMMARY:

1. Incorporation by Reference of New NSPS and Emission Guidelines in 40 C.F.R. Part 60 into Regulation Number 6, Part A and Approval of Associated 111(d) plans

Regulation Number 6, Part A, currently incorporates by reference NSPS and Emission Guidelines and Compliance Times codified in 40 C.F.R. Part 60. The Division proposes to adopt the following subparts, which have not previously been adopted.

Regulation 6, Part A, Subpart XXX, Standards of Performance for Municipal Solid Waste ("MSW") Landfills that Commenced Construction, Reconstruction or Modification after July 17, 2014, Subpart Cf, Emission Guidelines and Compliance Times for MSW Landfills, and MSW Landfill 111(d) Plan

On August 29, 2016 (81 Fed. Reg. 59332 and 81 Fed. Reg. 59276), the EPA finalized new subparts that update the NSPS for MSW Landfills (40 CFR Part 60, Subpart XXX and the Emission Guidelines and Compliance Times for MSW Landfills (40 CFR Part 60, Subpart Cf). Rather than merely updating the existing NSPS Subpart WWW, the EPA established the new Subpart XXX, which applies to MSW Landfills for which construction, reconstruction, or modification commenced after July 17, 2014. Similarly, rather than updating the existing Emissions Guidelines and Compliance Times in Subpart Cc, the EPA established the new Subpart Cf, which apply to MSW Landfills that accepted waste after November 8, 1987 and that commenced construction, reconstruction, or modification on or before July 17, 2014.1

In addition to incorporating the recent revisions to the NSPS and Emission Guidelines and Compliance Times for MSW Landfills (40 CFR Part 60, Subpart XXX), the Division requests that the Commission approve an updated MSW Landfill State Plan as required under CAA Section 111(d) in order to allow the Division to implement and enforce the Emission Guidelines and Compliance Times for existing MSW Landfills contained in 40 CFR Part 60, Subpart Cf. The enclosed MSW Landfill 111(d) plan updates the plan submitted to the EPA on April 13, 1998. The supporting documents associated with the enclosed MSW Landfill 111(d) plan will be included with the rulemaking package for the May 18, 2017 Commission hearing.

Adoption of Subpart XXX and the updated MSW Landfill 111(d) plan under Subpart Cf will lower the emissions threshold at which a landfill must install controls. Subparts XXX and Cf retain the design

1 Consistent with the general approach evinced by CAA section 111, sources currently subject to Subpart WWW would need to continue to comply with the requirements in that rule until they become subject to more stringent requirements in Subpart Cf as implemented through an EPA-approved 111(d) state or federal plan.
capacity threshold of 2.5 million megagrams ("Mg")\(^2\) and 2.5 million cubic meters ("m\(^3\)"), but reduce the non-methane organic compounds ("NMOC") emission threshold for the installation and removal of gas collection and control system ("GCCS") from 50 Mg/year to 34 Mg/year. An MSW Landfill that exceeds the design capacity threshold must install and start up a GCCS within 30 months after landfill gas emissions reach or exceed an NMOC level of 34 Mg/yr. Consistent with Subpart WWW, the owner or operator of an MSW Landfill may control the gas by routing it to a non-enclosed flare, an enclosed combustion device, or a treatment system that processes the collected gas for subsequent sale or beneficial use. This action also addresses other regulatory issues including surface emissions monitoring, wellhead monitoring, the definition of landfill gas treatment system, and alternative performance standards for periods of startup, shutdown and malfunction.

There are 16 owners and operators in Colorado that may be subject to these rules and associated 111(d) plan. Upon approval of the state plan under Section 111(d) of the Clean Air Act by the EPA (see Subpart Cf), designated facilities under Subpart Cc will be subject to applicable requirements specified in Subpart Cf.

II. **Incorporation by Reference of Amendments to Existing NSPS, Emissions Guidelines and Performance Specifications in 40 C.F.R. Part 60 into Regulation Number 6, Part A and Approval of Associated 111(d) Plans**

Regulation Number 6, Part A, currently incorporates by reference NSPS, Emission Guidelines and Compliance Times, and performance specifications codified in 40 C.F.R. Part 60. The Division proposes to amend incorporation dates of subparts already incorporated by reference into Regulation Number 6, Part A. Additionally, the Division proposes to amend subparts already incorporated by reference into Regulation Number 6, Part A, in response to amendments promulgated by the EPA and a recent court decision. These amendments are listed below.


On May 19, 2016 (81 Fed. Reg. 31515), the EPA finalized revisions to 40 CFR Part 60, Appendixes A, B and F. This action makes several minor technical revisions to the performance specifications for HCl CEMS (Appendixes A and B, Performance Specification 18) that were finalized by the EPA on July 7, 2015 (80 Fed. Reg. 38628). However, this action does not adopt the revisions to the quality assurance ("QA") procedures for HCl CEMS used for compliance determinations at stationary sources (Appendix F, Procedure 6), because the EPA withdrew these revisions on August 18, 2016 (81 Fed. Reg. 52348) after receiving adverse public comments.

There is one owner/operator in Colorado that may be subject to this rule. The affected systems are those used for determining compliance with emission standards for HCl on a continuous basis as specified in an applicable permit or regulation.

**Regulation 6, Part A, Subpart OOOO, Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced after August 23, 2011, and on or before September 18, 2015**

On June 3, 2016 (81 Fed. Reg. 35824), the EPA finalized revisions to 40 CFR Part 60, Subpart OOOO. These revisions concern: requirements for storage vessel control device monitoring and testing; initial compliance requirements for a bypass device that could divert an emission stream away from a control device; recordkeeping requirements for repair logs for control devices failing a visible emissions test; clarification of the due date for the initial annual report; flare design and operation standards; leak detection and repair ("LDAR") for open-ended valves or lines; exemption to the notification requirement for reconstruction; disposal of carbon from control devices; the definition of capital

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\(^2\) An Mg is also equal to a metric ton, which is equal to 1.1 U.S. short tons or about 2,205 pounds.
expenditure; and continuous control device monitoring requirements for storage vessels and centrifugal compressor affected facilities. These amendments are implementation improvements that do not change the requirements for operations currently subject to Subpart OOOO.

There are 230 owners and operators in Colorado that may be subject to this rule. All oil and gas exploration, production, transmission, and distribution owners and operators in Colorado may be subject to these provisions.

**Regulation 6, Part A, Subpart CCCC, Standards of Performance for Commercial and Industrial Solid Waste Incineration ("CISWI") Units, Subpart DDDD, Emission Guidelines and Compliance Times for CISWI, and CISWI 111(d) Plan**

On June 23, 2016 (81 Fed.Reg. 40956), the EPA finalized revisions to 40 CFR Part 60, Subparts CCCC and DDDD. This rule revises the definition of “CEMS data during startup and shutdown periods;” particulate matter (“PM”) limits for the waste-burning kiln subcategory; fuel variability factor (“FVF”) for coal-burning energy recovery units (“ERUs”); and the definition of “kiln.” In addition to proposing these revisions to the NSPS for CISWI (40 CFR Part 60, Subpart CCCC), the Division requests that the Commission approve an updated CISWI 111(d) plan as required under CAA Section 111(d) in order to allow the Division to implement and enforce the Emission Guidelines and Compliance Times for existing CISWI contained in 40 CFR Part 60, Subpart DDDD. The enclosed CISWI 111(d) plan updates the determination made by the Division on May 6, 2002 that there were no existing CISWI in the state (i.e. “Negative Declaration”). The supporting documents associated with the enclosed CISWI 111(d) plan will be included with the rulemaking package for the May 18, 2017 Commission hearing.

This rule revises the definition of “CEMS data during startup and shutdown periods” to be subcategory-specific. For ERUs and waste-burning kilns, the definitions reflect provisions similar to those of the non-waste counterpart National Emission Standards for Hazardous Air Pollutants (“NESHAP”) to CISWI (i.e., boilers and cement kilns.) Therefore, ERUs will comply with provisions similar to those in the major source Boiler NESHAP (40 CFR Part 63, Subpart DDDD), and waste-burning kilns will comply with provisions similar to those in the Portland Cement NESHAP (40 CFR Part 63, Subpart LLL). For incinerators and small remote incinerators, the proposed definition (i.e., from a cold start and up to 48 hours for startup and 24 hours or less for shutdown) will apply.

With respect to PM limits for the waste-burning kiln subcategory, the EPA determined that the test averages, instead of the individual test runs, should be used to establish the standards for new and existing waste-burning kilns. Therefore, this rule sets the final PM emission limits for existing kilns at 13.5 mg/dscm and the final PM emission limit for new kilns at 4.9 mg/dscm.

With respect to the FVF for coal-burning ERUs, this rule incorporates an FVF and finalizes emission limits for cadmium (“Cd”), HCl, mercury (“Hg”), lead (“Pb”), filterable PM, nitrogen oxides (“NOx”) and sulfur dioxide (“SO2”).

With respect to the definition of “kiln” this rule finalizes a definition that is consistent with that of Portland Cement NESHAP. The terms “in-line raw mill” and “in-line coal mill” are included in the definition section in the Portland Cement NESHAP and, therefore, have been added to the definitions within the CISWI rule. Furthermore, this rule finalizes the proposed compliance demonstration and ongoing monitoring method for waste-burning kilns that combine emission streams from the in-line raw mill and/or the in-line coal mill and exhaust through multiple stacks. This rule also finalizes clarifying language that makes the monitoring requirements for waste-burning kilns consistent with those in the Portland Cement NESHAP.

There are 3 owners and operators in Colorado that may be subject to these rules and associated CISWI 111(d) plan.
Regulation 6, Part A, Subpart Ja, Standards of Performance for Petroleum Refineries for which Construction, Reconstruction and Modification Commenced after May 14, 2007

On July 13, 2016 (81 Fed. Reg. 45232), the EPA finalized amendments to 40 CFR Part 60, Subpart Ja. This rule finalizes technical corrections and clarifications to the NSPS for Petroleum Refineries.

There is one owner/operator in Colorado that may be subject to this rule.

Regulation 6, Part A, Subpart Ec, Standards of Performance for Hospital/Medical/Infectious Waste Incinerators ("HMIWI"), Subpart Ce, Emission Guidelines and Compliance Times for HMIWI, and HMIWI 111(d) plan

On September 15, 1997, the EPA published Standards of Performance for New Stationary Sources: HMIWI (40 CFR Part 60, Subpart Ec) and Emission Guidelines and Compliance Times for HMIWI (40 CFR Part 60, Subpart Ce). In accordance with CAA Section 111(d), the Commission adopted the Emission Guidelines and Compliance Times for HMIWI on July 18, 1998 and Colorado submitted a HMIWI 111(d) plan to the EPA on December 22, 1998, and October 4, 1999. The EPA approved Colorado’s HMIWI 111(d) plan on June 22, 2000. See 40 CFR Part 62, Subpart G. Thereafter, on October 6, 2009, and again on April 4, 2011, the EPA revised the Emission Guidelines and Compliance Times for HMIWI, which required States to revise their HMIWI 111(d) plans. In response to these revised Emission Guidelines, the Commission approved an updated HMIWI 111(d) plan and corresponding revisions to Regulation Number 6, Part A, Subpart Ce on August 20, 2015. The updated HMIWI 111(d) plan was submitted to the EPA on October 26, 2015 and the EPA expressed concerns with how Colorado incorporated by reference 40 CFR Part 60, Subpart Ce into Regulation Number 6, Part A and the inclusion of Emission Guideline requirements in Title V permitting.

The Division proposes revisions to Regulation Number 6, Part A, Subpart Ce, Emission Guidelines and Compliance Times for HMIWI, to satisfy the EPA’s procedural requirements for incorporations by reference. The Division also proposes revisions in the enclosed HMIWI 111(d) plan to satisfy the EPA’s concerns. The supporting documents associated with the enclosed HMIWI 111(d) plan will be included with the rulemaking package for the May 18, 2017 Commission hearing. These revisions will allow the Division to implement and enforce the emission guidelines and compliance times in 40 CFR Part 60, Subpart Ce.

There are no owners and operators in Colorado that may be subject to this rule and associated HMIWI 111(d) plan.

Regulation 6, Part A, Subpart III, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

On May 1, 2015, the DC Circuit Court of Appeals vacated EPA’s 100-hour emergency demand response exemptions contained in 40 CFR Part 60, Subpart III (NSPS for Stationary Compression Ignition and Spark Ignition Internal Combustion Engines). See Delaware Dept. of Natural Res. & Envt’l Control (“DNREC”), et al. v. EPA, 785 F. 3d 1; See also 78 Fed. Reg. 6,6674 (January 30, 2013) (“2013 Rules”). The DNREC court invalidated (i.e. remand with vacatur) these 100-hour exemptions on three separate grounds including that EPA failed to respond to utilities’ concerns; that it based the rule on “faulty evidence”; and that it failed to consider alternate plans suggested in comments on the proposed rule.3 As discussed below, the court’s decision in DNREC requires that the Commission exclude from incorporation by reference these vacated 100-hour emergency exemptions contained in 40 CFR Part 60, Subpart III.

3 The DNREC opinion left in place 40 C.F.R. §§ 63.6640(f)(3)-(4), 60.4211(f)(3), and 60.4243(d)(3), which allow for the 50-hour exemption. However, the 50-hour exemption was remanded without vacatur in a subsequent court case. Conservation Law Foundation (“CLF”), et al. v. EPA, No. 13-233 (September 23, 2015).
The court's decision in DNREC vacated the 100-hour exemptions contained in NSPS Subpart IIII (40 CFR 60.4211(f)(2)(ii)-(iii)) and remanded them to EPA for further action, but otherwise left in place EPA's 2013 Rules setting air toxics limits and NSPS for other pollutants from RICE - primarily diesel generators. Upon issuance of the court's mandate on May 2, 2016, these provisions ceased to have any legal effect. According to a memo issued by the EPA on April 15, 2016, it is the EPA's view that this change means that an engine may not operate in circumstances described in the vacated provisions for any number of hours per year unless it is in compliance with the emission standards and other applicable requirements for a non-emergency engine.5

After issuance of this mandate, operation of emergency engines is to be limited to emergency situations as specified in 40 CFR 60.4211(f)(1); maintenance checks and readiness testing for a limited number of hours per year as specified in 40 CFR 60.4211(f)(2)(i); and certain non-emergency situations for a limited number of hours per year as specified in 40 CFR 60.4211(f)(3). For an emergency engine that was operating for the purposes specified in paragraphs 40 CFR 60.4211(f)(2)(ii)-(iii) before the vacatur mandate becomes a non-emergency engine after the vacatur mandate solely as a result of the operation of those purposes after the vacatur mandate, regulatory requirements including numerical emission limits or work practice standards, notifications, and performance testing may apply. The applicability of regulatory requirements to a particular engine depends on criteria including the engine's type, horsepower, and age, and not every such engine will become subject to notification and testing requirements.

Pursuant to the court's decision in DNREC, the Division requests that the Commission exclude from incorporation by reference EPA's vacated 100-hour exemption. Specifically, the Division requests that the Commission exclude from incorporation of NSPS Subpart IIII subsections 60.4211(f)(2)(ii)-(iii).

There are hundreds of owners and operators in Colorado that may be subject to this rule.

ATTACHMENTS:

1. Proposed Rule - Regulation 6, Part A;
2. Statement of Basis, Specific Statutory Authority, and Purpose;
3. Final Economic Impact Analysis (No Analysis Justification);
4. 111(d) Plan for MSW Landfill (January 12, 2017);
5. 111(d) Plan CISWI (January 12, 2017); and

CONTACT:

Please contact Sean Hackett, Regulatory Development and Outreach, Planning and Policy Program with the Air Pollution Control Division at 303-692-3131 or at sean.hackett@state.co.us with any questions.

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4 EPA requested and received a stay of the court’s mandate effectuating the vacatur until May 1, 2016 and the court issued the mandate on May 2, 2016.
SIGNATURES:

1. 
   Preparer: Sean Hackett  
   Date: 3/17/17

2. 
   Supervisor: Dena Wojtach  
   Date: 3/21/17

3. 
   Planning and Policy Program Manager: Chris Colclasure  
   Date: 4/16/17

4. 
   Division Director: Garry Kaufman  
   Date: 4/18/17
ITEMS

The Colorado Department of Public Health and Environment, Air Pollution Control Division (“Division”) requests that the Colorado Air Quality Control Commission (“Commission”) revise Regulation Number 6, Part A to incorporate by reference additions and changes to the U.S. Environmental Protection Agency’s (“EPA’s”) New Source Performance Standards (“NSPS”), Emission Guidelines, and performance specifications in 40 C.F.R. Part 60. Specifically, the Division proposes to update the citation dates and incorporate by reference in full new and revised NSPS, Emission Guidelines and Compliance Times, and performance specifications. Additionally, the Division requests that the Commission approve the attached Clean Air Act (“CAA”) Section 111(d) plans. States must develop and submit to the EPA 111(d) plans for implementing and enforcing federal standards on existing sources. The 111(d) plans discussed below are Colorado-specific plans proposed for EPA approval identifying how to implement the requirements for existing sources under CAA Section 111(d) and are not proposed as a regulation or for incorporation by reference into a regulation. The 111(d) plans will not be enforceable until approved by the EPA.

REQUIREMENTS FOR ECONOMIC IMPACT ANALYSIS (“EIA”)

Section 25-7-110.5(4)(a), C.R.S. sets forth the requirements for the initial and final Economic Impact Analysis, as stated below:

Before any permanent rule is proposed pursuant to this section, an initial economic impact analysis shall be conducted in compliance with this subsection (4) of the proposed rule or alternative proposed rules. Such economic impact analysis shall be in writing, developed by the proponent, or the Division in cooperation with the proponent and made available to the public at the time any request for hearing on a proposed rule is heard by the commission. A final economic impact analysis shall be in writing and delivered to the technical secretary and to all parties of record five working days prior to the prehearing conference. If no prehearing conference is scheduled, the economic impact analysis shall be submitted at least ten working days before the date of the rule-making hearing. The proponent of an alternative proposal will provide, in conjunction with the Division, a final economic impact analysis five working days prior to the prehearing conference. The economic impact analyses shall be based upon reasonably available data. Except where data is not reasonably available, or as otherwise provided in this section, the failure to provide an economic impact analysis of any noticed proposed rule or any alternative proposed rule will preclude such proposed rule or alternative proposed rule from being considered by the Commission. Nothing in this section shall be construed to restrict the Commission’s authority to consider alternative proposals and alternative economic impact analyses that have not been submitted prior to the prehearing conference for good cause and so long as parties have adequate time to review them.

Per Section 25-7-110.5(2), C.R.S., the requirements of Section 25-7-110.5(4) shall not apply to rules which: (1) adopt by reference applicable federal rules; (2) adopt rules to implement prescriptive state statutory requirements where the AQCC is allowed no significant policy-
making options; or, (3) adopt rules that have no regulatory impact on any person, facility or activity.

**DISCUSSION**

The Division requests that the Commission revise Regulation Number 6, Part A to incorporate by reference additions and changes to the EPA’s NSPS, Emission Guidelines and Compliance Times, and performance specifications in 40 C.F.R., Part 60 in response to amendments promulgated by the EPA.

Specifically, the Division proposes to update the citation dates and incorporate by reference, fully adopting, new and amended NSPS and performance specifications in Regulation Number 6, Part A. New and amended NSPS and performance specifications include 40 C.F.R. Part 60, Subparts Ec, Ja, XXX, CCCC, OOOO, and Appendixes A and B.

Additionally, the Division requests that the Commission approve 111(d) plans for Hospital/Medical/Infectious Waste Incinerators (“HMIWI”), Commercial and Industrial Solid Waste Incineration (“CISWI”) Units and Municipal Solid Waste (“MSW”) Landfills and the Emission Guidelines and Compliance Times for these source categories (40 C.F.R. Part 60, Subparts DDDD, Ce, and Cf, respectively). The 111(d) plans are Colorado-specific plans proposed for EPA approval identifying how to implement the requirements for existing sources under CAA Section 111(d) and are not proposed as a regulation or for incorporation by reference into a regulation. The 111(d) plans will not be enforceable until approved by the EPA.

In addition to updating new and amended NSPS, Emission Guidelines and Compliance Times, and performance specifications in response to amendments promulgated by the EPA, the Division proposes to exclude certain provisions of 40 C.F.R. Part 60, Subpart III in response to the court’s decision in *Delaware Dept. of Natural Res. & Envt'l Control (“DNREC”), et al. v. EPA*, 785 F. 3d 1 (D.C. Cir. 2015). On May 1, 2015, the DC Circuit Court of Appeals vacated EPA’s 100-hour emergency demand response exemptions contained in 40 CFR Part 60, Subpart III (NSPS for Stationary Compression Ignition and Spark Ignition Internal Combustion Engines). *See DNREC”), et al. v. EPA, 785 F. 3d 1; See also 78 Fed. Reg. 6,6674 (January 30, 2013) (“2013 Rules”).* The DNREC court invalidated (i.e. remand with vacatur) these 100-hour exemptions on three separate grounds including that EPA failed to respond to utilities’ concerns; that it based the rule on “faulty evidence”; and that it failed to consider alternate plans suggested in comments on the proposed rule. ¹ As discussed below, the court’s decision in DNREC requires that the Commission exclude from incorporation by reference these vacated 100-hour emergency exemptions contained in 40 CFR Part 60, Subpart III.

The court’s decision in DNREC vacated the 100-hour exemptions contained in NSPS Subpart III (40 CFR 60.4211(f)(2)(iii)-(iii)) and remanded them to EPA for further action, but otherwise left in place EPA’s 2013 Rules setting air toxics limits and NSPS for other pollutants from RICE - primarily diesel generators. Upon issuance of the court’s mandate on May 2, 2016, these provisions ceased to have any legal effect. ² According to a memo issued by the EPA on April 15, 2016, it is the EPA’s view that this change means that an engine may not operate in circumstances described in the vacated provisions for any number of hours per year unless it is

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¹ The DNREC opinion left in place 40 C.F.R. §§ 63.6640(f)(3)-(4), 60.4211(f)(3), and 60.4243(d)(3), which allow for the 50-hour exemption. However, the 50-hour exemption was remanded without vacatur in a subsequent court case. *Conservation Law Foundation (“CLF”), et al. v. EPA*, No. 13-233 (September 23, 2015).

² EPA requested and received a stay of the court’s mandate effectuating the vacatur until May 1, 2016 and the court issued the mandate on May 2, 2016.
in compliance with the emission standards and other applicable requirements for a non-
emergency engine.³

After issuance of this mandate, operation of emergency engines is to be limited to emergency
situations as specified in 40 CFR 60.4211(f)(1); maintenance checks and readiness testing for a
limited number of hours per year as specified in 40 CFR 60.4211(f)(2)(i); and certain non-
emergency situations for a limited number of hours per year as specified in 40 CFR
60.4211(f)(3). For an emergency engine that was operating for the purposes specified in
paragraphs 40 CFR 60.4211(f)(2)(ii)-(iii) before the vacatur mandate that becomes a non-
emergency engine after the vacatur mandate solely as a result of the operation of those
purposes after the vacatur mandate, regulatory requirements including numerical emission
limits or work practice standards, notifications, and performance testing may apply. The
applicability of regulatory requirements to a particular engine depends on criteria including the
engine’s type, horsepower, and age, and not every such engine will become subject to
notification and testing requirements.

Pursuant to the court’s decision in DNREC, the Division requests that the Commission exclude
from incorporation by reference EPA’s vacated 100-hour exemption. Specifically, the Division
proposes that the Commission exclude from incorporation of NSPS Subpart III subsections
60.4211(f)(2)(ii)-(iii).

SUMMARY AND CONCLUSION

Because these rules adopt by reference applicable federal rules, an economic impact
statement is not required.

³ See EPA Guidance on Vacatur of RICE NESHAP and NSPS Provisions for Emergency Engines (April 15,
06/documents/ricevacaturguidance041516.pdf
PART A

Federal Register Regulations Adopted by Reference

The regulations promulgated by the United States Environmental Protection Agency (EPA) listed below, found in Part 60, Chapter I, Title 40 of the Code of Federal Regulations (CFR) and in effect as of the dates indicated, but not including later amendments, were adopted by the Colorado Air Quality Control Commission and are hereby incorporated by reference. Copies of the material incorporated by reference are available for public inspection during regular business hours at the Office of the Commission, located at 4300 Cherry Creek Drive South, Denver, Colorado 80246-1530. Parties wishing to inspect these materials should contact the Technical Secretary of the Commission, located at the Office of the Commission. The material incorporated by reference is also available through the United States Government Printing Office, online at www.gpo.gov/fdsys.

All new sources of air pollution and all modified or reconstructed sources of air pollution shall comply with the standards, criteria, and requirements set forth herein. For the purpose of this regulation, the word "Administrator" as used in Part 60, Chapter I, Title 40, of the CFR shall mean the Colorado Air Pollution Control Division, except that in the sections in Table 1, "Administrator" shall mean both the Administrator of the Environmental Protection Agency or his authorized representative and the Colorado Air Pollution Control Division.

| TABLE 1 |
| --- | --- |
| 40 CFR Part 60 Subpart* | Section(s) |
| A | 60.8(b)(2) and (b)(3) and those sections throughout the standards that reference 60.8(b)(2) and (b)(3), 60.11(b) and (e). |
| Da | 60.45a. |
| Ka | 60.114a. |
| Kb | 60.111b(f)(4), 60.114b, 60.116b (e)(3)(iii) and (e)(3)(iv), 60.116b(f)(2)(iii). |
| S | 60.195(b). |
| DD | 60.302(d)(3). |
| GG | 60.332(a)(3), 60.335(a). |
40 CFR Part 60 Subpart*  
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<td>VV 60.482-1(c)(2), 60.484.</td>
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<td>GGG 60.592(c).</td>
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<td>JJJ 60.623.</td>
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*And any other section which 40 CFR Part 60 specifically states will not be delegated to the States.

Subpart A  

(See Part B of this Regulation Number 6 for Additional Requirements Regarding Modifications)

Subpart Cb  

Subpart Cc  

In addition for clarification regarding requirements applicable to existing municipal solid waste landfills, designated facilities as defined in 40 CFR Part 60, Section 60.32c which meet the condition in 40 CFR Part 60, Section 60.33c(a)(1) shall submit to the Division an initial design capacity report and an initial emission rate report in accordance with 40 CFR Part 60, Section 60.757 within 90 days of the effective date of this regulation. If the design capacity report reflects that the facility meets the condition in 40 CFR Part 60, Section 60.33c(a)(2) and the initial NMOC emission rate report reflects that the facility meets the condition in 40 CFR Part 60, Section 60.33c(a)(3), the facility shall comply with the collection and control system requirements in 40 CFR Part 60, Section 60.752(b)(2)(ii), applicable control device requirements in 40 CFR Part 60, Section 60.33c(c)(1), (2) and (3), test methods and procedures requirements in 40 CFR 60.754, operational standards in 40 CFR Part 60, Section 60.753, compliance provisions in 40 CFR Part 60, Section 60.755, monitoring provisions in 40 CFR Part 60, Section 60.756 and reporting and recordkeeping provisions in 40 CFR Part 60, Sections 60.757 and 60.758, respectively. Such facilities must complete installation of air emission collection and control equipment capable of meeting the requirements of this subpart no later than 30 months from the effective date of these requirements or the date on which the source becomes subject to this subpart pursuant to 40 CFR Part 60, Section 60.36c(b) (the date on which the condition in 60.33c(a)(3) is met (i.e., the date of the first annual report in which the non-methane organic compounds emission rate equals or exceeds 50 megagrams per year)), whichever occurs later. These facilities must submit a final collection and control system design plan pursuant to 40 CFR Part 60, Section 60.757(c) within one year of the effective date of these requirements, which must be reviewed and approved by the state. The final collection and control system design plan must specify: (1) the date by which contracts for control systems/process modifications shall be awarded, (which shall be no later than 20 months after the effective date); (2) the date by which on-site construction or installation of the air pollution control device(s) or process changes will begin, (which shall be no later than 24 months after the effective date); and (3) the date by which the construction or installation of the air pollution control device(s) or process changes will be complete (which shall be no later than 30 months after the effective date). In addition, the plan shall include site-specific design
plans for the gas collection and control system(s). These facilities shall comply with the approved final collection and control system design plan and shall demonstrate compliance with these emission standards in accordance with 40 CFR Part 60, Section 60.8 not later than 180 days following initial startup of the collection and control system.

The Commission designates the effective date for these requirements applicable to designated facilities of Colorado’s 111(d) plan, including the state emission standard for existing municipal solid waste landfills, as the date on which the United States Environmental Protection Agency EPA promulgates a final rule approving the state plan under Section 111(d) of the Clean Air Act. The Clean Air Act Section 111(d) plan implementing Subpart Cc will remain in effect until EPA approves the 111(d) plan implementing Subpart Cf as identified in 40 C.F.R. Part 62, Subpart G. Upon approval of the 111(d) plan by EPA (see Subpart Cf), designated facilities under Subpart Cc will be subject to applicable requirements specified in Subpart Cf.

Subpart Ce Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators. 40 CFR Part 60, Subpart Ce, paragraphs 60.30e; 60.31e; 60.32e; 60.33e(a)(1)-(3), (b)(1)-(2), (c)(1)-(2); 60.34e (referencing 40 CFR Part 60 Subpart Ec Section 60.53c); 60.35e (referencing 40 CFR Part 60 Subpart Ec Section 60.55c); 60.36e(a)(1)-(2), (c)(1)-(2); 60.37e(a) (referencing 40 CFR Part 60 Subpart Ec Section 60.56c), (a)(1)-(2), (b) (referencing 40 CFR Part 60 Subpart Ec Section 60.56c), (b)(1)-(2), (c)(1)-(4), (d) (referencing 40 CFR Part 60 Subpart Ec Section 60.57c). (e)(1)-(3), (f); 60.38e(a) (referencing 40 CFR Part 60 Subpart Ec Section 60.58c(b)-(g)), (a)(1)-(2), (b)(1)-(2) (July 1, 20152016). Designated facilities to which this subpart applies must comply with the minimum requirements in Subpart Ce, as provided in Colorado’s 111(d) plan for Existing Hospital/Medical/Infectious Waste Incinerators. Colorado’s 111(d) plan for Hospital/Medical/Infectious Waste Incinerators will be submitted to EPA once approved by the Commission and is effective once approved by EPA in 40 CFR Part 62, Subpart G.

Specifically, designated facilities are defined in Section 60.32e and additional definitions are specified in Section 60.31e. Designated facilities must comply with applicable emission limits as provided in Sections 60.33e(a)(1)-(3), (b)(1)-(2), and (c)(1)-(2). Designated facilities must comply with applicable operating training and qualification requirements as specified in Section 60.34e (referencing 40 CFR Part 60 Subpart Ec Section 60.53c). Designated facilities must comply with applicable waste management plan requirements as specified in Section 60.35e (referencing 40 CFR Part 60 Subpart Ec Section 60.55c). Designated facilities must comply with applicable inspection requirements as specified in Section 60.36e(a)(1)-(2), (b), (c)(1)-(2), and (d).

Designated facilities must comply with applicable compliance and performance testing requirements as specified in Sections 60.37e(a) (referencing 40 CFR Part 60 Subpart Ec Section 60.56c or (a)(1)-(2), (b) (referencing 40 CFR Part 60 Subpart Ec Section 60.56c or (b)(1)-(2), and (c)(1)-(4). Designated facilities must comply with applicable monitoring requirements as specified in Sections 60.37e(d) (referencing 40 CFR Part 60 Subpart Ec Section 60.57c), (e)(1)-(3), and (f). Designated facilities must comply with applicable notification and recordkeeping requirements as specified in Sections 60.32e(b)(1)-(2) and (c)(1)-(3). Designated facilities must comply with applicable reporting and recordkeeping requirements as specified in Sections 60.38e(a) (referencing 40 CFR Part 60 Subpart Ec Section 60.58c(b)-(g)) or (a)(1)-(2) and (b)(1)-(2). Designated facilities must comply with applicable compliance times as specified in Section 60.39e.

The Commission designates the effective date for these emission limits and other requirements (see Colorado 111(d) plan for Existing Hospital/Medical/Infectious Waste Incinerators in Colorado, adopted August 20, 2015, and obtainable from the Air Quality Control Commission Office, for applicable emission limits, compliance times, and other requirements) applicable to designated facilities of Colorado’s 111(d) plan as the date on which the United States Environmental Protection Agency EPA promulgates a final rule in 40 CFR Part 62, Subpart G approving the state plan under Section 111(d) of the Clean Air Act. The compliance schedule for designated facilities can be found in Colorado’s 111(d) plan for Existing Hospital/Medical/Infectious Waste Incinerators. Colorado’s 111(d) plan for Existing
Hospital/Medical/Infectious Waste Incinerators was adopted May 18, 2017, and is obtainable from
the Commission Office.

Subpart Cf  Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills. 40 CFR
Part 60, Subpart Cf (July 1, 2016), as adopted August 29, 2016 (81 FR 59313). Designated
facilities to which this subpart applies must comply with the minimum requirements in Subpart Cf
as provided in Colorado’s 111(d) plan for Municipal Solid Waste Landfills. Colorado’s 111(d) plan
for Existing Municipal Solid Waste Landfills will be submitted to EPA once approved by the
Commission and is effective once approved by EPA in 40 CFR Part 62, Subpart G.

Specifically, designated facilities are defined in Section 60.31f and additional definitions are
specified in Section 60.41f. Designated facilities must comply with applicable emission limits for
designated facilities specified in Section 60.33f. Designated facilities must comply with applicable
operational standards for collection and control systems as specified in Section 60.34f.
Designated facilities must comply with applicable test methods and procedures and compliance
requirements as specified in Sections 60.35f-60.36f. Designated facilities must comply with
applicable monitoring requirements as specified in Section 60.37f. Designated facilities must
comply with applicable reporting and recordkeeping requirements as specified in Sections 60.38f-
60.39f. Designated facilities must comply with applicable requirements for active collective
systems as specified in Section 60.40f.

The Commission designates the effective date of Colorado’s 111(d) plan as the date on which the
EPA promulgates a final rule in 40 CFR Part 62, Subpart G approving the state plan under
Section 111(d) of the Clean Air Act. The compliance schedule for designated facilities can be
found in Colorado’s 111(d) plan for Existing Municipal Solid Waste Landfills. Colorado’s 111(d)
plan for Existing Municipal Solid Waste Landfills was adopted May 18, 2017, and is obtainable
from Commission Office.

Subpart D  Standards of Performance for Fossil-Fuel-Fired Steam Generators for which Construction
is Commenced after August 17, 1971. 40 CFR Part 60, Subpart D (July 1, 20152016).

Subpart Da  Standards of Performance for Electric Utility Steam Generators for which Construction is
Commenced after September 18, 1978. 40 CFR Part 60, Subpart Da (July 1, 20152016), as
amended April 6, 2016 (81 FR 201723).

(See Regulation Number 6, Part B, Section VIII. and Regulation Number 8, Part E, Subpart
UUUUUU for additional requirements regarding Electric Utility Steam Generating Units)

Subpart Db  Standards of Performance for Industrial-Commercial-Institutional Steam Generating
Units. 40 CFR Part 60, Subpart Db (July 1, 20152016).

(See Part B, Section III.D. of this Regulation Number 6 for Additional Requirements)

Subpart Dc  Standards of Performance for Small Industrial-Commercial- Institutional Steam
Generating Units. 40 CFR Part 60, Subpart Dc (July 1, 20152016).

Subpart E  Standards of Performance for Incinerators. 40 CFR Part 60, Subpart E (July 1,
20152016).

(See Part B, Sections V, VI and VII of this Regulation Number 6 for Additional Requirements)

Subpart Ea  Standards of Performance for Municipal Waste Combustors For Which Construction Is
Commenced After December 20, 1989 and On or Before September 20, 1994. 40 CFR Part 60,
Subpart Ea (July 1, 20152016).

(See Part B, Section VI of this Regulation Number 6 for Additional Requirements)

Subpart Ec  Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996. 40 CFR Part 60, Subpart Ec (July 1, 2015-2016).

(See Part B, Section V of this Regulation Number 6 for Additional Requirements)


Subpart O Standards of Performance for Sewage Treatment Plants. 40 CFR Part 60, Subpart O (July 1, 2015-2016).

Subpart P Standards of Performance for Primary Copper Smelters. 40 CFR Part 60, Subpart P (July 1, 2015-2016).

Subpart Q Standards of Performance for Primary Zinc Smelters. 40 CFR Part 60, Subpart Q (July 1, 2015-2016).

Subpart R Standards of Performance for Primary Lead Smelters. 40 CFR Part 60, Subpart R (July 1, 2015-2016).

Subpart S Standards of Performance for Primary Aluminum Reduction Plants. 40 CFR Part 60, Subpart S (July 1, 2015-2016).


Subpart CC Standards of Performance for Glass Manufacturing Plants. 40 CFR Part 60, Subpart CC (July 1, 2015).


Subpart EE Standards of Performance for Surface Coating of Metal Furniture. 40 CFR Part 60, Subpart EE (July 1, 2016).


(See Subpart KKKK of this Regulation Number 6 for additional requirements for Stationary Combustion Turbines)


Subpart KK Standards of Performance for Lead-Acid Battery Manufacturing Plants. 40 CFR Part 60, Subpart KK (July 1, 2016).


Subpart MM Standards of Performance for Automobile and Light-Duty Truck Surface Coating Operations. 40 CFR Part 60, Subpart MM (July 1, 2016).

Subpart NN Standards of Performance for Phosphate Rock Plants. 40 CFR Part 60, Subpart NN (July 1, 2016).


Subpart RR Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations. 40 CFR Part 60, Subpart RR (July 1, 2016).

Subpart SS Standards of Performance for Industrial Surface Coating: Large Appliances. 40 CFR Part 60, Subpart SS (July 1, 2016).

Subpart TT Standards of Performance for Metal Coil Surface Coating. 40 CFR Part 60, Subpart TT (July 1, 2016).


Subpart WW Standards of Performance for the Beverage Can Surface Coating Industry. 40 CFR Part 60, Subpart WW (July 1, 20152016).

Subpart XX Standards of Performance for Bulk Gasoline Terminals. 40 CFR Part 60, Subpart XX (July 1, 20152016).


Subpart FFF Standards of Performance for Flexible Vinyl and Urethane Coating and Printing. 40 CFR Part 60, Subpart FFF (July 1, 20152016).


Subpart HHH Standards of Performance for Synthetic Fiber Production Facilities. 40 CFR Part 60, Subpart HHH (July 1, 20152016).


Subpart JJJ Standards of Performance for Petroleum Dry Cleaners. 40 CFR Part 60, Subpart JJJ (July 1, 20152016).

Subpart KKK Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants. 40 CFR Part 60, Subpart KKK (July 1, 20152016).


Subpart PPP Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants. 40 CFR Part 60, Subpart PPP (July 1, 20152016).


Subpart TTT Standards of Performance for Industrial Surface Coating of Plastic Parts for Business Machines. 40 CFR Part 60, Subpart TTT (July 1, 2015).


Subpart VVV Standards of Performance for Polymeric Coating of Supporting Substrates. 40 CFR Part 60, Subpart VVV (July 1, 2015).


Subpart AAAA Standards of Performance for Small Municipal Waste Combustion Units for which Construction is Commenced after August 30, 1999 or for which Modification or Reconstruction is Commenced after June 6, 2001. 40 CFR Part 60, Subpart AAAA (July 1, 2015).

Subpart CCCC Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for which Construction is Commenced after November 30, 1999 or for which Modification or Reconstruction is Commenced on or after June 1, 2001. 40 CFR Part 60, Subpart CCCC (July 1, 2015).

Subpart DDDD Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction On or Before November 30, 1999. 40 CFR Part 60, Subpart DDDD (July 1, 2015). Designated facilities to which this subpart applies must comply with the minimum requirements in Subpart DDDD as provided in Colorado’s 111(d) plan for Existing Commercial and Industrial Solid Waste Incineration Units. Colorado’s 111(d) plan for Existing Commercial and Industrial Solid Waste Incineration Units will be submitted to EPA once approved by the Commission and is effective once approved by EPA in 40 CFR Part 62, Subpart G.

Specifically, designated facilities are defined in Sections 60.2550 and 60.2555 and additional definitions are specified in Section 60.2875. Designated facilities must comply with applicable emission and operating limits for designated facilities as specified in Sections 60.2670-60.2680. Designated facilities must comply with applicable operator training and qualification requirements as specified in Sections 60.2685-60.2695. Designated facilities must comply with applicable waste management plan requirements as specified in Section 60.2620 and specified in Sections 60.2625 and 60.2630. Designated facilities must comply with applicable performance testing requirements as specified in Sections 60.2690-60.2695. Designated facilities must comply with applicable compliance requirements as specified in Sections 60.2700-60.2725. Designated facilities must comply with applicable monitoring requirements as specified in Sections 60.2730-60.2735. Designated facilities must comply with applicable notification and recordkeeping requirements as specified in Sections 60.2755(a)(1)-(2), (e)(1)-(4), and (f)(1)-(4). Designated facilities must comply with applicable reporting and recordkeeping requirements as specified in Sections 60.2740-60.2800. Designated facilities must comply with applicable air curtain.
Designated facilities must comply with applicable compliance times as specified in Section 60.2535.

The Commission designates the effective date of Colorado’s 111(d) plan as the date on which the EPA promulgates a final rule in 40 CFR Part 62, Subpart G approving the state plan under Section 111(d) of the Clean Air Act. The compliance schedule for designated facilities can be found in Colorado’s 111(d) plan for Existing Commercial and Industrial Solid Waste Incineration Units. Colorado’s 111(d) plan for Existing Commercial and Industrial Solid Waste Incineration Units was adopted May 18, 2017, and is obtainable from the Commission Office.

Subpart EEEE Standards of Performance for Other Solid Waste Incineration Units for which Construction is Commenced after December 9, 2004 or for which Modification or Reconstruction is Commenced on or after June 16, 2006. 40 CFR Part 60, Subpart EEEE (July 1, 20152016).

Subpart FFFF Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units that Commenced Construction on or before December 9, 2004. 40 CFR Part 60, Subpart FFFF, Sections 60.2991 through 60.2994, 60.3000 through 60.3078, and Tables 1-5 (July 1, 20152016).

Subpart HHHH Emission Guidelines and Compliance Times for Coal-Fired Electric Steam Generating Units. Repealed: This rule was vacated by the February 8, 2008 D.C. Circuit Court of Appeals decision.

Subpart IIII Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. 40 CFR Part 60, Subpart IIII, excluding the 100-hour emergency exemption in subsection 60.4211(f)(2)(ii)-(iii) pursuant to the court’s decision in Delaware Dept. of Natural Res. & Envtl Control, et al. v. EPA, 785 F. 3d 1 (DC Cir. 2015) (July 1, 20152016).

Subpart KKKK Standards of Performance for Stationary Combustion Turbines. 40 CFR Part 60, Subpart KKKK (July 1, 20152016).

(See Subpart GG for additional requirements for Stationary Gas Turbines)

Subpart LLLL Standards of Performance for New Sewage Sludge Incineration Unit. 40 CFR Part 60, Subpart LLLL (July 1, 20152016).

Subpart MMMM Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units. 40 CFR Part 60, Subpart MMMM (July 1, 20152016).


APPENDIX A to Part 60 Test Methods. 40 CFR Part 60 (July 1, 20152016).

APPENDIX B to Part 60 Performance Specifications. 40 CFR Part 60 (July 1, 20152016), as amended July 7, 20152016 (80 FR 38628).

APPENDIX C to Part 60 Determination of Emission Rate Change. 40 CFR Part 60 (July 1, 20152016).

APPENDIX D to Part 60 Required Emission Inventory Information. 40 CFR Part 60 (July 1, 20152016).

APPENDIX F to Part 60 Quality Assurance Procedures. 40 CFR Part 60 (July 1, 20152016).

XXIV. Adopted May 18, 2017

Background

This Statement of Basis, Specific Statutory Authority, and Purpose complies with the requirements of the Colorado Administrative Procedures Act, Section 24-4-103, C.R.S., the Colorado Air Pollution Prevention and Control Act, Sections 25-7-110 and 25-7-110.5, C.R.S., and the Air Quality Control Commission’s (“Commission”) Procedural Rules.

Basis

The U.S. Environmental Protection Agency (“EPA”) promulgated amendments to 40 C.F.R. Part 60, Subparts Ec, Ja, XXX, CCC, OOOO, and Appendixes A and B. Additionally, the D.C. Circuit Court of Appeals vacated EPA’s 100-hour emergency demand response exemption contained in 40 C.F.R. Part 60, Subpart IIII in Delaware Dept. of Natural Res. & Envt'l Control (“DNREC”), et al. v. EPA, 785 F. 3d 1 (D.C. Cir. 2015). The State of Colorado is required under Section 111 of the Clean Air Act (“CAA”) to adopt such New Source Performance Standards (“NSPS”) into its regulations in order to maintain agency authority with regard to the standards.

Additionally, the EPA promulgated new and revised Emission Guidelines and Compliance Times contained in 40 C.F.R. Part 60, Subparts Ce, Cf, and DDDD. Under Section 111(d) of the Clean Air Act, States must develop and submit to EPA a plan for implementing and enforcing the Emission Guidelines and Compliance Times for existing sources. The 111(d) plans are Colorado-specific plans proposed for EPA approval identifying how to implement the requirements for existing sources under 111(d) and are not themselves regulations or incorporated by reference as regulations.

Specific Statutory Authority

The Colorado Air Pollution Prevention and Control Act, Sections 25-7-105(1)(b) and 25-7-109, C.R.S. authorize the Commission to adopt emission control regulations, including emission control regulations relating to new stationary sources, for the development of an effective air quality control program. Further, Section 25-7-106(6) authorizes the Commission to require testing, monitoring, and recordkeeping.

Purpose

Adoption of the federal rules in 40 C.F.R. Part 60, Subparts Ec, Ja, XXX, CCC, IIII, OOOO, and Appendixes A and B, makes these rules and revisions enforceable under Colorado law. Additionally, updating citation references of 40 C.F.R. Part 60, Subparts Ce, Cf, and DDDD along
with approval of 111(d) plans for Hospital/Medical/Infectious Waste Incinerators ("HMIWI"), Municipal Solid Waste ("MSW") Landfills, and Commercial and Industrial Solid Waste Incineration (CISWI) Units allows the Division to implement and enforce the Emission Guidelines and Compliance Times for these source categories. The 111(d) plans for CISWI Units, HMIWI, and MSW Landfills are consistent with and do not differ from the Model Rules contained in the Emission Guidelines and Compliance Times for these source categories. The Emission Guidelines and Compliance Times and associated 111(d) plans will not be enforceable until approved by the EPA. Until EPA approves these 111(d) plans, existing sources in these source categories would be subject to a federal plan promulgated by EPA, if applicable. The Commission does not intend for these 111(d) plans to apply retroactively. The schedule for sources to comply with the Emission Guidelines and Compliance Times varies depending on when a 111(d) plan or federal plan to take effect. For the CISWI 111(d) plan, affected sources would need to achieve final compliance as expeditiously as practicable after approval of the plan, but no later than the earlier date of February 7, 2018, or three years after the effective date of the approval of the plan. For the HMIWI 111(d) plan, affected sources would need to achieve final compliance no later than three years from EPA approval of the plan, but no later than October 6, 2014. For the MSW Landfill 111(d) plan, affected sources would need to submit an initial design capacity report no later than 90 days after the effective date of EPA’s approval of the plan.

Adoption of the rules will not impose additional requirements upon sources beyond the minimum required by federal law and may benefit the regulated community by providing sources with up-to-date information.

Further, these revisions will correct any typographical, grammatical and formatting errors found within the regulation.
111(d) Plan for Existing Municipal Solid Waste Landfills in Colorado

Revision Submitted by
Colorado Department of Public Health and Environment
Air Pollution Control Division
Stationary Sources Program

January 12, 2017
(revision of April 13, 1998 plan)

Submitted to
US EPA Region VIII
1595 Wynkoop Street
Denver, Colorado 80202-1129
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I. Introduction

Colorado’s Governor has designated the Colorado Department of Public Health and Environment-Air Pollution Control Division (“Division”) Director as his designee for the Air Quality Program in Colorado. In that capacity, Colorado is submitting this Section 111(d) plan for Municipal Solid Waste (“MSW”) landfills for approval by the U.S. Environmental Protection Agency (“EPA”), in accordance with the EPA’s Model Rule set forth in the Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills at 40 C.F.R. Part 60, Subpart Cf specific to MSW landfills that Commenced Construction On or Before July 17, 2014, and the Clean Air Act Section 111(d). This revision updates Colorado’s MSW landfill state plan source inventory and incorporates requirements from Subpart Cf by reference. This state plan addresses existing affected MSW landfills.

On February 20, 1997, the Colorado Air Quality Control Commission (“Commission”) incorporated by reference the Emission Guidelines and Compliance Times for MSW landfills, 40 C.F.R. Part 60, Subpart Cc into Colorado Regulation Number 6, Part A. Colorado submitted its MSW landfill state plan on April 13, 1998. EPA subsequently approved the state plan1 with an effective date of September 28, 1998. In Colorado’s approved state plan, Colorado identified sources that may have been subject to control requirements under Subpart Cc.

On August 29, 2016, EPA established new federal Emission Guidelines and Compliance Times for MSW landfills in 40 C.F.R. Part 60, Subpart Cf in lieu of revising the previously existing 40 C.F.R. Part 60, Subpart Cc. Subpart Cf applies to existing MSW landfills that commenced construction, modification, or reconstruction on or before July 17, 2014. Subpart Cf established a May 30, 2017, due date for states to update their corresponding MSW landfill 111(d) plans.

During the state plan development process, Colorado determined that additional affected facilities may have to install a gas collection and control system (“GCCS”) due to the more stringent Subpart Cf requirements. However, additional Tier 2, 3, or 4 non-methane organic compounds (“NMOC”) emission testing2 could potentially exempt these facilities from the GCCS requirement thereby reducing the number of affected facilities in Colorado.

II. Demonstration of Legal Authority

40 C.F.R. Part 60, Subpart B, requires Colorado to demonstrate it has the legal authority to carry out a 111(d) plan.

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1 EPA approval of Colorado’s MSW Landfill 111(d) state plan can be found at 40 C.F.R. Part 62, Subpart G, Sections 1350-1352.
2 Test methods and procedures can be found at 40 C.F.R. Part 60, Subpart Cf, Section 60.35f.
Current Colorado law provides adequate authority to carry out all aspects of the MSW landfill emission control program mandated by Section 111(d) of the Clean Air Act (CAA).

**Colorado has the authority to adopt emissions standards and compliance schedules applicable to MSW landfills.**

Under the Colorado Air Pollution Prevention and Control Act (“Colorado Act”), Section 25-7-109(1)(a), C.R.S., the Commission is directed to adopt, promulgate, and from time to time modify or repeal emission control regulations. Section 25-7-109(2) authorizes the Commission to regulate visible pollutants, sulfur oxides, nitrogen oxides, carbon oxides, other chemical substances, organic solvents, photochemical substances, and hazardous air pollutants. Section 25-7-109(6) directs the Commission to establish test methods and procedures for determining compliance with emission control regulations.

**Colorado has the authority to enforce the applicable laws, regulations, standards, and compliance schedules, as well as seek injunctive relief.**

The Colorado Act, Sections 25-7-111(1) and 25-7-115(1)(a) direct the Colorado Department of Public Health and Environment Air Pollution Control Division (“Division”) to administer and enforce the Commission’s air quality control programs, including the emission control regulations. Section 25-7-121(1) authorizes both the Division and the Commission to request the district attorney to bring a suit for injunction to prevent any further or continued violation. The compliance schedules in Subpart Cf are incorporated by reference in Colorado Regulation Number 6, Part A and are fully enforceable by the Division upon EPA approval of Colorado’s 111(d) plan for MSW landfills.

**Colorado has the authority to obtain information necessary to determine whether a MSW landfill is in compliance, including the authority to require recordkeeping, inspect, and conduct tests of such landfills.**

The Colorado Act, Section 25-7-106(6) authorizes the Commission to require owners or operators to establish and maintain reports; install, use, and maintain monitoring equipment or methods; record, monitor, and sample emissions; and provide other such information the Commission requires. Section 25-7-111(2)(c) authorizes the Division to enter and inspect any property, premises, or place to ascertain compliance or noncompliance with applicable regulation, order, or permit. Section 25-7-111(2)(c) also authorizes the Division to obtain a warrant to enter and inspect should entry be denied. Further, Section 25-7-111(2)(i) authorizes the Division to require a source to furnish information relating to emissions of the source or any authorized investigation.

**Colorado has the authority to require owners or operators of MSW landfills to**
install, maintain, and use emission monitoring devices, as well as to provide periodic reports to Colorado on the nature and amounts of emissions from the landfill.

The Colorado Act, Section 25-7-106(6) authorizes the Commission to require owners or operators to establish and maintain reports; install, use, and maintain monitoring equipment or methods; record, monitor, and sample emissions; and provide other such information the Commission requires. Section 25-7-111(2)(i) authorizes the Division to require a source to furnish information relating to emissions of the source or any authorized investigation. Section 25-7-114.1(1) requires any person emitting air pollutants to file an air pollutant emission notice with the Division. Section 25-7-114.4 directs the Commission to promulgate regulations necessary for the administration of construction permits and renewable operating permits, including inspection, monitoring, recordkeeping, and reporting requirements.

Colorado has the authority to make source emissions reports data available to the public.

The Colorado Act, Section 25-7-132 directs the Commission and Division to make all emission data received or obtained available to the public to the extent required by the CAA.

**Attached laws or regulations**

40 C.F.R. Part 60, Subpart B, also requires Colorado to submit copies of the laws or regulations demonstrating Colorado’s legal authority unless they were approved as portions of a preceding state plan and Colorado demonstrates that the laws or regulations are applicable to the designated pollutant(s) for which the state plan is submitted.

Colorado’s Title V program submittal, which was approved by EPA on August 16, 2000, included copies of the laws and regulations granting the authority to carry out the Title V program. The same laws grant the authority to carry out the Section 111(d) plan, as discussed above.

Colorado’s air pollutant emission notice, permit requirements, and emission control regulations are applicable to sources of air pollutants, including fumes, smoke, particulate matter, vapor, gas, or any combination thereof, as defined in the Colorado Act, Section 25-7-103(1.5). MSW landfills fall within this broad definition and are regulated by the Commission’s adoption of 40 C.F.R. Part 60, Subpart Cf.

Therefore, copies of the laws and regulations referenced in this demonstration are not attached.
III. Source Inventory

Based on design capacity information submitted to the Division, the following sources are existing MSW landfills that do not exceed a design capacity of 2.5 million megagrams and 2.5 million cubic meters and are not subject to the emission control requirements under Subpart Cf.

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<tr>
<th>AIRS ID</th>
<th>Source Inventory</th>
<th>County</th>
<th>Design</th>
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</tr>
<tr>
<td>009-0059</td>
<td>Two Buttes</td>
<td>Baca</td>
<td>8,359 m³</td>
</tr>
<tr>
<td>009-0061</td>
<td>Walsh</td>
<td>Baca</td>
<td>45,360 Mg</td>
</tr>
<tr>
<td>015-0053</td>
<td>Chaffee County</td>
<td>Chaffee</td>
<td>602,330 Mg</td>
</tr>
<tr>
<td>017-0292</td>
<td>Firstview Sanitary</td>
<td>Cheyenne</td>
<td>326,282 m³</td>
</tr>
<tr>
<td>027-0006</td>
<td>Custer County</td>
<td>Custer</td>
<td>562,000 m³</td>
</tr>
<tr>
<td>029-0094</td>
<td>Adobe Buttes</td>
<td>Delta</td>
<td>1,758,092 m³</td>
</tr>
<tr>
<td>043-0101</td>
<td>Phantom</td>
<td>Fremont</td>
<td>776,000 Mg</td>
</tr>
<tr>
<td>045-1738</td>
<td>South Canyon</td>
<td>Garfield</td>
<td>1,540,000 Mg</td>
</tr>
<tr>
<td>051-0020</td>
<td>Six Mile</td>
<td>Gunnison</td>
<td>1,487,638 Mg</td>
</tr>
<tr>
<td>051-0021</td>
<td>Eads</td>
<td>Kiowa</td>
<td>235,129 m³</td>
</tr>
<tr>
<td>051-0022</td>
<td>Haswell</td>
<td>Kiowa</td>
<td>4,626 Mg</td>
</tr>
<tr>
<td>063-0038</td>
<td>Kit Carson</td>
<td>Kit Carson</td>
<td>201,291 Mg</td>
</tr>
<tr>
<td>065-0030</td>
<td>Lake County</td>
<td>Lake</td>
<td>680,834 m³</td>
</tr>
<tr>
<td>071-0898</td>
<td>Trinidad</td>
<td>Las Animas</td>
<td>743,956 m³</td>
</tr>
<tr>
<td>073-0081</td>
<td>Lincoln County</td>
<td>Lincoln</td>
<td>250,000 m³</td>
</tr>
<tr>
<td>075-0019</td>
<td>Logan County</td>
<td>Logan</td>
<td>2,340,302 m³</td>
</tr>
<tr>
<td>077-0579</td>
<td>S-road Disposal</td>
<td>Mesa</td>
<td>864,763 m³</td>
</tr>
<tr>
<td>079-0008</td>
<td>Mineral County</td>
<td>Mineral</td>
<td>95,728 m³</td>
</tr>
<tr>
<td>081-0058</td>
<td>Moffat County</td>
<td>Moffat</td>
<td>1,440,000 m³</td>
</tr>
<tr>
<td>083-0099</td>
<td>Montezuma County</td>
<td>Montezuma</td>
<td>2,069,786 m³</td>
</tr>
<tr>
<td>085-0972</td>
<td>Broad Canyon</td>
<td>Montrose</td>
<td>1,055,000 m³</td>
</tr>
<tr>
<td>089-0093</td>
<td>Manzanola</td>
<td>Otero</td>
<td>309,111 m³</td>
</tr>
<tr>
<td>089-0086</td>
<td>Otero County</td>
<td>Otero</td>
<td>177,150 m³</td>
</tr>
<tr>
<td>095-0011</td>
<td>Phillips Country</td>
<td>Phillips</td>
<td>2,253,222 m³</td>
</tr>
<tr>
<td>097-0031</td>
<td>Pitkin County</td>
<td>Pitkin</td>
<td>2,300,000 Mg</td>
</tr>
<tr>
<td>099-0109</td>
<td>East Lamar Municipal</td>
<td>Prowers</td>
<td>1,550,142 m³</td>
</tr>
<tr>
<td>099-0116</td>
<td>Holly</td>
<td>Prowers</td>
<td>302,032 m³</td>
</tr>
<tr>
<td>099-0118</td>
<td>Granada</td>
<td>Prowers</td>
<td>1,535,787 m³</td>
</tr>
<tr>
<td>103-0108</td>
<td>Wray Gulch</td>
<td>Rio Blanco</td>
<td>636,531 Mg</td>
</tr>
<tr>
<td>105-0049</td>
<td>San Luis Valley</td>
<td>Rio Grande</td>
<td>901,361 Mg</td>
</tr>
<tr>
<td>109-0008</td>
<td>Saguache County</td>
<td>Saguache</td>
<td>191,150 m³</td>
</tr>
<tr>
<td>115-0032</td>
<td>Sedgwick County</td>
<td>Sedgwick</td>
<td>1,307,390 m³</td>
</tr>
</tbody>
</table>
Based on design capacity information submitted to the Division, the following sources are existing MSW landfills that do equal or exceed a design capacity of 2.5 million megagrams and 2.5 million cubic meters and are, or may be subject to the emission control requirements under Subpart Cf.

<table>
<thead>
<tr>
<th>AIRS ID</th>
<th>Source Inventory</th>
<th>County</th>
<th>Design</th>
</tr>
</thead>
<tbody>
<tr>
<td>121-0026</td>
<td>Washington County</td>
<td>Washington</td>
<td>591,113 m³</td>
</tr>
<tr>
<td>125-0030</td>
<td>Yuma County</td>
<td>Yuma</td>
<td>623,700 Mg</td>
</tr>
</tbody>
</table>

This 111(d) plan applies broadly. Should Colorado discover another existing, designated MSW landfill, as defined in Subpart Cf 60.31f, or an existing MSW landfill exceeding the design capacity that also exceeds the non-methane organic compound (NMOC) threshold, subsequent to this submission, Colorado’s 111(d) MSW Landfill plan need not be reopened as Colorado will require any newly discovered, existing sources to meet the following, applicable requirements of 40 C.F.R. Part 60, Subpart Cf, as incorporated into Colorado Regulation Number 6, Part A and enforceable by the Division:

- The applicable compliance times specified in Subpart Cf Section 60.32f.
- The applicable MSW landfill emission collection, control, and calculation requirements specified in Subpart Cf Sections 60.33f(b)(1)-(3), 60.33f(c)(1)-(4), and 60.33f(e)(1)-(3) for existing, designated MSW landfills as defined in Subpart Cf Sections

<table>
<thead>
<tr>
<th>AIRS ID</th>
<th>Source Inventory</th>
<th>County</th>
<th>Design</th>
</tr>
</thead>
<tbody>
<tr>
<td>001-0182</td>
<td>Tower Landfill</td>
<td>Adams</td>
<td>44,405,343</td>
</tr>
<tr>
<td>001-1698</td>
<td>East Regional Landfill</td>
<td>Adams</td>
<td>8,732,448 m³</td>
</tr>
<tr>
<td>005-1291</td>
<td>Denver Arapahoe</td>
<td>Arapahoe</td>
<td>265,510,073</td>
</tr>
<tr>
<td>037-0072</td>
<td>Eagle County</td>
<td>Eagle</td>
<td>6,147,384 m³</td>
</tr>
<tr>
<td>041-0157</td>
<td>Colorado Springs Landfill</td>
<td>El Paso</td>
<td>28,909,340</td>
</tr>
<tr>
<td>041-0325</td>
<td>Midway Landfill</td>
<td>El Paso</td>
<td>28,909,340</td>
</tr>
<tr>
<td>041-0331</td>
<td>Fountain Landfill</td>
<td>El Paso</td>
<td>22,295,840</td>
</tr>
<tr>
<td>045-0047</td>
<td>West Garfield</td>
<td>Garfield</td>
<td>3,980,000 m³</td>
</tr>
<tr>
<td>069-0381</td>
<td>Larimer County Landfill</td>
<td>Larimer</td>
<td>11,190,000</td>
</tr>
<tr>
<td>077-0084</td>
<td>Mesa County Landfill</td>
<td>Mesa</td>
<td>12,484,217</td>
</tr>
<tr>
<td>085-0950</td>
<td>Montrose County Landfill</td>
<td>Montrose</td>
<td>3,333,904 Mg</td>
</tr>
<tr>
<td>087-0026</td>
<td>Morgan County Landfill</td>
<td>Morgan</td>
<td>4,594,261 m³</td>
</tr>
<tr>
<td>101-0078</td>
<td>Broadacres Landfill</td>
<td>Pueblo</td>
<td>16,779,800</td>
</tr>
<tr>
<td>101-0106</td>
<td>Southside Landfill</td>
<td>Pueblo</td>
<td>7,995,049 M³</td>
</tr>
<tr>
<td>107-0057</td>
<td>Milner Landfill</td>
<td>Routt</td>
<td>7,622,611 m³</td>
</tr>
<tr>
<td>117-0017</td>
<td>Summit County</td>
<td>Summit</td>
<td>4,704,146 m³</td>
</tr>
<tr>
<td>123-0079</td>
<td>Denver Regional &amp; Front</td>
<td>Weld</td>
<td>35,768,342</td>
</tr>
<tr>
<td>123-0209</td>
<td>North Weld Sanitary</td>
<td>Weld</td>
<td>13,200,000</td>
</tr>
<tr>
<td>123-0448</td>
<td>Buffalo Ridge Landfill</td>
<td>Weld</td>
<td>47,847,293</td>
</tr>
</tbody>
</table>
60.33f(a)(1)-(3).

- The applicable initial design capacity report requirements specified in Subpart Cf Sections 60.33f(d)(1)-(2).
- The applicable operational standards for collection and control systems specified in Subpart Cf Sections 60.34f(a)-(g).
- The applicable test methods and procedures specified in Subpart Cf Sections 60.35f(a)-(e).
- The applicable gas collection system compliance requirements specified in Subpart Cf Sections 60.36f(a)-(e).
- The applicable monitoring requirements specified in Subpart Cf Sections 60.37f(a)-(h), except as specified in Subpart Cf Section 60.38f(d)(2).
- The applicable reporting requirements in Subpart Cf Sections 60.38f(d)(a)-(c), (d)(4)-(5), (d)(7), and (f)-(m), except as specified in 40 C.F.R. Part 60, Subpart B Section 60.24, and Subpart Cf Section 60.38f(d)(2).
- As specified in Subpart Cf Section 60.38f(d)(6), Colorado will review site-specific design plans for gas collection and control systems to ensure design plans meet the requirements specified in Subpart Cf Sections 60.38f(d)(1)-(7).
- The applicable revised design plan submittal requirements specified in Subpart Cf Sections 60.38f(e).
- The applicable collection and control system requirements specified in Subpart Cf Sections 60.33f(f)(1)-(4) and 60.40f(a)-(c).
- The applicable recordkeeping requirements specified in Subpart Cf Sections 60.39f(a)-(j).

The approval of alternative methods to determine the NMOC concentration or a site-specific methane generation rate constant (k) may not be delegated by EPA to Colorado.

Colorado will also require designated MSW landfills with a design capacity greater than 2.5 million megagrams or 2.5 million cubic meters to obtain and operate pursuant to a Colorado Title V operating permit. Colorado Regulation Number 3, Part C requires that operating permits contain emission limitations and standards that assure compliance with all applicable requirements at the time of permit issuance. The Title V operating permits will specify and reference applicable Subpart Cf requirements as well as the state plan approval in 40 C.F.R. Part 62, Subpart G.

IV. Emission Inventory

The following sources are existing MSW landfills that exceed a design capacity of 2.5 million megagrams or 2.5 million cubic meters that currently operate, or may be required to operate, a landfill gas collection and control system (GCCS). These landfills must provide a NMOC emission rate report to Colorado.
no later than 90 days after the effective date of EPA approval of Colorado’s 111(d) plan. For MSW landfills with NMOC emissions exceeding 34 Mg/yr, the owner or operator must install and start a landfill air emission collection and control system meeting the requirements specified in Subpart Cf 60.33f within 30 months of the date of the NMOC emission report that shows that NMOC emissions equal or exceed 34 Mg/yr.

<table>
<thead>
<tr>
<th>AIRS ID³</th>
<th>Landfill</th>
<th>Emissions (Mg/yr)</th>
<th>Currently operating GCCS</th>
</tr>
</thead>
<tbody>
<tr>
<td>001-0182</td>
<td>Tower Landfill</td>
<td>&gt;50*</td>
<td>Yes, Required</td>
</tr>
<tr>
<td>001-1698</td>
<td>East Regional Landfill</td>
<td>29.6</td>
<td>No</td>
</tr>
<tr>
<td>005-1291</td>
<td>Denver Arapahoe Disposal Site</td>
<td>&gt;50*</td>
<td>Yes, Required</td>
</tr>
<tr>
<td>037-0072</td>
<td>Eagle County</td>
<td>24.06</td>
<td>No</td>
</tr>
<tr>
<td>041-0157</td>
<td>Colorado Springs Landfill**</td>
<td>41.5</td>
<td>No</td>
</tr>
<tr>
<td>041-0325</td>
<td>Midway Landfill</td>
<td>31.95</td>
<td>No</td>
</tr>
<tr>
<td>041-0331</td>
<td>Fountain Landfill</td>
<td>&gt;50*</td>
<td>Yes, Required</td>
</tr>
<tr>
<td>045-0047</td>
<td>West Garfield</td>
<td>11.8</td>
<td>No</td>
</tr>
<tr>
<td>059-0113</td>
<td>Foothills Landfill</td>
<td>&gt;50*</td>
<td>Yes, Required</td>
</tr>
<tr>
<td>069-0381</td>
<td>Larimer County Landfill</td>
<td>&gt;50*</td>
<td>Yes, Voluntary</td>
</tr>
<tr>
<td>077-0084</td>
<td>Mesa County Landfill</td>
<td>10.83</td>
<td>Yes, Voluntary</td>
</tr>
<tr>
<td>085-0950</td>
<td>Montrose County Landfill</td>
<td>22.4</td>
<td>No</td>
</tr>
<tr>
<td>087-0026</td>
<td>Morgan County Landfill</td>
<td>2.87</td>
<td>No</td>
</tr>
<tr>
<td>101-0078</td>
<td>Broadacre Landfill</td>
<td>1.93</td>
<td>No</td>
</tr>
<tr>
<td>101-0106</td>
<td>Southside Landfill</td>
<td>10.9</td>
<td>Yes, Required***</td>
</tr>
<tr>
<td>107-0057</td>
<td>Milner Landfill</td>
<td>12.74</td>
<td>No</td>
</tr>
<tr>
<td>117-0017</td>
<td>Summit County</td>
<td>13.52</td>
<td>No</td>
</tr>
<tr>
<td>123-0079</td>
<td>Denver Regional &amp; Front Range</td>
<td>&gt;50*</td>
<td>Yes, Required</td>
</tr>
<tr>
<td>123-0209</td>
<td>North Weld Sanitary Landfill**</td>
<td>35.41</td>
<td>No</td>
</tr>
<tr>
<td>123-0448</td>
<td>Buffalo Ridge Landfill</td>
<td>20.74</td>
<td>No</td>
</tr>
</tbody>
</table>

* These sources have not been required to report NMOC emissions since installing controls. Once this state plan is in effect, sources will be required to report current actual emissions and this inventory will be updated.  
** Highlighted landfills currently exceed the Subpart Cf threshold of 34 Mg/yr NMOC for requiring a GCCS. However, additional Tier 2, 3, and 4 testing may

³ Landfills with voluntary GCCS do not necessarily collect gas from the entire landfill.
show these landfills do not exceed the 34 Mg/yr NMOC threshold or are not required to install controls. *** Southside Landfill currently has a GCCS for failing to test on time, not due to emissions over 50 mg/yr.

V. Emission Estimation Methods

Owners and operators must calculate MSW landfill NMOC emission rates as specified in Subpart Cf Sections 60.35f(a)-(c).

VI. Annual Reporting

The Division reports inspection and facility status to the Integrated Compliance Information System for air (“ICIS-AIR”), formerly the Aerometric Emissions Informational Retrieval System Facility Subsystem (“AFS”), as specified in 40 C.F.R. Part 60, Appendix D.

The Division reports annual source emission data to the National Emission Inventory (“NEI”). As specified in 40 C.F.R. Part 60, Section 60.25e, the Division will report progress reports in 111(d) plan enforcement, as applicable.

VII. Emission Limitations

Existing MSW landfills exceeding the design capacity and NMOC thresholds must install a landfill gas collection and control system that meets the applicable requirements specified in Subpart Cf Sections 60.33f(b)(1)-(3), 60.33f(c)(1)-(4), 60.34f(a)-(g), and 60.40f(a)-(c).

VIII. Process for Review and Approval of Collection and Control Systems

Colorado will review MSW landfill gas collection and control system design plans to ensure the plan meets the requirements specified in Subpart Cf Section 60.38f(d)(1)-(3). Colorado will approve, disapprove, or request additional information concerning submitted design plans within 90 days of receipt of an initial or revised design plan.

IX. Testing, Monitoring, Recordkeeping, and Reporting Requirements

NMOC emission rate calculations must be conducted as specified in Subpart Cf Section 60.35f(a). After the installation and startup of a collection and control system, owners or operators must calculate NMOC emission rates as specified in Subpart Cf Section 60.35f(b). For Prevention of Significant Deterioration purposes, owners and operators must estimate NMOC emissions as specified in Subpart Cf Section 60.35f(c). An owner or operator conducting Tier 4 emission testing must notify Colorado at least 30 days prior to conducting testing, as specified in Subpart Cf Section 60.38f(m).
The initial design capacity report must be submitted to Colorado no later than 90 days after the effective date of EPA approval of Colorado’s 111(d) plan, as specified in Subpart Cf Section 60.38f(a)(1)-(2). An amended design capacity report must be submitted within 90 days of an increase in the maximum design capacity of the landfill to meet or exceed 2.5 million megagrams and 2.5 million cubic meters.

The initial NMOC emission rate report must be submitted to Colorado no later than 90 days after the effective date of EPA approval of Colorado’s 111(d) plan, as specified in Subpart Cf Section 60.38f(c)(1)-(4).

The landfill gas collection and control system design plan cover page must be submitted to Colorado within 1 year of the first NMOC emission rate report showing that the NMOC emission rate equals or exceeds 34 Mg/yr, as specified in Subpart Cf Section 60.38f(d)(4). The owner or operator must also notify Colorado that a design plan is complete and submit a copy of the plan’s signature page. Colorado will determine within 90 days of notification of the completion of a plan whether the owner or operator must submit the design plan for review.

An owner or operator who has already submitted a design plan under 40 C.F.R. Part 60, Subpart WWW, 40 C.F.R. Part 62, Subpart GGG, Colorado’s approved 111(d) plan implementing 40 C.F.R. Part 60, Subpart Cc, or Colorado’s approved 111(d) plan implementing 40 C.F.R. Part 60, Subpart Cf must submit a revised design plan to Colorado for approval at least 90 days before expanding operations to an area not covered by the previously approved design plan or prior to installing or expanding the gas collection system in a way that is inconsistent with the previously submitted design plan.

Existing MSW landfills exceeding the design capacity and NMOC thresholds must install and start a gas collection and control system within 30 months after the date of the first emission report showing that NMOC emissions equal or exceed 34 Mg/yr or the first annual emission report for a closed landfill showing that NMOC emissions equal or exceed 50 Mg/yr. MSW landfills must annually recalculate NMOC emission rates, except as provided in Subpart Cf Section 60.38f(c)(3) and (c)(4).

Gas collection and control system compliance will be determined as specified in Subpart Cf Sections 60.36f(a)-(f). The active collection systems must meet the specifications in Subpart Cf Sections 60.40f(a)-(c). Owners and operators of active gas collection systems must also monitor the system and equipment as specified in Subpart Cf Sections 60.37f(a)-(h).

The owner or operator of a controlled landfill must include the information specified in Subpart Cf Sections 60.38f(i)(1)-(6) with the initial performance test report required under 40 C.F.R. Part 60, Section 60.8.
The owner or operator of a controlled landfill must submit an annual report to Colorado, as specified in Subpart Cf Section 60.38f(h). The initial annual report must be submitted within 180 days of installation and startup of the landfill gas collection and control system.

The owner or operator of a controlled landfill must submit a closure report to Colorado within 30 days of ceasing waste acceptance.

The owner or operator of a controlled landfill must submit an equipment removal report to Colorado 30 days prior to removing or ceasing equipment operation, as specified in Subpart Cf Section 60.38f(g).

An owner or operator taking corrective action that is required according to Subpart Cf Sections 60.36f(a)(3)(iii) or (a)(5)(iii) and is expected to exceed 120 days after initial exceedance must submit a corrective action report as specified in Subpart Cf Section 60.38f(k).

Reports must be submitted electronically as specified in Subpart Cf Section 60.38f(j). Records that are submitted electronically via EPA’s Central Data Exchange (CDX) may be maintained in electronic format.

Owners or operators of MSW landfills with a design capacity equal to or exceeding 2.5 million megagrams and 2.5 million cubic meters must keep records as specified in Subpart Cf Section 60.39f(a). Owners or operators who convert design capacity from volume to mass or mass to volume to demonstrate a design capacity of less than 2.5 million megagrams or 2.5 million cubic meters must keep records as specified in Subpart Cf Section 60.39f(f). Owners or operators demonstrating through Tier 4 testing that site-specific surface methane emissions are below 500 ppm must keep records as specified in Subpart Cf Section 60.39f(g). Owners or operators of controlled landfills must keep applicable records as specified in Subpart Cf Sections 60.39f(b)-(d), (h), and (j).

X. Public Hearing Record

The Commission incorporated by reference 40 C.F.R. Part 60, Subpart Cf into Colorado Regulation Number 6, Part A after a written comment only public rulemaking on May 18, 2017. Notice of the hearing was provided (and is attached). The Commission did not receive party requests for the rulemaking or comments concerning the proposed revision to the incorporation of Subpart Cf.

XI. Attachments

i. Notice of rulemaking
ii. Rulemaking hearing package
iii. Notice of meeting and agenda
iv. Commission meeting minutes
v. Attorney General opinion
vi. Colorado Regulation Number 6, Part A as published in the CCR
vii. Design Capacity information for non-subject sources
viii. Emissions Inventory Information for subject sources
Attachments:
Notice of rulemaking
Attachments:
Rulemaking hearing package
Attachments:
Notice of meeting and agenda
Attachments:
Commission meeting minutes
Attachments:
Attorney General opinion
Attachments:
Colorado Regulation Number 6, Part A as published in the CCR
Attachments:
Design Capacity information for non-subject sources
Attachments:
Emissions Inventory Information for subject sources
111(d) Plan for Commercial and Industrial Solid Waste Incineration Units (that commenced construction on or before November 30, 1999)

Submitted by
Colorado Department of Public Health and Environment
Air Pollution Control Division
Planning and Policy Program

January 12, 2017

Submitted to
US EPA Region VIII
1595 Wynkoop Street
Denver, Colorado 80202-1129
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I. Introduction

Colorado’s Governor has designated the Colorado Department of Public Health and Environment-Air Pollution Control Division (“Division”) Director as his designee for the Air Quality Program in Colorado. In that capacity, Colorado is submitting this Section 111(d) plan for Commercial and Industrial Solid Waste Incineration (“CISWI”) units for approval by the U.S. Environmental Protection Agency (“EPA”), in accordance with the EPA’s Model Rule set forth in 40 C.F.R. Part 60, Subpart DDDD specific to CISWI that Commenced Construction On or Before November 30, 1999, and the Clean Air Act Section 111(d).

On February 7, 2013 (78 FR 9112) and June 23, 2016 (81 FR 40956), the U.S. Environmental Protection Agency (“EPA”) amended New Source Performance Standards (“NSPS”) and Emission Guidelines for CISWI, 40 C.F.R. Part 60, Subparts CCCC and DDDD, respectively. In response, Colorado must adopt these revisions in order to seek delegation of authority to implement these amendments. Subpart CCCC is specific to new, modified or reconstructed CISWI. Subpart DDDD is specific to existing CISWI. Subpart DDDD contains additional requirements for states seeking to implement these rules, than is required for delegation of authority to implement Subpart CCCC for new and modified CISWI. Specifically, states must make additional demonstrations under the Clean Air Act, Section 111(d) to obtain authority to implement Subpart DDDD to existing sources. This plan satisfies those Clean Air Act, Section 111(d) requirements specific to Subpart DDDD.

As background, EPA originally promulgated Subparts CCCC and DDDD on December 1, 2000. In response, Colorado adopted Subpart CCCC on February 21, 2002, but did not adopt Subpart DDDD, based on a determination that there were no existing CISWI in the state. As a result, on May 6, 2002, Colorado submitted a Negative Declaration Letter to EPA Region VIII, certifying that CISWI subject to Subpart DDDD did not exist in the state of Colorado at that time. Following this Negative Declaration Letter, the Division later determined that CISWI subject to Subpart DDDD do exist in Colorado. As a result, Colorado adopted Subpart DDDD on May 16, 2013, which became effective July 15, 2013.

The Division submits this 111(d) plan, in accordance with 40 C.F.R. Part 60, Subpart B, to address air emissions from existing CISWI subject to 40 C.F.R. Part 60, Subpart DDDD in the state of Colorado. For purposes of Colorado’s state plan, Colorado adopted the Model Rule 40 C.F.R. Part 60, Subpart DDDD by reference.

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1 65 FR 75362
II. Demonstration of Legal Authority

40 C.F.R. Part 60, Subpart B requires Colorado to demonstrate it has the legal authority to carry out a 111(d) plan.

Current Colorado law provides adequate authority to carry out all aspects of the CISWI emissions control program mandated by Section 111(d) of the Clean Air Act.

**Colorado has the authority to adopt emissions standards and compliance schedules applicable to CISWI.**

Under the Colorado Air Pollution Prevention and Control Act (“Colorado Act”), Section 25-7-109(1)(a), C.R.S., the Colorado Air Quality Control Commission (“Commission”) is directed to adopt, promulgate, and from time to time modify or repeal emission control regulations. Section 25-7-109(2) authorizes the Commission to regulate visible pollutants; sulfur oxides, nitrogen oxides, carbon oxides, and other chemical substances; organic solvents; photochemical substances; and hazardous air pollutants. Section 25-7-109(6) directs the Commission to establish test methods and procedures for determining compliance with emission control regulations.

**Colorado has the authority to enforce the applicable laws, regulations, standards, and compliance schedules, as well as seek injunctive relief.**

The Colorado Act, Sections 25-7-111(1) and 25-7-115(1)(a) direct the Division to administer and enforce the Commission’s air quality control programs, including the emission control regulations. Section 25-7-121(1) authorizes both the Division and the Commission to request the district attorney to bring a suit for injunction to prevent any further or continued violation. The compliance schedules required by 40 C.F.R. Part 60, Subparts CCC and DDDD are incorporated by reference in Colorado Regulation Number 6, Part A and are fully enforceable by the Division upon EPA approval of Colorado’s 111(d) plan for CISWI.

**Colorado has the authority to obtain information necessary to determine whether a CISWI is in compliance with the applicable standards, including the authority to require recordkeeping, inspect, and conduct tests of such incinerators.**

The Colorado Act, Section 25-7-106(6) authorizes the Commission to require owners or operators to establish and maintain reports; install, use, and maintain monitoring equipment or methods; record, monitor, and sample emissions; and provide other such information the Commission requires. Section 25-7-111(2)(c) authorizes the Division to enter and inspect any property, premises, or place to
ascertain compliance or noncompliance with applicable regulation, order, or permit. Section 25-7-111(2)(c) also authorizes the Division to obtain a warrant to enter and inspect should entry be denied. Further, Section 25-7-111(2)(i) authorizes the Division to require a source to furnish information relating to emissions of the source or any authorized investigation.

**Colorado has the authority to require owners or operators of CISWI to install, maintain, and use emission monitoring, as well as provide periodic reports to Colorado on the nature and amounts of emissions from the incinerator.**

The Colorado Act, Section 25-7-106(6) authorizes the Commission to require owners or operators to establish and maintain reports; install, use, and maintain monitoring equipment or methods; record, monitor, and sample emissions; and provide other such information the Commission requires. Section 25-7-111(2)(i) authorizes the Division to require a source to furnish information relating to emissions of the source or any authorized investigation. Section 25-7-114.1(1) requires any person emitting air pollutants to file an air pollutant emission notice with the Division. Section 25-7-114.4 directs the Commission to promulgate regulations necessary for the administration of construction permits and renewable operating permits, including inspection, monitoring, recordkeeping, and reporting requirements.

**Colorado has the authority to make source emissions reports data available to the public.**

The Colorado Act, Section 25-7-132 directs the Commission and Division to make all emission data received or obtained available to the public to the extent required by the Clean Air Act.

**Attached laws or regulations**

40 C.F.R. Part 60, Subpart B also requires Colorado to submit copies of the laws or regulations demonstrating Colorado’s legal authority unless they were approved as portions of a preceding plan and Colorado demonstrates that the laws or regulations are applicable to the designated pollutant(s) for which the plan is submitted.

Colorado’s Title V program submittal, which was approved by EPA on August 16, 2000, included copies of the laws and regulations granting the authority to carry out the Title V program. The same laws grant the authority to carry out the Section 111(d) plan, as discussed above.

Colorado’s air pollutant emission notice, permit requirements, and emission control regulations are applicable to sources of air pollutants, including fumes, smoke, particulate matter, vapor, gas, or any combination thereof, as defined in
the Colorado Act, Section 25-7-103(1.5). CISWI fall within this broad definition and are regulated by the Commission’s adoption of 40 C.F.R. Part 60, Subparts CCCC and DDDD.

Therefore, copies of the laws and regulations referenced in this demonstration are not attached.

III. Source Inventory

This 111(d) plan addresses air emissions from existing CISWI. For the purposes of this Plan, an existing CISWI is a CISWI unit that commenced construction on or before June 4, 2010, or commenced modification or reconstruction after June 4, 2010, but no later than August 7, 2013. The Division prepared a source inventory to identify CISWI that are, or were, subject to Subpart DDDD by using its internal database called Inventory Query. Inventory Query contains facility information from stationary sources of air pollution in Colorado that are required to periodically report emissions to the Division pursuant to the Commission’s Regulation Number 3.2

The following CISWI are, or were, subject to Subpart DDDD:

<table>
<thead>
<tr>
<th>Facility</th>
<th>AIRS Identification</th>
<th>Type</th>
<th>Materials Incinerated</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boulder County Parks and Open Space</td>
<td>013-1360-001</td>
<td>Air Burners LLC S220</td>
<td>Slash piles, beetle infested trees</td>
<td>Cancelled 8/1/2014</td>
</tr>
<tr>
<td>Copper Mountain</td>
<td>117-0015-001</td>
<td>Solitude incinerator</td>
<td>Trash: cardboard</td>
<td>Cancelled 1/25/14</td>
</tr>
<tr>
<td>DDI Equipment</td>
<td>077-0526-001</td>
<td>McPherson Systems M40F</td>
<td>Woody debris</td>
<td>Cancelled 1/29/14</td>
</tr>
<tr>
<td>DDI Equipment</td>
<td>077-0527-001</td>
<td>Air Burners LLC S220</td>
<td>Woody debris</td>
<td>Canceled 1/29/14</td>
</tr>
<tr>
<td>DDI Equipment</td>
<td>077-0528-001</td>
<td>McPherson Systems M40F</td>
<td>Woody debris</td>
<td>Canceled 1/29/14</td>
</tr>
<tr>
<td>Kirkland Construction</td>
<td>007-0045-001</td>
<td>Air Burners T-400 trench burner</td>
<td>Slash piles, logs, stumps</td>
<td>Canceled 9/12/12</td>
</tr>
<tr>
<td>Ranch Creek</td>
<td>049-0061-001</td>
<td>McPherson</td>
<td>Slash piles,</td>
<td>Operating</td>
</tr>
</tbody>
</table>

2 5 CCR 1001-5
<table>
<thead>
<tr>
<th>Facility</th>
<th>AIRS Identification</th>
<th>Type</th>
<th>Materials Incinerated</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Krule Construction</td>
<td>103-0390-001</td>
<td>Air Curtain Burner S220</td>
<td>Slash piles, beetle infested trees</td>
<td>Cancelled 9/10/12</td>
</tr>
<tr>
<td>Krule Construction</td>
<td>103-0391-001</td>
<td>Air Curtain Burner S220</td>
<td>Slash piles, beetle infested trees</td>
<td>Cancelled 9/10/12</td>
</tr>
<tr>
<td>Krule Construction</td>
<td>103-0392-001</td>
<td>Air Curtain Burner S220</td>
<td>Slash piles, beetle infested trees</td>
<td>Cancelled 9/10/12</td>
</tr>
<tr>
<td>Slash Solutions</td>
<td>117-0059-001</td>
<td>Air Burners LLC S220</td>
<td>Trees and tree debris</td>
<td>Cancelled 10/22/14</td>
</tr>
<tr>
<td>Triple AAA Tree Solutions</td>
<td>117-0059-001</td>
<td>Air Burners LLC S220</td>
<td>Slash piles, beetle infested trees</td>
<td>Transferred to Slash Solutions 8/11/2011</td>
</tr>
<tr>
<td>Valco Inc.</td>
<td>089-0023-001</td>
<td>Calcinator, Model C1-50-A</td>
<td>Trash: paper, wood boxes, cardboard</td>
<td>Cancelled 6/6/06</td>
</tr>
</tbody>
</table>

This 111(d) plan applies broadly. Should Colorado discover another existing, designated facility, as defined in Subpart DDDD 60.2550 and 60.2555, subsequent to this submission, Colorado’s 111(d) plan need not be reopened as any newly discovered sources will be subject to the requirements of 40 C.F.R. Part 60, Subparts CCCC and DDDD, as incorporated into Colorado Regulation Number 6, Part A and enforceable by the Division:

- The applicable definitions in Subpart DDDD 60.2875;
- The applicable emission and operating limits specified in Subpart DDDD 60.2670-60.2680;
- The applicable operator training and qualification requirements in Subpart DDDD 60.2635-60.2665;
- The applicable waste management plan requirements in Subpart DDDD 60.2620-60.2630;
- The applicable performance testing requirements in Subpart DDDD 60.2690-60.2695;
- The applicable compliance requirements in Subpart DDDD 60.2700-
60.2725;
• The applicable monitoring requirements in Subpart DDDD 60.2730-60.2735;
• The applicable notification and recordkeeping requirements in Subpart DDDD 60.2555(a)(1)-(2), (e)(1)-(4), and (f)(1)-(4);
• The applicable reporting and recordkeeping requirements in Subpart DDDD 60.2740-60.2800;
• The applicable air curtain incinerator requirements in Subpart DDDD 60.2810-60.2870;
• The applicable compliance times in Subpart DDDD 60.2535.

IV. Emission Inventory

This 111(d) plan addresses air emissions from existing CISWI. The Division prepared an emission inventory of existing CISWI that are currently in operation as identified above in the source inventory. The emission inventory data was obtained from documents submitted by affected sources pursuant to the emission reporting requirements in the Commission’s Regulation Number 3. The Division calculates total emissions estimates in tons per year considering a source’s annual hours of operation, engine horsepower, and design rate (tons/hour).

<table>
<thead>
<tr>
<th>Facility</th>
<th>Actual Emissions (Tons Per Year)</th>
<th>Emission Determination Method</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CO</td>
<td>NO2</td>
</tr>
<tr>
<td>Ranch Creek</td>
<td>1.08</td>
<td>0.396</td>
</tr>
</tbody>
</table>

The emissions of the operating units above are all subject to the applicable emission limitations below.

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Emission Limitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cadmium</td>
<td>0.0026 milligrams per dry standard cubic meter</td>
</tr>
<tr>
<td>Carbon monoxide</td>
<td>17 parts per million dry volume</td>
</tr>
<tr>
<td>Dioxins/furans (total mass basis)</td>
<td>4.6 nanograms per dry standard cubic meter</td>
</tr>
<tr>
<td>Dioxins/furans (toxic equivalency basis)</td>
<td>0.13 nanograms per dry standard cubic meter</td>
</tr>
<tr>
<td>Hydrogen chloride</td>
<td>29 parts per million dry volume</td>
</tr>
</tbody>
</table>

3 5 CCR 1001-5
### CISWI after November 30, 1999, but no later than June 4, 2010
### CISWI modified/reconstructed after June 1, 2001, but no later than August 7, 2013

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Emission Limitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lead</td>
<td>0.015 milligrams per dry standard cubic meter</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.0048 milligrams per dry standard cubic meter</td>
</tr>
<tr>
<td>Oxides of nitrogen</td>
<td>53 parts per million dry volume</td>
</tr>
<tr>
<td>Particulate matter filterable</td>
<td>34 milligrams per dry standard cubic meter</td>
</tr>
<tr>
<td>Sulfur dioxide</td>
<td>11 parts per million dry volume</td>
</tr>
<tr>
<td>Fugitive ash</td>
<td>Visible emissions for no more than 5% of the hourly observation period</td>
</tr>
</tbody>
</table>

### Energy Recovery Units after May 20, 2011

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Emission Limitation - Liquid/Gas</th>
<th>Emission Limitation - Solids</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cadmium</td>
<td>0.023 milligrams per dry standard cubic meter</td>
<td>Biomass - 0.0014; Coal - 0.0095</td>
</tr>
<tr>
<td>Carbon monoxide</td>
<td>35 parts per million dry volume</td>
<td>Biomass - 260; Coal - 95</td>
</tr>
<tr>
<td>Dioxins/furans (total mass basis)</td>
<td>2.9 nanograms per dry standard cubic meter</td>
<td>Biomass - 0.52; Coal - 5.1</td>
</tr>
<tr>
<td>Dioxins/furans (toxic equivalency basis)</td>
<td>0.32 nanograms per dry standard cubic meter</td>
<td>Biomass - 0.12; Coal - 0.075</td>
</tr>
<tr>
<td>Hydrogen chloride</td>
<td>14 parts per million dry volume</td>
<td>Biomass - 0.2; Coal - 13</td>
</tr>
<tr>
<td>Lead</td>
<td>0.096 milligrams per dry standard cubic meter</td>
<td>Biomass - 0.014; Coal - 0.14</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.0024 milligrams per dry standard cubic meter</td>
<td>Biomass - 0.0022; Coal - 0.016</td>
</tr>
<tr>
<td>Oxides of nitrogen</td>
<td>76 parts per million dry volume</td>
<td>Biomass - 290; Coal - 340</td>
</tr>
<tr>
<td>Particulate matter filterable</td>
<td>110 milligrams per dry standard cubic meter</td>
<td>Biomass - 11; Coal - 160</td>
</tr>
<tr>
<td>Sulfur dioxide</td>
<td>720 parts per million dry volume</td>
<td>Biomass - 7.3; Coal - 650</td>
</tr>
<tr>
<td>Fugitive ash</td>
<td>Visible emissions for no more than 5% of the hourly observation period</td>
<td>Visible emissions for no more than 5% of the hourly observation period</td>
</tr>
</tbody>
</table>

### Waste-Burning Kilns after May 20, 2011

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Emission Limitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cadmium</td>
<td>0.0014 milligrams per dry standard cubic meter</td>
</tr>
</tbody>
</table>
### Waste-Burning Kilns after May 20, 2011

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Emission Limitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carbon monoxide</td>
<td>110 (long kilns)/790 (preheater/precalciner) parts per million dry volume</td>
</tr>
<tr>
<td>Dioxins/furans (total mass basis)</td>
<td>1.3 nanograms per dry standard cubic meter</td>
</tr>
<tr>
<td>Dioxins/furans (toxic equivalency basis)</td>
<td>0.075 nanograms per dry standard cubic meter</td>
</tr>
<tr>
<td>Hydrogen chloride</td>
<td>3 parts per million dry volume</td>
</tr>
<tr>
<td>Lead</td>
<td>0.014 milligrams per dry standard cubic meter</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.011 milligrams per dry standard cubic meter</td>
</tr>
<tr>
<td>Oxides of nitrogen</td>
<td>630 parts per million dry volume</td>
</tr>
<tr>
<td>Particulate matter filterable</td>
<td>4.6 milligrams per dry standard cubic meter</td>
</tr>
<tr>
<td>Sulfur dioxide</td>
<td>600 parts per million dry volume</td>
</tr>
</tbody>
</table>

### Small, Remote Incinerators after May 20, 2011

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Emission Limitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cadmium</td>
<td>0.95 milligrams per dry standard cubic meter</td>
</tr>
<tr>
<td>Carbon monoxide</td>
<td>64 parts per million dry volume</td>
</tr>
<tr>
<td>Dioxins/furans (total mass basis)</td>
<td>4,400 nanograms per dry standard cubic meter</td>
</tr>
<tr>
<td>Dioxins/furans (toxic equivalency basis)</td>
<td>180 nanograms per dry standard cubic meter</td>
</tr>
<tr>
<td>Hydrogen chloride</td>
<td>300 parts per million dry volume</td>
</tr>
<tr>
<td>Lead</td>
<td>2.1 milligrams per dry standard cubic meter</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.0053 milligrams per dry standard cubic meter</td>
</tr>
<tr>
<td>Oxides of nitrogen</td>
<td>190 parts per million dry volume</td>
</tr>
<tr>
<td>Particulate matter filterable</td>
<td>270 milligrams per dry standard cubic meter</td>
</tr>
<tr>
<td>Sulfur dioxide</td>
<td>150 parts per million dry volume</td>
</tr>
<tr>
<td>Fugitive ash</td>
<td>Visible emissions for no more than 5% of the hourly observation period</td>
</tr>
</tbody>
</table>

### Air Curtain Incinerator

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Emission Limitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opacity</td>
<td>10% (35% during startup within first 30 minutes of operation)</td>
</tr>
</tbody>
</table>
V. Annual Reporting and Progress Reports

The Division reports inspection and facility status to the Integrated Compliance Information System for air (“ICIS-AIR”), formerly the Aerometric Emissions Information Retrieval System Facility Subsystem (“AFS”), as specified in 40 C.F.R. Part 60, Appendix D.

The Division reports annual source emission data to the National Emission Inventory (“NEI”) as specified in 40 C.F.R. Part 60, Section 60.25e, the Division will report progress reports in 111(d) plan enforcement, as applicable.

VI. Emission Limitations

CISWI that commenced construction after November 30, 1999, but no later than June 4, 2010, or that commenced modification or reconstruction after June 1, 2001, but no later than August 7, 2013, must meet the more stringent emission limit for the respective pollutant in Table 6 of Subpart DDDD or Table 1 of Subpart CCCC, as reflected above.

CISWI units, other than units that commenced construction on or before June 4, 2010, or commenced modification or reconstruction after June 4, 2010, but no later than August 7, 2013, must meet the emission limits in Tables 7 through 9 of Subpart DDDD, as reflected above.

The CISWI emission and operating limits are further detailed in 40 C.F.R. 60.2670 through 60.2685 and incorporated by reference into Regulation Number 6, Part A.

VII. Testing, Monitoring, Recordkeeping, and Reporting Requirements

Performance tests consist of a minimum of three test runs conducted under conditions representative of normal conditions. Performance tests must be conducted using the minimum run duration specified in Tables 2 through 9 of Subpart DDDD. Method 1 of Appendix A of Part 60 must be used to select the sampling location and number of traverse points. Method 3A or 3B must be used for gas composition analysis. All pollutant concentrations, except for opacity, must be adjusted to 7 percent oxygen. The CISWI performance testing requirements are further detailed in 40 C.F.R. 60.2690 through 60.2695 and incorporated by reference into Regulation Number 6, Part A.

Initial performance tests must be conducted no later than 180 days after the CISWI’s final compliance date. The initial air pollution control device inspection must be conducted within 60 days after installation of the control device but no later than 180 days after the final compliance date. The CISWI initial
compliance requirements are further detailed in 40 C.F.R. 60.2700 through 60.2706 and incorporated by reference into Regulation Number 6, Part A.

CISWI must conduct annual performance tests for opacity and the pollutants listed in Table 2 or Tables 6 through 9 of Subpart DDDD and continuously monitor the operating parameters. Annual performance tests must be conducted between 11 and 13 months of the previous performance test. The CISWI continuous compliance requirements are further detailed in 40 C.F.R. 60.2710 through 60.2735 and incorporated by reference into Regulation Number 6, Part A.

CISWI must maintain applicable records for a period of at least 5 years. Reports must be submitted according to Table 5 of Subpart DDDD. The CISWI recordkeeping and reporting requirements are further detailed in 40 C.F.R. 60.2740 through 60.2780 and incorporated by reference into Regulation Number 6, Part A.

VIII. Operator Training and Qualifications

CISWI cannot be operated unless a fully trained and qualified CISWI unit operator is accessible. Operator initial training must include: environmental concerns, including types of emissions; basic combustion principles, including products of combustion; operation of the specific type of incinerator, including proper startup, waste charging, and shutdown procedures; combustion controls and monitoring; combustion controls and monitoring; operation of air pollution control equipment and factors affecting performance; inspection and maintenance of the incinerator and air pollution control devices; actions to correct malfunctions or conditions that may lead to malfunction; bottom and fly ash characteristics and handling procedures; applicable Federal, State, and local regulations, including Occupational Safety and Health Administration workplace standards; pollution prevention; and waste management practices. Operator training must be completed by the later date of the final compliance date, six months after CISWI startup, or six months after the employee assumes responsibility for operating or supervising operation of the CISWI.

The CISWI operator training and qualification requirements are further detailed in 40 C.F.R. 60.2635 through 60.2665 and incorporated by reference into Regulation Number 6, Part A.

IX. Waste Management Plans

A waste management plan identifies both the feasibility and the methods used to reduce or separate certain components of solid waste from the waste stream in order to reduce or eliminate toxic emissions from incinerated waste. CISWI must submit a waste management plan no later than December 1, 2005, for CISWI that
commenced construction on or before November 30, 1999, and no later than three years after the effective date of approval of this 111(d) plan of February 7, 2018, for CISWI that commenced construction on or before June 4, 2010.

The CISWI waste management plan requirements are further detailed in 40 C.F.R. 60.2620 through 60.2630 and incorporated by reference into Regulation Number 6, Part A.

X. Air Curtain Incinerators

Air curtain incinerators that burn only 100 percent wood waste, clean lumber, or mixture of wood waste, clean lumber, and/or yard waste are only required to meet the air curtain incinerator requirements, which are detailed in 40 C.F.R. 60.2810 through 60.2870 and incorporated by reference into Regulation Number 6, Part A.

After an initial stack test, air curtain incinerators must maintain opacity to less than or equal to 10 percent opacity, except during startup where opacity must be maintained to less than or equal to 35 percent opacity. Air curtain incinerators must keep records of all opacity and make such records available to the Division.

Air curtain incinerators that plan to achieve compliance more than one year following the effective date of the approval of this 111(d) plan must meet two increments of progress, submit a final control plan and achieve final compliance.

XI. Compliance Schedule

As described in Section II. above, Colorado has the authority to periodically inspect or test CISWI units, require CISWI owners and operators to maintain records, require CISWI owners and operators periodically report the nature and amount of emissions, and obtain other information necessary for Colorado to determine whether the CISWI is in compliance with applicable requirements. Also as described above, Colorado has the authority to make the information obtained, and correlated with applicable emission standards, available to the general public.

CISWI units and air curtain incinerators subject to Subpart DDDD must obtain and operate pursuant to a Title V permit. The Division reviews and approves such applications and inspects permitted CISWI units to ensure the unit is in compliance with applicable requirements.

The February 7, 2013, amendments to Subpart DDDD became effective on February 7, 2013. CISWI that commenced construction on or before November 30, 1999, must have achieved final compliance by December 1, 2005. CISWI that
commenced construction after November 30, 1999, but on or before June 4,
2010, and small remote incinerators, energy recovery units, and waste-burning
kilns that commenced construction before June 4, 2010, must achieve final
compliance as expeditiously as practicable after EPA approval of this 111(d) plan
but not later than the earlier date of February 7, 2018, or three years after the
effective date of the approval of this 111(d) plan.

CISWI units that plan to achieve compliance more than one year following the
effective date of this 111(d) plan must submit two increments of progress and
notify of achievement of the increments of progress. The increments of progress
requirements are further detailed in 40 C.F.R. 60.2575 through 60.2615 and
incorporated by reference into Regulation Number 6, Part A.

XII. Public Hearing Record

The Commission incorporated the revised 40 C.F.R. Part 60, Subparts CCCC and
DDDD into Colorado Regulation Number 6, Part A after a written comment only
public rulemaking on May 18, 2017. Notice of the hearing was provided and is
attached. The Commission did not receive party requests for the rulemaking or
comments concerning the proposed adoption of the revisions to Subparts CCCC
and DDDD.

XIII. Attachments

i. Notice of rulemaking
ii. Rulemaking hearing package
iii. Notice of Commission meeting and agenda
iv. Commission meeting minutes
v. Attorney General opinion
vi. Colorado Regulation Number 6, Part A as published in the CCR
Attachments:
Notice of rulemaking
Attachments:
Rulemaking hearing package
Attachments:
Notice of meeting and agenda
Attachments:
Commission meeting minutes
Attachments:
Attorney General opinion
Attachments:

Colorado Regulation Number 6, Part A as published in the CCR
111(d) Plan for Hospital/Medical/Infectious Waste Incinerators Existing in Colorado

Revision Submitted by
Colorado Department of Public Health and Environment
Air Pollution Control Division
Planning and Policy Program

January 12, 2017

(revision of December 22, 1998, and October 4, 1999, plan)

Submitted to
US EPA Region VIII
1595 Wynkoop Street
Denver, Colorado 80202-1129
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I. Introduction

Colorado’s Governor has designated the Colorado Department of Public Health and Environment-Air Pollution Control Division (“Division”) Director as his designee for the Air Quality Program in Colorado. In that capacity, Colorado is submitting this updated Section 111(d) plan for Hospital/Medical/Infectious Waste Incinerators (“HMIWI”) for approval by the U.S. Environmental Protection Agency (“EPA”), in accordance with the EPA’s Model Rule set forth in 40 C.F.R. Part 60, Subpart Ce specific to HMIWI, and the Clean Air Act Section 111(d).

Colorado revised its currently EPA-approved 111(d) plan for HMIWI, developed pursuant to the Clean Air Act Section 111(d) and the EPA Model Rule set forth in 40 C.F.R. Part 60, Subpart Ce. This revision updates the source inventory in Colorado’s 111(d) plan for HMIWI and incorporates recent federal rule amendments. This 111(d) plan addresses existing affected facilities subject to federal Emission Guidelines and Compliance Times for HMIWI. New sources are not covered by this 111(d) plan and are instead subject to New Source Performance Standards for HMIWI (40 C.F.R. Part 60, Subpart Ec).

On July 18, 1998, the Colorado Air Quality Control Commission (“Commission”) incorporated by reference the Emission Guidelines and Compliance Times for HMIWI, 40 C.F.R. Part 60, Subpart Ce into Colorado Regulation Number 6, Part A. Colorado originally submitted its 111(d) plan for HMIWI on December 22, 1998, and a subsequent revision on October 4, 1999. EPA approved the revised 111(d) plan.1 In Colorado’s approved 111(d) plan, Colorado identified sources that may have been subject to control requirements under Subpart Ce.

On October 6, 2009, and again on April 4, 2011, EPA revised the federal Emission Guidelines and Compliance Times for HMIWI, 40 C.F.R. Part 60, Subpart Ce. The October 6, 2009, revision established an October 6, 2010, due date for states to update their corresponding 111(d) plans for HMIWI. Colorado submitted a state plan revision to EPA in October, 2015, that incorporated those HMIWI amendments and updated Colorado’s source inventory. In response to comments received from EPA in April, 2016, Colorado has again revised Colorado’s state plan. Through this effort, Colorado determined that none of the previously identified affected facilities continue to be subject to Subpart Ce as they have either shut down or meet the pathological waste or co-fired exemptions in Subpart Ce.

However, Colorado intends to maintain authority to implement the Emission Guidelines and Compliance Times for HMIWI. To that end, Colorado has maintained up-to-date incorporations by reference of the federal Emission Guidelines and Compliance Times for HMIWI in Colorado’s Air Quality Control Commission’s Regulation Number 6, Part A. The currently EPA-approved 111(d) plan for HMIWI will remain in effect until superseded by this updated 111(d) plan.

II. Demonstration of Legal Authority

40 C.F.R. Part 60, Subpart B requires Colorado to demonstrate it has the legal authority to

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1 EPA approval of Colorado’s HMIWI 111(d) plan can be found at 40 C.F.R. Part 62, Subpart G, Sections 1360-1362.
carry out a 111(d) plan. Current Colorado law provides adequate authority to carry out all aspects of the incinerator emissions control program mandated by Section 111(d) of the CAA.

**Colorado has the authority to adopt emissions standards and compliance schedules applicable to hospital, medical, and infectious waste incinerators.**

Under the Colorado Air Pollution Prevention and Control Act ("Colorado Act"), Section 25-7-109(1)(a), C.R.S., the Commission is directed adopt, promulgate, and from time to time modify or repeal emission control regulations. Section 25-7-109(2) authorizes the Commission to regulate visible pollutants; sulfur oxides, nitrogen oxides, carbon oxides, other chemical substances; organic solvents; photochemical substances; and hazardous air pollutants. Section 25-7-109(6) directs the Commission to establish test methods and procedures for determining compliance with emission control regulations.

**Colorado has the authority to enforce the applicable laws, regulations, standards, and compliance schedules, as well as seek injunctive relief.**

The Colorado Act, Sections 25-7-111(1) and 25-7-115(1)(a) direct the Division to administer and enforce the Commission’s air quality control programs, including the emission control regulations. Section 25-7-121(1) authorizes both the Division and the Commission to request the district attorney to bring a suit for injunction to prevent any further or continued violation. The compliance schedules required by 40 C.F.R. Part 60, Subparts Ce and Ec are incorporated by reference in Colorado Regulation Number 6, Part A and are fully enforceable by the Division upon EPA approval of Colorado’s 111(d) plan for HMIWI. Pursuant to CAA Section 129(f)(3), sources subject to this plan are prohibited from operating if they do not comply with the requirements of this plan.

**Colorado has the authority to obtain information necessary to determine whether a hospital, medical, and infectious waste incinerators is in compliance, including the authority to require recordkeeping, inspect, and conduct tests of such incinerators.**

The Colorado Act, Section 25-7-106(6) authorizes the Commission to require owners or operators to establish and maintain reports; install, use, and maintain monitoring equipment or methods; record, monitor, and sample emissions; and provide other such information the Commission requires. Section 25-7-111(2)(c) authorizes the Division to enter and inspect any property, premises, or place to ascertain compliance or noncompliance with applicable regulation, order, or permit. Section 25-7-111(2)(c) also authorizes the Division to obtain a warrant to enter and inspect should entry be denied. Further, Section 25-7-111(2)(i) authorizes the Division to require a source to furnish information relating to emissions of the source or any authorized investigation.

**Colorado has the authority to require owners or operators of hospital, medical, and infectious waste incinerators to install, maintain, and use emission monitoring, as well as provide periodic reports to Colorado on the nature and amounts of emissions from the incinerator.**
The Colorado Act, Section 25-7-106(6) authorizes the Commission to require owners or operators to establish and maintain reports; install, use, and maintain monitoring equipment or methods; record, monitor, and sample emissions; and provide other such information the Commission requires. Section 25-7-111(2)(i) authorizes the Division to require a source to furnish information relating to emissions of the source or any authorized investigation. Section 25-7-114.1(1) requires any person emitting air pollutants to file an air pollutant emission notice with the Division. Section 25-7-114.4 directs the Commission to promulgate regulations necessary for the administration of construction permits and renewable operating permits, including inspection, monitoring, recordkeeping, and reporting requirements.

**Colorado has the authority to make source emissions reports data available to the public.**

The Colorado Act, Section 25-7-132 directs the Commission and Division to make all emission data received or obtained available to the public to the extent required by the CAA.

**Attached laws or regulations**

40 C.F.R. Part 60, Subpart B also requires Colorado to submit copies of the laws or regulations demonstrating Colorado’s legal authority unless they were approved as portions of a preceding plan and Colorado demonstrates that the laws or regulations are applicable to the designated pollutant(s) for which the plan is submitted.

Colorado’s Title V program submittal, which was approved by EPA on August 16, 2000, included copies of the laws and regulations granting the authority to carry out the Title V program. The same laws grant the authority to carry out the Section 111(d) plan, as discussed above.

Colorado’s air pollutant emission notice, permit requirements, and emission control regulations are applicable to sources of air pollutants, including fumes, smoke, particulate matter, vapor, gas, or any combination thereof, as defined in the Colorado Act, Section 25-7-103(1.5). HMIWI fall within this broad definition and are regulated by the Commission’s adoption of 40 C.F.R. Part 60, Subparts Ce and De.

Therefore, copies of the laws and regulations referenced in this demonstration are not attached.

**III. Source Inventory**

This 111(d) plan addresses air emissions from existing HMIWI. For the purposes of this Plan, an existing HMIWI is a HMIWI unit that commenced construction on or before June 20, 1996, but no later than December 1, 2008, or commenced modification after March 16, 1998, but no later than April 6, 2010. The Division prepared a source inventory to identify HMIWI that are, or were, subject to Subpart Ce by using its internal database called Inventory Query. Inventory Query contains facility information from stationary sources of air pollution in Colorado that are required to periodically report emissions to the Division pursuant to the
The following sources previously included in Colorado’s 111(d) plan have been cancelled or are not subject to Subpart Ce:

<table>
<thead>
<tr>
<th>Source Inventory</th>
<th>AIRS Identification</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cheyenne Mountain Zoo</td>
<td>041-0063-001 and 002</td>
<td>Cancelled February 28, 2006</td>
</tr>
<tr>
<td>Aspen Valley Hospital</td>
<td>097-0006-001</td>
<td>Cancelled July 21, 2000</td>
</tr>
<tr>
<td>San Luis Valley Medical Center</td>
<td>003-0014-001</td>
<td>Cancelled May 5, 2003</td>
</tr>
<tr>
<td>Parkview Episcopal Medical</td>
<td>101-0052-002</td>
<td>Cancelled June 5, 2000</td>
</tr>
<tr>
<td>Pioneers Hospital</td>
<td>089-0011-001</td>
<td>Cancelled August 8, 2001</td>
</tr>
<tr>
<td>CSU Animal Disease</td>
<td>089-0025-001</td>
<td>Cancelled November 20, 2012</td>
</tr>
<tr>
<td>Keefe Memorial Hospital</td>
<td>017-0002-001</td>
<td>Cancelled May 26, 1999</td>
</tr>
<tr>
<td>Estes Park Medical Center</td>
<td>069-0037-001</td>
<td>Cancelled June 9, 2006</td>
</tr>
<tr>
<td>Grand River Hospital</td>
<td>045-0087-001</td>
<td>Cancelled February 25, 1999</td>
</tr>
<tr>
<td>Southeast Colorado Hospital</td>
<td>009-0012-001</td>
<td>Cancelled October 31, 2012</td>
</tr>
<tr>
<td>CSU Foothills Facility</td>
<td>069-0507-001</td>
<td>Cancelled November 25, 2013</td>
</tr>
</tbody>
</table>

Sources that meet the pathological waste or co-fired combustor exemptions include, but are not limited to:

<table>
<thead>
<tr>
<th>Source Inventory</th>
<th>AIRS Identification</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. Veterans Medical</td>
<td>031-0047-001</td>
<td>Pathological waste only</td>
</tr>
<tr>
<td>CSU Foothills Facility</td>
<td>069-0507-002</td>
<td>Pathological waste only</td>
</tr>
<tr>
<td>Walsh Health Care Center</td>
<td>009-0004-001</td>
<td>Co-fired combustor</td>
</tr>
</tbody>
</table>

This 111(d) plan applies broadly. Should Colorado discover another existing, designated facility, as defined in Subpart Ce 60.32e, subsequent to this submission, Colorado’s 111(d) HM/II plan need not be reopened as Colorado will require any newly discovered, existing source to meet the following, applicable requirements of 40 C.F.R. Part 60 Subpart Ce, as incorporated into Colorado Regulation Number 6, Part A and enforceable by the Division:

- The applicable definitions in Subpart Ce 60.31e;
- The applicable notification and recordkeeping requirements in Subpart Ce 60.32e(b) or (c);
- The applicable emission limits specified in Subpart Ce 60.33e(a)(1)-(3), (b)(1)-(2), and (c)(1)-(2);
• The applicable operator training and qualification requirements in Subpart Ec 60.53c, as specified in Subpart Ce 60.34e;
• The applicable waste management plan requirements in Subpart Ec 60.55c, as specified in Subpart Ce 60.35e;
• The applicable inspection requirements specified in Subpart Ce 60.36e(a)(1)-(2), (b), (c)(1)-(2), and (d);
• The applicable compliance and performance testing requirements in Subpart Ec 60.56c, except as provided in Subpart Ce 60.37e(a)(1)-(2), and Subpart Ce 60.37e(b)(1)-(2) and (c)(1)-(4);
• The applicable monitoring requirements in Subpart Ec 60.57c and Subpart Ce 60.37e(d) and (f)(1)-(3), except as specified in Subpart Ce 60.37e (e)(1)-(3);
• The applicable reporting and recordkeeping requirements in Subpart Ec 60.58c(b)-(g), except as specified in Subpart Ce 60.38e(a)(1)-(2), and Subpart Ce 60.38e(b)(1)-(2); and
• The applicable compliance times specified in Subpart Ce 60.39e.

Colorado will also require HMIWI subject to Subpart Ce to obtain and operate pursuant to a Colorado Title V operating permit. Colorado Regulation 3, Part C requires that operating permits contain emission limitations and standards that assure compliance with all applicable requirements at the time of permit issuance. The Title V operating permits will specify and reference applicable Subpart Ce requirements as well as the state plan approval in 40 C.F.R. Part 62, Subpart G.

IV. Emission Inventory

Incinerators burning only pathological waste and co-fired combustors are not subject to the emission limits in Subpart Ce, thus are not required in Colorado’s 111(d) plan emission inventory.

V. Emission Estimation Methods

EPA recommends the following for estimating emissions: CEMS data; stack sampling results; and emission factors AP-42/FIRE rated A through D, state emission factors, industry emission factors, or AP-42/FIRE rated E and U. The existing designated facilities in Colorado meet the pathological waste or co-fired combustor exemptions and are not subject to the emission limits, thus are not required to estimate emissions under Subpart Ce.

VI. Annual Reporting

The Division reports inspection and facility status to the Integrated Compliance Information System for air (“ICIS-AIR”), formerly the Aerometric Emissions Informational Retrieval System Facility Subsystem (“AFS”), as specified in 40 C.F.R. Part 60, Appendix D.

The Division reports annual source emission data to the National Emission Inventory (“NEI”). As specified in 40 C.F.R. Part 60, Section 60.25e, the Division will report progress reports in 111(d) plan enforcement, as applicable.
VII. Emission Limitations

The existing designated facilities in Colorado meet the pathological waste or co-fired combustor exemptions, thus are not subject to the emission limits in 40 C.F.R. Part 60, Subparts Ce.

VIII. Testing, Monitoring, Recordkeeping, Reporting, Operator Training and Qualification Requirements, Waste Management Plan Requirements, Inspection Requirements

The existing facilities in Colorado meet the pathological waste or co-fired combustor exemptions and are only required under Subpart Ce, Section 60.30e(b) and 60.30e(c) to notify the Division of an exemption claim and keep quarterly records of the periods of time when pathological waste is burned under the pathological waste exemption or notify the Division of an exemption claim, provide an estimate of the relative weight of hospital/medical/infectious waste and other fuels combusted, and keep quarterly records of the weights of materials combusted under the co-fired combustor exemption.

IX. Compliance Schedule

The final compliance date for hospital/medical/infectious waste incinerators is no later than three years from EPA approval of Colorado’s revised 111(d) plan or October 6, 2014, whichever is earlier.

The existing facilities in Colorado meeting the pathological waste or co-fired combustor exemptions must notify the Division of their exemption claims.

X. Public Hearing Record

The Commission revised the incorporation of Subpart Ce into Colorado Regulation Number 6, Part A after a written comment only public rulemaking on May 18, 2017. Notice of the hearing was provided and is attached. The Commission did not receive party requests for the rulemaking or comments concerning the proposed revision to the incorporation of Subpart Ce.

XI. Progress Reports

The existing designated facilities in Colorado meet the pathological waste or co-fired combustor exemptions and are not subject to the emission limits, compliance schedule, performance testing, or monitoring in 40 C.F.R. Part 60, Subparts Ce.

XII. Attachments

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ii. Rulemaking hearing package
iii. Notice of meeting and agenda
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