

# Update Presentation to the Southern Ute Indian Tribe/State of Colorado Environmental Commission

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**COLORADO**  
Department of Public  
Health & Environment

# Agenda

- Priority Toxic Air Contaminants
- NSPS rule updates
- Ozone State Implementation Plan (SIP) updates
- Funding Sources for Colorado's Air Program



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# Priority toxic air contaminants

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# Public Protections from Toxic Air Contaminants Act

Define and periodically revise list of Colorado air toxics

- Air Division developed initial list in October 2022.
- Air commission revised list in April 2025, identifying 344 pollutants.
- Commission must review this list every 5 years.

Improve air toxics emission inventory

- Prior to 2023, the emission inventory for air toxics was largely based on Air Pollutant Emission Notices (APEN).
- HB22-1244 required annual emissions reports from larger sources, beginning with calendar year 2023.
- Commission expanded annual reporting to certain smaller sources, which starts in 2027 or 2028.

Expand ambient air toxics monitoring network

- Seven new ambient monitors as of July 2025.
- Each station monitors for 96 pollutants.
- First annual report released October 2025.

# Public Protections from Toxic Air Contaminants Act

## Priority Toxic Air Contaminants (PTAC)

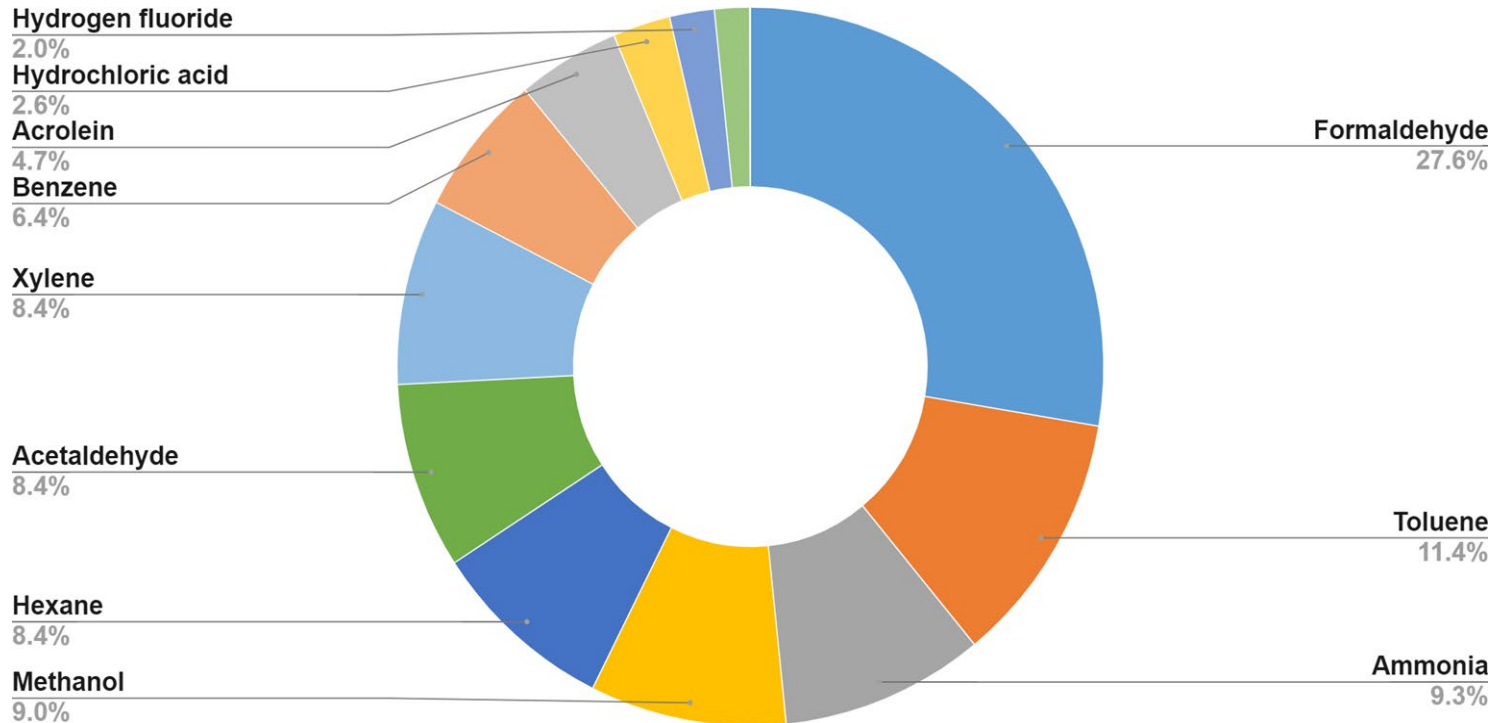
- Commission adopted 5 PTAC in January 2025.
- Commission adopted health-based standards for each PTAC in September 2025, pending General Assembly approval.
- Division submitted PTAC Permitting Conceptual Framework and Needs Assessment Report to General Assembly in December 2025.
- **Commission must adopt control strategies by April 30, 2026.**

# What are the five PTAC?

- Benzene
- Ethylene oxide
- Formaldehyde
- Hexavalent chromium
- Hydrogen sulfide

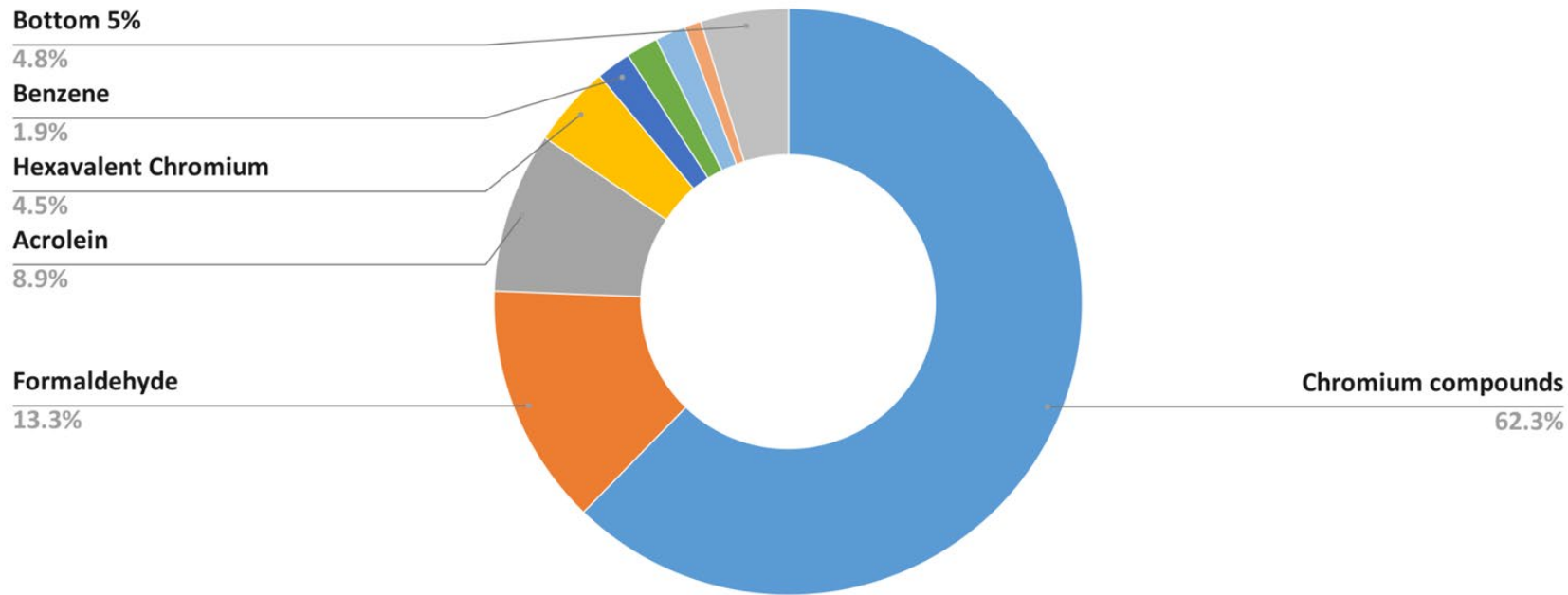


# TAC emissions from point sources (no toxicity weighting)



Distribution of TAC emissions - 2020 Point Source NEI

# Toxicity weighted TAC emissions from point sources



Distribution of RSEI-weighted TAC emissions - 2020 Point Source NEI

# What are the PTAC emission control strategies?

Pollutant	Proposal	Applicability	Basis for proposal	Why was it proposed
Benzene	Lower leak detection threshold for pumps and other covered components.	Existing and new petroleum refineries.	Reviewed federal consent decrees and leak detection programs in other States.	Detection and repair of additional equipment leaks.
Ethylene oxide	Emissions limitations for abatement equipment and fugitive releases and enhanced monitoring.	Existing and new sterilization facilities that use more than 400 lbs/year of ethylene oxide.	Reviewed NESHAP Subpart O and South Coast sterilizer rule.	More effective destruction of ethylene oxide from abatement equipment and reduce fugitive emissions.



# What are the PTAC emission control strategies?

Pollutant	Proposal	Applicability	Basis for proposal	Why was it proposed
Formaldehyde	Require carbon monoxide or formaldehyde emissions limitations for stationary engines and turbines.	Formaldehyde emissions at or above 4000 lb/yr and, for existing sources, located in or within one mile of a 2020 PTAC cancer risk screening area or occupied area within a disproportionately impacted community.	Reviewed federal NSPS and NESHAP and other rules and programs implemented by other States.	Ensure additional formaldehyde reductions by applying more stringent emissions limitations.



# What are the PTAC emission control strategies?

Pollutant	Proposal	Applicability	Basis for proposal	Why was it proposed
Hexavalent chromium	Prohibition on use of decorative chrome plating and work practices for existing decorative or new functional plating and anodizing.	Existing and new plating or anodizing operations that use hexavalent chromium.	Reviewed NESHAP Subpart N and California chromium control measures.	Adoption of less toxic alternatives and work practices to reduce fugitive emissions.
Hydrogen sulfide	Control requirement for asphalt operations and best management practices for anaerobic digesters.	Existing or new asphalt processing plants, asphalt roofing plant operations, or anaerobic digesters with hydrogen sulfide emissions at or above 10,000 lb/yr.	Reviewed operations and maintenance plans and permits.	Reduce hydrogen sulfide emissions.



# Iterative requirements to address PTAC are directed by law

## Priority Toxic Air Contaminants (PTAC)

- Statute requires the Commission to periodically revisit the PTAC by specific deadlines:
  - By September 30, 2029, determine whether to identify any additional PTAC.
  - By September 30, 2029, review the health-based standards for the initial 5 PTAC.
  - By September 30, 2030, propose health-based standards for any new PTAC.
  - By September 30, 2030, adopt emission control regulations for any new PTAC and review the initial PTAC regulations.
- And subsequently, every five years thereafter.

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# Emission Guideline (EG) 0000c

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# What is EPA's Emission Guideline (EG) 0000c?

- In March 2024, EPA finalized new rules for reducing methane emissions at certain oil and gas facilities and equipment: 40 CFR Part 60, Subpart 0000c - Emissions Guidelines for Greenhouse Gas Emissions from Existing Crude Oil and Natural Gas Facilities.
- Colorado must adopt requirements for certain oil and gas “designated facilities” based on the Emission Guidelines.
  - Colorado adopted requirements for pneumatic controllers and pumps (two designated facilities) in February 2025.
  - Colorado adopted requirements for compressors and equipment at natural gas processing plants and in the transmission and storage segment in February 2026.
- As a next step, the Division is evaluating potential revised requirements for additional designated facilities.



# What are “designated facilities”?

Equipment or process	Location	Summary of requirement
Well liquids unloading	Well site	Best management practices to reduce emissions
Associated gas		Recover and route gas to sales line, onsite fuel, reinjection
Centrifugal compressor	Centralized production facility, natural gas processing plant, compressor station	Maintain a volumetric flow rate
Reciprocating compressor		

In EPA’s 0000c, “designated facilities” are subject to emissions reductions requirements.



# What are “designated facilities” (continued)?

Equipment or process	Location	Summary of requirement
Process controller	Well site, centralized production facility, natural gas processing plant, compressor station	Operate with zero emissions
Pump		
Storage vessel		Reduce emissions by 95%
Fugitive emissions		Periodic leak inspection and repair

In EPA’s 0000c, “designated facilities” are subject to emissions reductions requirements.



# What is the Division proposing?

- Regulation Number 7 already includes requirements for oil and gas equipment and operations, but not all align with EPA's Emission Guidelines.
- The Division is evaluating revisions related to requirements for:
  - Enclosed combustion devices.
  - Flares.
  - Closed vent systems.
  - Covers.
  - Well associated gas.
  - Storage vessels.



# What is the Division proposing?

Equipment	Location	Current Requirements	Potential Proposed Requirements
Enclosed combustion devices	Exploration and production operations, disposal well facilities, well sites, compressor stations, natural gas processing plants	Monitor pilot light	New design and operation requirements
		Opacity requirements	Flow metering
Flares	Natural gas processing plants	Few requirements for some facilities	New design and operation requirements



# What is the Division proposing?

<b>Equipment</b>	<b>Location</b>	<b>Current Requirements</b>	<b>Potential Proposed Requirements</b>
Closed vent systems	Exploration and production operations, disposal well facilities, well sites, compressor stations, natural gas processing plants	Certification and inspection requirements only for pneumatic controllers	Add standard certification, operation, inspection, and recordkeeping requirements
Covers	Storage vessels, compressors	Few requirements for some facilities	



# What is the Division proposing?

<b>Equipment</b>	<b>Location</b>	<b>Current Requirements</b>	<b>Potential Proposed Requirements</b>
Storage vessels	Exploration and production operations, disposal well facilities, well sites, compressor stations, natural gas processing plants	Design, operation, control, inspection, and recordkeeping requirements	Add new control requirements and clarify control applicability
Associated gas (wells)	Storage vessels, compressors	Control requirements	Add new control requirements



# What is the Division proposing?

- The Division will also develop Colorado's 111(d) Plan.
- The federal Clean Air Act Section 111(d) requires the development and submission to EPA of plans that establish performance standards to reduce emissions from designated facilities. Elements of the plan include, but are not limited to, demonstrating
  - Legal authority to implement the plan.
  - Identification of enforceable statement mechanisms (e.g., regulation) to implement the plan.
  - Documentation of engagement on the plan.
  - Certification of required hearing on the plan.
- Colorado's 111(d) Plan demonstrates that Colorado has adopted requirements that meet EPA's presumptive standards in EG 0000c.



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# Fee increases

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# Why are fees collected?

Fees may be adjusted by the Commission to cover direct and indirect costs required to develop and administer programs established under the Colorado Air Act.

- Direct and indirect program costs, include but are not limited to:
  - Reviewing permit applications.
  - Enforcing permit requirements.
  - Emissions monitoring and tracking.
  - Developing regulations.
  - Emissions modeling.
  - Emissions inventory and tracking.



# Why are additional fees needed?

Colorado law requires the Division to further improve Colorado's air quality and achieve the state's climate, environmental justice, air toxics, and regulatory goals.

Colorado has to undertake additional work to meet state and federal requirements.

Current fees do not support the enhanced and expanded work. To cover additional costs, the Division is proposing increases to:

- Emissions fees.
- APEN filing fees.
- Permit processing fees.
- Application fees.

# What is the Division proposing revising?

Fee	Current rate	Unit	Percent increase	Potential increased rate*
Annual fee for criteria pollutant emissions	\$84.00 in 2026, \$60.00 for years after	Per ton	95%	\$164 in 2027 (2026 emissions)
Annual fee for hazardous air pollutant (HAP) emissions	\$557.00 in 2026, \$398.00 for years after	Per ton	95%	\$1090 in 2027 (2026 emissions)
Annual fee for greenhouse gas (GHG) emissions	Varies by facility or company, total of \$6.5 million	Per ton	11%	Varies by facility or company, 2027 total is \$7.25 million
Air pollutant emissions notice (APEN) filing	\$363.00	Per APEN	86%	\$675 starting effective date
Emissions reporting notice filing (Section V. reporters)	NA	Per Notice	NA	\$270 per AIRS point
Permit processing	\$180.00	Per hour	127%	\$410 starting effective date

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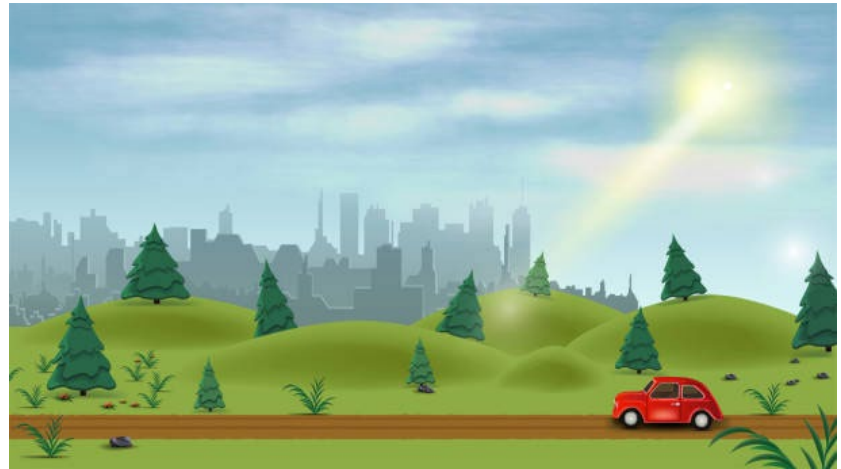
# Ozone SIP

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# Ozone nonattainment

- Ozone is a colorless, odorless gas that forms following a reaction between pollutants (specifically nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOC)) in the presence of sunlight.
- Ground-level ozone has a harmful effect on human health and the environment.



More information:

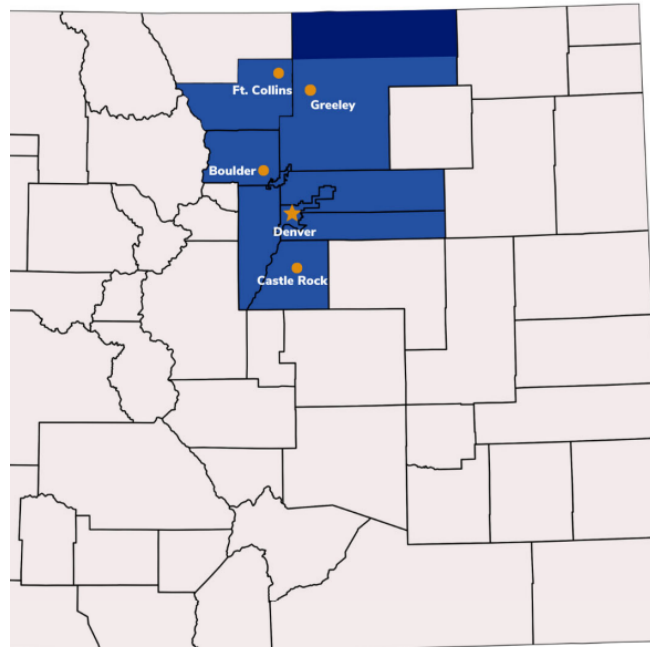
<https://cdphe.colorado.gov/severe-ozone-planning>



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# Ozone nonattainment

- Nonattainment under two national ambient air quality standards (NAAQS)
  - 2008 NAAQS: severe, attainment date July 20, 2027
  - 2015 NAAQS: serious, attainment date August 3, 2027



## 'SEVERE' OZONE NON-ATTAINMENT

(Partial List of Communities)

- Arvada
- Aurora
- Boulder
- Brighton
- Broomfield
- Castle Rock
- Centennial
- Commerce City
- Denver
- Englewood
- Estes Park
- Evergreen
- Ft. Collins
- Golden
- Greeley
- Highlands Ranch
- Lakewood
- Littleton
- Lone Tree
- Longmont
- Louisville
- Loveland
- Northglenn
- Parker
- Superior
- Thornton
- Westminster
- Windsor

**Counties:** Adams • Arapahoe • Boulder • Broomfield • Denver • Douglas • Jefferson • Larimer • Weld

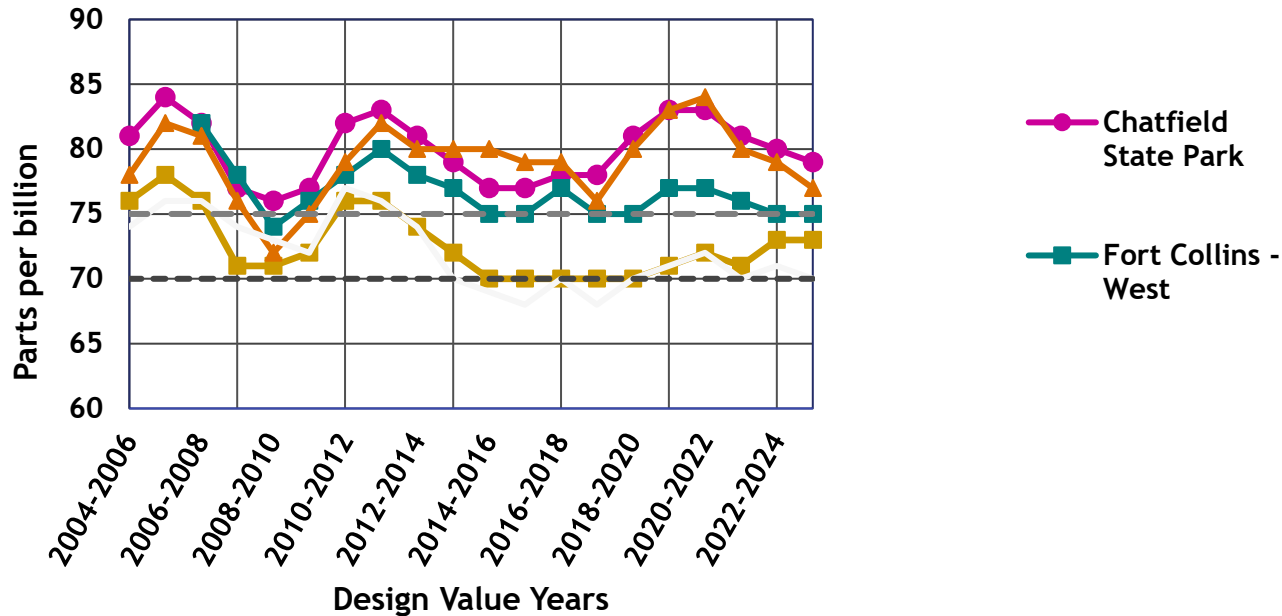
■ Part of 2015 nonattainment area, outside 2008 nonattainment area



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# Ozone nonattainment

## 3-year running design values - Ozone (\*2025 preliminary data)



\*Design Values defined as the 4th highest daily maximum 8-hour average concentration, averaged over a 3-year period



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# Other Upcoming Rule Revisions or Proposals

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# Other ongoing or upcoming regulatory efforts

- Updates to industrial manufacturing requirements in Regulation 27 (GEMM)
- Request reclassification to attainment for PM10 and repeal maintenance plans
- Procedural Rules and Regulation Number 10 - repeal outdated rulemaking procedures and requirement for non-routine conformity determinations to be presented to the Air Quality Control Commission
- Regulation Numbers 6 and 8 - updates to the incorporation by reference of federal New Source Performance Standards (Reg 6) and National Emissions Standards for Hazardous Air Pollutants (Reg 8)
- Update the maximum penalty in the Common Provisions
- Develop a PM2.5 infrastructure SIP for submission to EPA
- Update Regulation 19 to include recent federal changes related to lead abatement
- Potential expansion of lawn and garden use restrictions in Regulation 29 to commercial operators



# Locations of additional information

- Recent Air Quality Control Commission hearings materials:
  - EG 0000c (Feb. 2025):  
[https://drive.google.com/drive/folders/1pa3OR\\_MtSXZ\\_uGnklBqPqsK64gyc0d8c](https://drive.google.com/drive/folders/1pa3OR_MtSXZ_uGnklBqPqsK64gyc0d8c)
  - EG 0000c (Feb. 2026):  
<https://drive.google.com/drive/folders/1pIMsvvDuDoOSJewpiAdA5d7mQUib9Bah>
  - EG 0000c (Sept. 2026):  
<https://drive.google.com/drive/folders/1LA6zy4sqWUzu8RmqPSsh1quazORzVPYW>
  - PTAC control strategies:  
<https://drive.google.com/drive/folders/1Scl7f9WlX8tzasiY3lbFQu3CcDVqoKop>
  - Fees (May 2026): <https://drive.google.com/drive/folders/1s4097w2ZY9-NLnYw-ODNN9B2ggRy3JwE>
- [Air Quality Control Commission \(AQCC\) hearing public participation opportunities:](https://cdphe.colorado.gov/aqcc-public-participation-and-hearing-guidance)  
<https://cdphe.colorado.gov/aqcc-public-participation-and-hearing-guidance>
- Air Pollution Control Division listening and engagement sessions:  
<https://cdphe.colorado.gov/APCD/Outreach>



# Questions?

# Thank you!



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