

**BEFORE THE AIR QUALITY CONTROL COMMISSION
STATE OF COLORADO**

IN THE MATTER OF PROPOSED REVISIONS TO THE OZONE STATE
IMPLEMENTATION PLAN AND ASSOCIATED REVISIONS TO REGULATION NOS. 3, 7,
21; THE COMMON PROVISIONS REGULATION, AND AIR QUALITY STANDARDS,
DESIGNATIONS AND EMISSION BUDGETS

REQUEST FOR PARTY STATUS OF THE COLORADO CHAMBER OF COMMERCE

I. Identification of Applicant

This request for Party Status is submitted by the Colorado Chamber of Commerce (the “Chamber”). This petition requests that the Chamber be accorded “party status” in connection with the above-captioned hearing pursuant to C.R.S. §§ 24-4-101 *et seq.*, §§ 25-7-101 *et seq.*, and 5 Colo. Code Regs. 1001-1. The Notice of Public Rulemaking Hearing Before the Colorado Air Quality Control Commission (“Commission” or “AQCC”) approved by the Commission on September 21, 2022, states that a petition for party status must be filed by electronic mail with various identified parties within the Office of the Air Quality Control Commission (the “Commission”) no later than 5:00 p.m. on October 13, 2022. The Chamber timely files this request for party status by this electronic submission.

In this rulemaking, the Colorado Air Pollution Control Division (the “Division”) has proposed revisions to AQCC Regulation Numbers 3, 7, 21, the Common Provisions, and to Air Quality Standards, Designations and Emission Budgets (the “Proposed Rule”). The Chamber represents hundreds of businesses of all sizes across our state, over 35 local chambers of commerce, as well as numerous trade associations & economic development organizations. Among the Chamber’s membership are major operators in Colorado’s energy sector, operators in numerous heavy industries, major manufacturers, and many members whose businesses and operations include or depend upon at least some type of industrial or manufacturing component. Many of these Chamber members need air permits to conduct their business operations. The Chamber requests party status in this proceeding because the Proposed Rule provides for the repeal of Colorado’s Malfunction Affirmative Defense provided in Common Provisions Regulation Sections II.E and II.J., and the Chamber opposes such repeal as unnecessary and premature in response to EPA’s concerns raised in its start-up, shutdown and malfunction (SSM) SIP Call.

II. Applicant’s Representative

Future communications to the Chamber in this proceeding should be sent to:

Loren Furman, President & CEO
The Colorado Chamber of Commerce
1600 Broadway, Suite 1000
Denver, Colorado 80202
Tel. (303) 866-9600
lfurman@cochamber.com

III. Summary of Policy Issues

The Chamber's specific concerns about the Proposed Rule are limited to the proposed repeal of Colorado's Malfunction Affirmative Defense in the Common Provisions Regulation, Sections II.E. and II.J. Repeal is neither necessary nor timely in this rulemaking, and it has been proposed by the Division without any stakeholder process to evaluate ways in which the existing malfunction affirmative defense provisions might be modified to address EPA's concerns expressed in the SSM SIP Call and more recently expressed in meetings and correspondence with the Division, without full repeal.

The Chamber reserves the right to raise additional concerns it may have based upon further proposed revisions to AQCC Regulations or any Alternate Proposals in this proceeding, in the Chamber's future filings.

Respectfully submitted this 13th day of October, 2022.

THE COLORADO CHAMBER OF COMMERCE

s/Loren R. Furman
Loren R. Furman, President & CEO

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of October, 2022, a true and correct copy of the foregoing Request for Party Status of The Colorado Chamber of Commerce was sent via electronic mail to the following:

**Office of the Air Quality Control
Commission**

cdphe.aqcc-comments@state.co.us

Staff for the Commission

Theresa L. Martin

Air Quality Control Commission

Program Coordinator

4300 Cherry Creek Drive South,

EDOAQCC-A5

Denver, Colorado 80246

Theresa.Martin@state.co.us

Attorney for the Commission

Thomas Roan

Colorado Department of Law

Natural Resources Section, Air Quality Unit

1300 Broadway, 10th Floor

Denver, Colorado 80203

Tom.Roan@coag.gov

**Staff for the Air Pollution Control
Division**

Leah Martland

Air Pollution Control Division

4300 Cherry Creek Drive South

Denver, Colorado 80246

leah.martland@state.co.us

Attorneys for the Division

Laura Mehew

Sarah Rowland

Colorado Department of Law

Natural Resources and Environment Section

1300 Broadway, 10th Floor

Denver, Colorado 80203

laura.mehew@coag.gov

sarah.rowlands@coag.gov

s/Loren R. Furman
