§ 52.330 Control strategy: Total suspended particulates.

(a) Part D—Conditional Approval: The Pueblo plan is approved assuming the State demonstrates by December 31, 1981, through air quality modeling, attainment of the 24-hour and annual standards, while considering emissions from all sources in the nonattainment area. In addition, the State must promulgate Regulation No. 1 to satisfy reasonably available control technology requirements in accordance with the following schedule:

(1) The Commission will consider and adopt for public hearing any changes or additions to Regulation No. 1 by February 15, 1981.
(2) The proposed regulations will be published in the Colorado Register by March 10, 1981.
(3) Public hearing will be held by May 14, 1981.
(4) Regulations will be approved with an effective date no later than July 1, 1981, and submitted to EPA by the same date.


§ 52.331 Committal SIP for the Colorado Group II PM$_{10}$ areas.

On April 14, 1989, the Governor submitted a Committal SIP for the Colorado Group II PM$_{10}$ areas. The SIP commits the State to continue to monitor for PM$_{10}$, report data and to submit a full SIP if a violation of the PM$_{10}$ National Ambient Air Quality Standards is detected.

[54 FR 43178, Oct. 23, 1989]
(f) On March 30, 1995, and November 17, 1995, the Governor of Colorado submitted the moderate PM
10 nonattainment area plan for the Denver area. The March 30, 1995 submittal was made to satisfy those moderate PM
10 nonattainment area SIP requirements due for the Denver PM
10 nonattainment area on November 15, 1991. The November 17, 1995 submittal was also made to satisfy the PM
10 contingency measure requirements which were due for Denver on November 15, 1993.

(g) On March 17, 1993, December 9, 1993, and April 22, 1996, the Governor of Colorado submitted the moderate PM
10 nonattainment area plan for Telluride. The submittals were made to satisfy those moderate PM
10 nonattainment area SIP requirements which were due for Telluride on November 15, 1991. The December 9, 1993 submittal was also made to satisfy the PM
10 contingency measure requirements which were due for Telluride on November 15, 1993.

(h) On September 16, 1997 the Governor of Colorado submitted the moderate PM
10 nonattainment area plan for Steamboat Springs. The submittal was made to satisfy those moderate PM
10 nonattainment area SIP requirements which were due for Steamboat Springs on July 20, 1995.

(i) On September 22, 1997, the State of Colorado submitted a maintenance plan for the Canon City PM
10 nonattainment area and requested that the area be redesignated to attainment for the PM10 National Ambient Air Quality Standards. An April 24, 2000 letter from Margie Perkins, Director, Colorado Air Pollution Control Division, to Richard Long, Director, EPA Region VIII Air and Radiation Program, was sent to clarify the requirements of the contingency plan section of the Canon City maintenance plan. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(j) On May 10, 2000, the State of Colorado submitted maintenance plans for the Telluride and Pagosa Springs PM
10 nonattainment areas and requested that these areas be redesignated to attainment for the PM10 National Ambient Air Quality Standards. The redesignation requests and maintenance plans satisfy all applicable requirements of the Clean Air Act.

(k) Determination—EPA has determined that the Steamboat Springs PM
10 “moderate” nonattainment area attained the PM10 national ambient air quality standard by December 31, 2000. This determination is based on air quality monitoring data from 1998, 1999, and 2000.

(l) On July 30, 2001, the State of Colorado submitted a maintenance plan for the Denver PM
10 nonattainment area (“PM–10 Redesignation Request and Maintenance Plan For the Denver Metropolitan Area,” Chapter 4: “Maintenance Plan,” adopted April 19, 2001 by the Colorado Air Quality Control Commission and effective April 19, 2001) and requested that the area be redesignated to attainment for the PM10 National Ambient Air Quality Standards. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(m) On November 9, 2001, the State of Colorado submitted a maintenance plan for the Aspen PM
10 nonattainment area and requested that this area be redesignated to attainment for the PM10 National Ambient Air Quality Standards. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(n) On July 31, 2002, the State of Colorado submitted a maintenance plan for the Lamar PM
10 nonattainment area and requested that this area be redesignated to attainment for the PM10 National Ambient Air Quality Standards. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(o) On July 31, 2002, the State of Colorado submitted a maintenance plan for the Steamboat Springs PM
10 nonattainment area and requested that this area be redesignated to attainment for the PM10 National Ambient Air Quality Standards. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(p) Revisions to the Colorado State Implementation Plan, PM10 Revised Maintenance Plan for Denver, as adopted by the Colorado Air Quality Control Commission on December 15, 2005, State effective on March 2, 2006, and submitted
by the Governor’s designee on September 25, 2006. The revised maintenance plan satisfies all applicable requirements of the Clean Air Act.

[58 FR 68038, Dec. 23, 1993]

EDITORIAL NOTE: For Federal Register citations affecting § 52.332, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§§ 52.333–52.342 [Reserved]

§ 52.343 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met for the following categories of sources for preventing the significant deterioration of air quality:

(1) Sources locating on Indian lands.
(2) Sources locating on Indian Reservations.
(3) Sources which constructed prior to September 2, 1986 and which have not otherwise subjected themselves to Colorado’s PSD permitting regulations after September 2, 1986, either through application to Colorado for a PSD permit (in the case of those sources which improperly constructed without obtaining a PSD permit) or through application to Colorado for a major modification to the source.

(b) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable plan for the State of Colorado for these sources.


§ 52.344 Visibility protection.

(a) A revision to the SIP was submitted by the Governor on December 21, 1987, for visibility general plan requirements, monitoring, and long-term strategies.

(b) The Visibility NSR regulations are approved for industrial source categories regulated by the NSR and PSD regulations which have previously been approved by EPA. However, Colorado’s NSR and PSD regulations have been disapproved for certain sources as listed in 40 CFR 52.343(a)(1). The provisions of 40 CFR 52.36 and 52.28 are hereby incorporated and made a part of the applicable plan for the State of Colorado for these sources.


§ 52.345 Stack height regulations.

The State of Colorado has committed to revise its stack height regulations should EPA complete rulemaking to respond to the decision in NRDC v. Thomas, 838 F. 2d 1224 (DC Cir. 1988). In a letter to Mr. Douglas M. Skie, EPA, dated May 9, 1988, Bradley J. Beckham, Director of the Colorado Air Pollution Control Division stated:

* * * We are submitting this letter to allow EPA to continue to process our current SIP submittal with the understanding that if EPA’s response to the NRDC remand modified the July 8, 1985, regulations, EPA will notify the state of the rules that must be changed to comply with the EPA’s modified requirements. The State of Colorado agrees to make appropriate changes.

[54 FR 24940, June 7, 1989]