

### **III. Aspen/Pitkin County PM-10 Attainment/Maintenance Area**

#### **A. Applicability**

The control measures adopted by these regulations are intended to be implemented and enforced locally. All affected parties shall take all actions necessary, to implement no later than December 10, 1993, all provisions of the regulations set forth herein. The provisions of these regulations shall apply throughout the Aspen/Pitkin County PM-10 attainment/maintenance area. The control measures adopted by these regulations recognize that the largest source, by far, of the material causing the air quality in the City of Aspen to exceed National Ambient Air Quality Standards for particulate matter is from re-entrained dust from traffic on paved roads. This phenomenon is caused primarily by vehicle mile trips that originate from outside the Aspen/Pitkin County attainment/maintenance area.

Nothing contained in these regulations shall be intended or construed to limit or impair the home rule or legislative authority of the City as provided under the Constitution and laws of the State of Colorado or the Home Rule Charter of the City of Aspen. Nothing contained in these regulations shall be intended or construed to limit or impair the home rule or legislative authority of the County of Pitkin as provided under the Constitution and laws of the State of Colorado or the Home Rule Charter of Pitkin County. No emission control regulation may be considered a part of the Aspen/Pitkin County PM<sub>10</sub> attainment/maintenance area control strategy unless and until the same has been adopted as part of the State of Colorado's State Implementation Plan pursuant to Section 25-7-105(1)(a)(II), C.R.S.

#### **B. Definitions**

1. "Aspen/Pitkin County PM-10 attainment/maintenance area" means that area defined by the Colorado State Implementation Plan for PM-10, Aspen Element, adopted November 21, 1991.
2. "Department" means the Aspen/Pitkin Environmental Health Department.
3. "Division" means the Colorado Department of Health, Air Pollution Control Division.
4. "Durability Index" means the percent loss of weight as determined using American Society for Testing Materials (ASTM) "Standard Test Method for Resistance to Degradation of Small-size Coarse Aggregate by Abrasion and Impact in the Los Angeles Machine", Designation C131-89.
5. "Deployment" means an episode when any roadway is sanded.
6. "Governmental Entity" shall include, but not necessarily be limited to, the State of Colorado, Pitkin County, City of Aspen, Roaring Fork Transit Agency, the Colorado Department of Transportation (CDOT), and the U.S. Postal Administration.
7. Reserved
8. "Independent Laboratory" means a facility capable of performing the tests specified in these regulations in a competent, professional, and unbiased manner with no financial, family, or personal connection to the supplier or user of street sanding materials.
9. "Percent Fines" means the percent material passing a #200 sieve as determined by the American Society for Testing Materials (ASTM) "Standard Method for Sieve Analysis of Fine and Coarse Aggregates", designation C136-84a (1988) (American Association of State Highway and Transportation Officials designation T27-88).

10. "Recycled Street Sanding Materials" means previously used street sanding material which has been collected from roadways or paved areas and is then re-used as is, after washing, or after blending with new street sanding material.
11. "Street Sanding Materials" means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.
12. "User" means any Governmental Entity, and any employee, official, representative, or agent of such governmental entity responsible for the application of street sanding materials and any person who contracts with such governmental entity for the purpose of applying street sanding material in the defined Aspen/Pitkin County PM-10 attainment/maintenance area.
13. Reserved
14. "Base Sanding Amount" is the average amount of street sanding material applied per lane mile driven by maintenance trucks during snow and ice removal operations. The base sanding amount shall be calculated for the year that the Environmental Protection Agency (EPA) determines that the nonattainment area failed to attain the PM National Ambient Air Quality Standards (NAAQS). If reliable data for this year is not available, another base year period may be used after approval by the Division.

### **C. Primary Control Strategy Regulations**

#### 1. Specifications for Street Sanding Materials.

##### a. Applicability.

The provisions of this subsection shall apply to any user that applies any street sanding material, salt, or other de-icing material within the Aspen/Pitkin County PM-10 attainment/maintenance area on or after December 1, 1993.

##### b. Standards for Quality for Street Sanding Materials.

All street sanding material, whether new or recycled, shall equal or exceed a standard of less than 1% fines and less than 30% durability index, and only such sanding material shall be used for street sanding operations and purposes.

##### c. Alternate Sanding Materials.

Experimentation with new street sanding materials may be approved by the Division and the EPA provided that the impact of such experiments or tests does not contribute appreciably to air quality degradation.

##### d. Testing Requirements.

Prior to, or upon, delivery of street sanding materials, and prior to the use of any recycled street sanding material, suppliers of street sanding materials shall have a test performed upon representative samples of the material by an independent laboratory to determine compliance with the standards of quality set forth above at subsection C.1.b. The test results shall be provided to the purchaser upon delivery. Alternative percent fines and durability index test procedures for percent fines and durability must be approved by the

Division and EPA should they be determined to provide a measure that is equivalent to the test procedures set forth in this regulation.

e. Recordkeeping Requirements

i. Each user that uses street sanding materials shall maintain on file all reports received or prepared in accordance with these regulations for a period of two years, including the information described below. All records generated under provisions of this regulation shall be made available for inspection upon request by the Department or Division.

(a) The number of lane miles typically sanded during each deployment;

(b) The dates of deployment episodes;

(c) A list of all streets where sanding was typically deployed;

(d) A copy of all independent tests performed in accordance with subsection C.1.d. above; and

(e) The name and address of all suppliers of street sanding material along with a full description of the location of the supplier's aggregate pit from which all material was supplied.

2. Street Sweeping Requirements for Highway 82

a. Applicability

The provisions of this subsection shall apply to any user that has applied any street sanding material on Highway 82 within the Aspen/Pitkin County PM-10 attainment/maintenance area on or after December 1, 1993. The provisions of this subsection shall be applicable between December 1 and March 31 of each year.

b. Sweeping Requirements

i. Users that use street sanding materials upon State Highway 82 from the Cooper Avenue bridge to the west entrance (city limit) of the city of Aspen, excluding CDOT, shall sweep the traffic lanes of this portion of Highway 82 within four days of the roadway becoming free and clear of snow and ice following each sanding deployment, as weather and street conditions permit.

ii. Users that use street sanding materials upon State Highway 82 from the west entrance (city limit) of the city of Aspen to the Aspen/Pitkin County Airport (Sardy Field) shall sweep traffic lanes of the highway within four days of the roadway becoming free and clear of snow and ice following each sanding deployment, as weather and street conditions permit.

c. Sweeping Equipment Required

Broom sweepers using liquid, or any other method of equal efficiency approved by the Division and EPA, must be utilized to sweep the specified streets and roadways set forth above at subsection b.

d. Recordkeeping Requirements

Operators of street sweeping equipment working for users of street sanding materials shall maintain records to document the information described below and governmental entities shall maintain on file all

reports received or prepared in accordance with these regulations for a period of two years. All records generated under provisions of this regulation shall be made available for inspection upon request by the Division.

- i. Date of sweeping operation;
- ii. Miles and names of streets or roadways swept;
- iii. Type of equipment used;
- iv. Reserved
- v. Equipment malfunctions and downtime, if any;
- vi. Conditions of driving lanes (dry, wet, snow packed, patchy ice, etc.); and
- vii. General weather conditions at time of sweeping operations.

3. Commercial Core Paid Parking, Commuter Day Pass Parking, and Resident Only Permit Parking in Outlying Areas.

a. Beginning June 1, 1994, within an area of the City of Aspen bounded by and including Main Street, Spring Street, Durant Avenue, and Monarch Street, the City of Aspen shall permit all passenger vehicles to park only upon the payment of one dollar (\$1.00) per hour parking fee.

b. Beginning June 1, 1994, within an area bounded by and including Aspen Mountain, Fourth Street, Hallam Street, Second Street, Francis Street, the bluff south of the Post Office, Spring Street, the Roaring Fork River, Aspen Mountain and Durant Street, and Dean Street, the City of Aspen shall permit parking for those who display resident parking permits and for those commuters who have purchased an all day parking pass.

4. Implementation of Local Control Strategies.

- a. City of Aspen.

The City of Aspen shall implement and enforce Ordinance No. 74, Series of 1992, as amended by Ordinance No. 47, Series of 1993, as it exists on September 24, 1993. This ordinance limits future growth in emissions from wood burning fireplaces, stoves and restaurant grills. In addition, the City of Aspen shall implement and enforce any ordinance adopted in accordance with these regulations.

The City of Aspen may revise the ordinances as necessary to allow greater use of natural gas burning devices without revising the state implementation plan. Any revision to the ordinances to allow greater use of woodburning devices shall be submitted immediately to the Colorado Air Quality Control Commission and EPA as revisions to the State Implementation Plan. Any amendments to these ordinances shall not constitute a revision to the State Implementation Plan until such time as the State Implementation Plan is appropriately revised. All ordinances shall remain in full force and effect until such time as the City obtains full approval of a State Implementation Plan revision.

- b. Pitkin County

Pitkin County shall implement and enforce Ordinance No. 18, Series of 1992, as it exists on January 1, 1993. This ordinance limits future growth in emissions from wood burning fireplaces, stoves and restaurant grills. In addition, Pitkin County shall adopt and enforce any resolutions adopted in accordance with these regulations.

Pitkin County may revise the ordinances as necessary to allow greater use of natural gas burning devices without revising the state implementation plan. Any revision to the ordinances to allow greater use of woodburning devices shall be submitted immediately to the Colorado Air Quality Control Commission and the EPA as revisions to the State Implementation Plan. Any amendments to these resolutions shall not constitute a revision to the State Implementation Plan until such time as the State Implementation Plan is appropriately revised. Resolution 18, Series 1992, shall remain in full force and effect until such time as the County obtains full approval of a State Implementation Plan revision.

c. Recordkeeping Requirements

The City and County shall maintain records for a period of two years that document compliance and enforcement activities in order to verify that the ordinances and resolutions have been properly implemented.

## **II. Telluride Attainment/Maintenance Area**

### **A. Implementation of Local Control Strategies**

1. Town of Telluride

a. The Town of Telluride must implement and enforce Ordinance Number 829, Series 1988, as it exists on January 1, 1993. This ordinance will limit future growth in emissions from wood burning fireplaces and stoves and coal burning devices.

2. San Miguel County

a. San Miguel County must implement and enforce Resolutions #1986-20, #1990-33, and #1992-27, as they exist on January 1, 1993. These resolutions limit future growth in emissions from wood burning fireplaces and stoves and coal burning devices.

3. Recordkeeping Requirements

a. The Town of Telluride and San Miguel County must each retain records for 2 years that describe the implementation, tracking and enforcement of the local control strategies listed in 1.a. and 2.a. above. The reports must include information on permits, inspections, compliance, tracking, and enforcement activities in order to verify that the ordinances and resolutions have been implemented.

### **B. Street Sanding Requirements**

1. Definitions

a. "Deployment" means an episode where the roadways designated below are sanded.

b. "Street Sanding Materials" means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.

c. "User" means any private or governmental entity, and any employee, official, representative, or agent of such private or governmental entity responsible for the application of street sanding materials and any person who contracts with such private or governmental entity for the purpose of applying street sanding materials to the roadways in the defined Telluride Attainment/Maintenance area.

d. "Division" means the Colorado Department of Public Health and Environment, Air Pollution Control Division.

e. "Independent Laboratory" means a facility capable of performing the tests specified in these regulations in a competent, professional, and unbiased manner with no financial, family, or personal connection to the supplier or user of street sanding materials.

f. "Percent Fines" means the percent material passing a #200 sieve as determined by the American Society for Testing Materials (ASTM) "Standard Method for Sieve Analysis of Fine and Coarse Aggregates", designation C136-84a (1988) (American Association of State Highway and Transportation Officials designation T27-88).

g. "Recycled Street Sanding Materials" means previously used street sanding material which has been collected from roadways or paved areas and is then re-used as is, after washing, or after blending with new street sanding material.

h. "Street Sanding Materials" means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.

## 2. Specifications for Street Sanding Materials

### a. Applicability

The provisions of this subsection shall apply to any user that applies any street sanding material within the Telluride Attainment/Maintenance area.

### b. Standards for Quality for Street Sanding Materials

i. Beginning November 1, 1996, all street sanding material used within the Telluride Attainment/Maintenance area, whether new or recycled, shall equal or exceed a standard of less than 2 percent fines as defined in B.1.f above, and only such sanding material shall be used for street sanding operations and purposes.

ii. Alternative methods for achieving the 2 percent fines standard described above must be submitted for approval to the Division and the United States Environmental Protection Agency (EPA) prior to ninety (90) days before the method is implemented.

### c. Alternative Sanding Materials

Experimentation with new street sanding materials may be approved by the Division and EPA provided that the impact of such experiments or tests does not contribute appreciably to air quality degradation.

### d. Testing Requirements

i. Prior to, or upon, delivery of street sanding materials, and prior to the use of any recycled street sanding material, suppliers of street sanding materials to be used in the Telluride Attainment/Maintenance area shall have a test performed upon representative samples of the material by an independent laboratory to determine compliance with the standards of quality set forth above at subsection B.2.b. The test results shall be provided to the purchaser upon delivery.

ii. Alternative percent fines test procedures must be approved by the Division and EPA should they be determined to provide a measure that is equivalent to the test procedures set forth in this regulation.

iii. Reporting Requirements

Each user of street sanding materials in the Telluride Attainment/Maintenance area shall retain records for 2 years for the information described below. All records generated under provision of this regulation shall be made available for inspection upon request by the Division.

(A) A copy of all independent tests performed in accordance with subsection B.2.d. above; and

(B) The name and address of all suppliers of street sanding material along with a full description of the location of the supplier's aggregate pit from which all material was supplied.

e. Division Audit Authority

The Division may enter the storage site of any user of street sanding material covered by these regulations at all times reasonable for the purpose of obtaining a sample of materials, inspecting the records required by this regulation or as otherwise allowed by statute.

**C. Statement of Basis, Specific Statutory Authority and Purpose**

1. August 17, 1995 revisions

This Statement of Basis, Specific Statutory Authority, and Purpose complies with the requirements of the Administrative Procedures Act, C.R.S. 1973, Section 24-4-103(4) for adopted or modified regulations.

Section 172 of the Clean Air Act requires that control measures be adopted as part of nonattainment area state implementation plans. The Colorado Attorney General's Office has determined that any emission control measure for a nonattainment area must be adopted as a State regulation in order for the measure to be enforceable by the State of Colorado. Sections 25-7-105 and -109 of the Colorado Air Pollution Prevention and Control Act provides the specific statutory authority to adopt these emission control regulations.

Revisions to the "State Implementation Plan-Specific Regulations for Nonattainment Areas (Local Elements) Regulation", applicable to Telluride, requires revision to correct a mistake that was made when processing a previous revision that was adopted in October 1994. In 1994, the AQCC adopted a two percent standard for the amount of fine materials in street sand; a one percent standard was inadvertently filed with the Secretary of State and published in the Colorado Register. This rendered the October 1994 regulation unenforceable. The revisions also change the street sand standard's effective date from November 1, 1995 to November 1, 1996. This is necessary because all SIP revisions must now go to the Colorado legislature for review. To accommodate this review, the effective date must be after the 1996 legislative session.

These emission control measures were developed through a cooperative effort between the Town of Telluride, San Miguel County, the Colorado Department of Transportation, The Mountain Village Metropolitan District, and the Colorado Air Pollution Control Division. The submittal of these revisions to the AQCC demonstrates the commitment from local and State governments, and the citizens that they represent, to develop and implement control measures which improve the air quality in the metro Denver area and which comply with federal requirements.

2. March 16, 2000

The amendments to the "State Implementation Plan Specific Regulations for Nonattainment - Attainment/Maintenance Areas" adopted by the Commission establish control measures adequate to maintain the National Ambient Air Quality Standard (NAAQS) for particulate matter less than ten microns in diameter (PM-10) in Telluride and Pagosa Springs. The purpose of this rule change is to implement the associated changes to the "Ambient Air Quality Standards" for the State of Colorado to redesignate Pagosa Springs and Telluride as PM-10 attainment areas.

The revisions delete 1) obsolete road paving requirements for Pagosa Springs (the paving has been completed); 2) eliminate unnecessary street sanding reporting requirements for users of street sand in Telluride and Pagosa Springs areas, and 3) delete unnecessary mandatory contingency measures in the Telluride and Pagosa Springs areas. No additional control measures are needed in these areas to demonstrate long-term maintenance of the PM-10 NAAQS.

#### Federal Requirements

Sections 42 USC 7407(d)(3)(E) and 7505a require the State to submit a maintenance plan that will provide for maintenance of the standard for ten years in order to redesignate areas to attainment. The federal requirements for preparation, adoption and submittal of implementation plans, including the maintenance plan, are set out at 40 CFR, Part 51. The maintenance plans adopted by the Commission must include the control measures necessary to maintain the national standard for PM-10 in Pagosa Springs and Telluride for the requisite ten-year period. The Commission has codified the control measures necessary to maintain the PM-10 NAAQS in order to comply with requirement of 42 USC 7410(a)(2)(A) for such measures to be enforceable.

The regulatory revisions do not include any provisions that are not necessary to maintain the NAAQS, or that are otherwise more stringent than requirements of the federal act.

#### Statutory Authority

Specific and general authority to control PM-10 emissions is set out at sections 25-7-105(1) and 25-7-109(1) and (2), C.R.S. (1999).

#### Findings pursuant to section 25-7-110.8

The control measures in the maintenance plan are calculated to maintain the PM-10 NAAQS for the requisite ten-year period. The estimates of PM-10 pollution associated with sand on streets and roads are based on EPA-approved models and assumptions. The Commission believes the EPA-approved model is inaccurate, but federal rules require the State to use such model to demonstrate the adequacy of the maintenance plan. In spite of the problems with the computer model used to develop the regulation, the regulation is based on the most reasonably available, validated, reviewed and sound scientific methodologies currently available under federal law. All methodologies and information made available by interested parties have been considered.

Evidence in the record supports the finding that the rule shall result in demonstrable reduction in particulate pollution. The record reflects that reducing sand on streets and roads will reduce particulate pollution.

The regulatory revisions adopted by the Commission are the most cost-effective means of maintaining the PM-10 NAAQS, and provide flexibility for the regulated community.

The regulatory alternatives selected by the Commission will maximize the air quality benefits of the regulation in the most cost-effective manner.

#### IV. Lamar Attainment/Maintenance Area

Statement of Basis, Specific Statutory Authority and Purpose; Adopted: November 15, 2001

The November 15, 2001 amendments repeal the contingency measures for the Lamar area, which measures are no longer required by federal law because the area is being redesignated to an attainment area for particulate matter. Nothing in this rule change exceeds the minimum requirements of the federal act.

#### Statutory Authority

Specific and general authority to control PM-10 emissions is set out at sections 25-7-105(1) and 25-7-109(1) and (2), C.R.S. (1999).

#### **Footnote:**

See also corrections notice at 12/6/05 (70 FR 72597)

### **I. Pagosa Springs Attainment/Maintenance Area**

#### **A. Definitions**

1. "Deployment" means an episode where the roadways designated below are sanded.
2. "Street Sanding Materials" means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.
3. "User" means any governmental entity, and any employee, official, representative, or agent of such governmental entity responsible for the application of street sanding materials and any person who contracts with such governmental entity for the purpose of applying street sanding materials to the designated roadways in the defined Pagosa Springs Attainment /Maintenance area.
4. "Division" means the Colorado Department of Health, Air Pollution Control Division.
5. "Governmental Entity" shall include, but not necessarily be limited to, the State of Colorado, Archuleta County, Town of Pagosa Springs, and the Colorado Department of Transportation.
6. "Independent Laboratory" means a facility capable of performing the tests specified in these regulations in a competent, professional, and unbiased manner with no financial, family, or personal connection to the supplier or user of street sanding materials.

7. "Percent Fines" means the percent material passing a #200 sieve as determined by the American Society for Testing Materials (ASTM) "Standard Method for Sieve Analysis of Fine and Coarse Aggregates", designation C136-84a (1988) (American Association of State Highway and Transportation Officials designation T27-88).

8. "Recycled Street Sanding Materials" means previously used street sanding material which has been collected from roadways or paved areas and is then re-used as is, after washing, or after blending with new street sanding material.

9. "Street Sanding Materials" means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.

10. "Base Sanding Amount" is the average amount of street sanding material applied per lane mile driven by maintenance trucks during snow and ice removal operations. The base sanding amount shall be calculated using 1988 data. If reliable 1988 data is not available, another base year period may be used after approval by the Division.

## **B. Specifications for Street Sanding Materials**

### 1. Applicability

The provisions of this subsection shall apply to any user that applies any street sanding material on Highway 160 and Highway 84 within the Pagosa Springs PM-10 Attainment/Maintenance area on or after December 1, 1993.

### 2. Standards for Quality for Street Sanding Materials.

a. All street sanding material used on the subject portions of Highway 160 and Highway 84, whether new or recycled, shall equal or exceed a standard of less than 1% fines as defined in I.A.7. above, and only such sanding material shall be used for street sanding operations and purposes.

b. Alternative methods for achieving the 1% fines standard described above must be submitted for approval to the Division and the United States Environmental Protection Agency (EPA) prior to ninety (90) days before the method is implemented.

### 3. Alternative Sanding Materials.

Experimentation with new street sanding materials may be approved by the Division and EPA provided that the impact of such experiments or tests does not contribute appreciably to air quality degradation.

### 4. Testing and Recordkeeping Requirements.

a. Prior to, or upon, delivery of street sanding materials, and prior to the use of any recycled street sanding material, suppliers of street sanding materials to be used on the subject portions of Highway 160 and Highway 84 shall have a test performed upon representative samples of the material by an independent laboratory to determine compliance with the standards of quality set forth above at subsection I.B.2. The test results shall be provided to the purchaser upon delivery.

b. Alternative percent fines test procedures must be approved by the Division and EPA should they be determined to provide a measure that is equivalent to the test procedures set forth in this regulation.

c. Each user that uses sanding materials shall maintain on file all reports received or prepared with these regulations for a period of two (2) years. All records generated under provisions of this regulation shall be made available for inspection upon request by the Division. The report(s) shall include:

- i. A copy of all independent tests performed in accordance with subsection B.4. above; and
- ii. The name and address of all suppliers of street sanding material along with a full description of the location of the supplier's aggregate pit from which all material was supplied.

5. Division Audit Authority.

The Division may enter the storage site of any user of street sanding material covered by these regulations at all times reasonable for the purpose of obtaining a sample of materials, inspecting the records required by this regulation or as otherwise allowed by statute.

**C. Reduction in the Amount of Street Sand Applied.**

1. Applicability.

The provisions of this Section shall apply to any governmental entity and any employee, official, representative, or agent of such governmental entity responsible for applying street sanding material to Highway 160 and Highway 84 in the Pagosa Springs PM-10 nonattainment area. The provisions of this Section shall also apply to any person who contracts with such governmental entity for the purpose of applying street sanding material to these roadways.

2. Requirements.

a. Each user shall establish and document its base sanding amount. Documentation of the base sanding amount shall be submitted to the Division by December 1, 1993.

b. By December 1, 1993, each affected entity shall submit to the Division a plan and implementation schedule describing the methods to be used to reduce the amount of street sanding materials applied by ten (10) percent from the base sanding amount for the 1993/94 and the 1994/95 sanding seasons.

c. By September 30, 1995, each affected entity shall submit to the Division a plan and implementation schedule describing the methods to be used to reduce the amount of street sanding materials applied by fifteen (15) percent from the base sanding amount for the 1995/96 sanding season and thereafter.

d. Beginning December 1, 1993, all measures set forth in the plans described in Sections I.C.2.a.-c. above must be implemented.

3. Recordkeeping.

a. Users of street sanding material covered by Section C.2. of this regulation shall maintain records for 2 years containing the following information for the preceding twelve months or the preceding calendar year:

- i. the total number of miles driven by maintenance trucks during snow and ice removal operations;

- ii. the total amount of sanding material (both new and recycled), salt, and other de-icing chemicals used;
- iii. the number and dates of full deployment episodes; and
- iv. the number of lane miles typically sanded during each full deployment.

#### **D. Statement of Basis, Specific Statutory Authority and Purpose for Pagosa Springs**

1. March 16, 2000

The amendments to the "State Implementation Plan Specific Regulations for Nonattainment - Attainment/Maintenance Areas" adopted by the Commission establish control measures adequate to maintain the National Ambient Air Quality Standard (NAAQS) for particulate matter less than ten microns in diameter (PM-10) in Telluride and Pagosa Springs. The purpose of this rule change is to implement the associated changes to the "Ambient Air Quality Standards" for the State of Colorado to redesignate Pagosa Springs and Telluride as PM-10 attainment areas.

The revisions delete 1) obsolete road paving requirements for Pagosa Springs (the paving has been completed); 2) eliminate unnecessary street sanding reporting requirements for users of street sand in Telluride and Pagosa Springs areas, and 3) delete unnecessary mandatory contingency measures in the Telluride and Pagosa Springs areas. No additional control measures are needed in these areas to demonstrate long-term maintenance of the PM-10 NAAQS.

##### Federal Requirements

Sections 42 USC 7407(d)(3)(E) and 7505a require the State to submit a maintenance plan that will provide for maintenance of the standard for ten years in order to redesignate areas to attainment. The federal requirements for preparation, adoption and submittal of implementation plans, including the maintenance plan, are set out at 40 CFR, Part 51. The maintenance plans adopted by the Commission must include the control measures necessary to maintain the national standard for PM-10 in Pagosa Springs and Telluride for the requisite ten-year period. The Commission has codified the control measures necessary to maintain the PM-10 NAAQS in order to comply with requirement of 42 USC 7410(a)(2)(A) for such measures to be enforceable.

The regulatory revisions do not include any provisions that are not necessary to maintain the NAAQS, or that are otherwise more stringent than requirements of the federal act.

##### Statutory Authority

Specific and general authority to control PM-10 emissions is set out at sections 25-7-105(1) and 25-7-109(1) and (2), C.R.S. (1999).

##### Findings pursuant to section 25-7-110.8

The control measures in the maintenance plan are calculated to maintain the PM-10 NAAQS for the requisite ten-year period. The estimates of PM-10 pollution associated with sand on streets and roads are based on EPA-approved models and assumptions. The Commission believes the EPA-approved model is inaccurate, but federal rules require the State to use such model to demonstrate the adequacy of the maintenance plan. In spite of the problems with the computer model used to develop the regulation, the regulation is based on the most reasonably available, validated, reviewed and sound scientific

methodologies currently available under federal law. All methodologies and information made available by interested parties have been considered.

Evidence in the record supports the finding that the rule shall result in demonstrable reduction in particulate pollution. The record reflects that reducing sand on streets and roads will reduce particulate pollution.

The regulatory revisions adopted by the Commission are the most cost-effective means of maintaining the PM-10 NAAQS, and provide flexibility for the regulated community.

The regulatory alternatives selected by the Commission will maximize the air quality benefits of the regulation in the most cost-effective manner.

#### VIII. Steamboat Springs PM10 Attainment/Maintenance Area

##### A. Definitions

1. "Deployment" means an episode where the roadways designated below are sanded.

2. "Street Sanding Materials" means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.

3. "User" means any governmental entity, and any employee, official, representative, or agent of such governmental entity responsible for the application of street sanding materials and any person who contracts with such governmental entity for the purpose of applying street sanding materials to the designated roadways in the defined Steamboat Springs PM10 Attainment/Maintenance Area.

4. "Division" means the Colorado Department of Public Health and Environment, Air Pollution Control Division.

5. "Governmental Entity" shall include, but not necessarily be limited to, the State of Colorado, Routt County, the City of Steamboat Springs, and the Colorado Department of Transportation.

3. "Independent Laboratory" means a facility capable of performing the tests specified in these regulations in a competent, professional, and unbiased manner with no financial, family, or personal connection to the supplier or user of street sanding materials.

4. "Percent Fines" means the percent material passing a #200 sieve as determined by the American Society for Testing Materials (ASTM) "Standard Method for Sieve Analysis of Fine and Coarse Aggregates", designation C136-84a (1988) (American Association of State Highway and Transportation Officials designation T27-88).

5. Reserved.

## B. Specifications for Street Sanding Materials

### 1. Applicability

The provisions of this subsection shall apply to any user that applies any street sanding material within the Steamboat Springs PM10 Attainment/Maintenance Area, except for U.S. Highway 40 from the junction of U.S. Highway 131 towards Rabbit Ears Pass.

### 2. Standards for Quality for Street Sanding Materials

a. All street sanding material used in the Steamboat Springs PM10 Attainment/Maintenance Area shall contain 2% or less fines as defined in VIII.A.7. above, and only such sanding material shall be used for street sanding operations and purposes.

b. Alternative methods for achieving the 2% fines standard described above must be submitted for approval to the Division and the EPA prior to ninety (90) days before the method is implemented.

### 3. Alternative Sanding Materials

Experimentation with new street sanding materials may be approved by the Division and the EPA provided that the impact of such experiments or tests does not contribute appreciably to air quality degradation.

### 4. Testing Requirements

a. Prior delivery of street sanding

materials, suppliers of street sanding materials to be used in the Steamboat Springs PM10 Attainment/Maintenance Area shall have a test performed upon representative samples of the material by an independent laboratory to determine compliance with the standards of quality set forth above at subsection VIII.B.2. The test results shall be provided to the purchaser upon delivery.

b. Alternative percent fines test procedures must be approved by the Division and the EPA. Any such alternative test procedure will only be approved if they provide a measure that is equivalent to the test procedures set forth in this regulation.

#### 5. Recordkeeping Requirements

Each user that uses street sanding materials shall maintain on file for a period of two (2) years the information described below. All records generated under provisions of this regulation shall be made available for inspection upon request by the Division.

a. A copy of all independent tests performed in accordance with subsection B.4. above; and

b. The name and address of all suppliers of street sanding material along with a full description of the location of the supplier's aggregate pit from which all material was supplied.

#### 6. Division Audit Authority

The Division may enter the storage site of any user of street sanding material covered by these regulations at all times reasonable for the purpose of obtaining a sample of materials, inspecting the records required by this regulation or as otherwise allowed by statute.

C. Reserved.

D. Street Sweeping Requirements for Lincoln Avenue

## 1. Applicability

The sweeping provisions of this subsection shall apply to the City of Steamboat Springs. The provisions of this subsection shall be applicable between December 1 and March 31 of each year.

## 2. Sweeping Requirements

The City of Steamboat Springs shall sweep the traffic lanes of Lincoln Avenue from 13th Street to Old Fish Creek Falls Road at least once each day after the roadway becomes free and clear of snow and ice following each sanding deployment, as weather and street conditions permit, until the City has swept the lanes at least two times.

## 3. Sweeping Equipment Required

Vacuum sweepers, or any other method of equal efficiency approved by the Division and the EPA, must be utilized to sweep Lincoln Avenue as set forth above at Section D.2.

## 4. Recordkeeping Requirements

The City of Steamboat Springs shall maintain records for a period of two (2) years to document the information described below. All records generated under provisions of this regulation shall be made available for inspection upon request by the Division and maintained on file for a period of two (2) years.

- a. Date of sweeping operation;
- b. Specific segments of Lincoln Avenue swept;
- c. Type of equipment used;
- d. Equipment malfunctions and downtime, if any;
- e. Conditions of traffic lanes (dry, wet, snow packed, patchy ice, etc.); and
- f. General weather conditions at time of

sweeping operations.

## E. Implementation of Local Control Strategies

### 1. City of Steamboat Springs

The City of Steamboat Springs shall implement and enforce Ordinance No. 1191 (1991), Ordinance No. 1148 (1990), Ordinance No. 1045 (1988), and Ordinance No. 977 (1987), as they exist on February 1, 1995. A copy of each ordinance is included in Appendix A to this regulation. These ordinances limit the number and type of solid fuel burning devices. In addition, the City of Steamboat Springs shall implement and enforce any ordinance in accordance with these regulations.

These ordinances may be amended in the sole discretion of the City Council of the City of Steamboat Springs, provided that they shall be submitted immediately to the Colorado Air Quality Control Commission and the EPA as revisions to the State Implementation Plan. Any amendments to these ordinances shall not constitute a revision to the State Implementation Plan until such time as the State Implementation Plan is appropriately revised. These ordinances shall remain in full force and effect until such time as the City obtains full approval of a State Implementation Plan revision.

### 2. Routt County

Routt County shall implement and enforce Resolution No. 91-032 (1991), as it exists on February 1, 1995. A copy of this resolution is included in Appendix A to this regulation. This resolution limits the number and type of solid fuel burning devices. In addition, Routt County shall adopt and enforce any resolutions adopted in accordance with these regulations.

This resolution may be amended in the sole discretion of the Board of County Commissioners, provided that they shall be submitted immediately to the Colorado Air Quality Control Commission and the EPA as revisions to the State Implementation Plan. Any amendments to this resolution shall not constitute a revision to the State Implementation Plan until such time as the State Implementation Plan is appropriately revised. Resolution No. 91-032 (1991) shall remain in full force

and effect until such time as the County obtains full approval of a State Implementation Plan revision.

### 3. Recordkeeping Requirements

The City and County shall maintain records for a period of two (2) years that document compliance and enforcement activities in order to verify that the ordinances and resolution have been properly implemented.

## **V. Cañon City Nonattainment Area - PM-10**

### **A. Contingency Measures**

#### 1. Definitions

a. "Deployment" means an episode where the roadways designated for street sweeping in Section V.A.2.a. below are sanded.

b. "Street Sanding Materials" means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.

c. "User" means any governmental entity, and any employee, official, representative, or agent of such governmental entity responsible for the application of street sanding materials and any person who contracts with such governmental entity for the purpose of applying street sanding material in the defined Canon City Nonattainment Area.

#### 2. Street Sweeping

a. Within two (2) months following EPA's determination that the Canon City Nonattainment Area failed to attain the PM<sub>10</sub> NAAQS or make reasonable further progress (RFP) in reducing emissions, the City of Canon City must sweep the roadway(s) that the user applies street sanding material to:

- i. Royal Gorge Blvd. - 1st to 15th
- ii. South 9th Street - Royal Gorge to City Limit
- iii. South 4th Street - Royal Gorge to City Limit
- iv. 9th Street - Royal Gorge to Washington
- v. College Avenue - 4th to 15th
- vi. 15th Street - Royal Gorge to Harding
- vii. Central Street - 15th to City Limit
- viii. Main Street - 1st to 15th

- ix. Macon - 3rd to 12th
- x. Phay - 9th to 15th
- xi. Yale Place - College to Phay
- xii. 10th Street - Royal Gorge to Phay
- xiii. 12th Street - Main to College
- xiv. 5th Street - Main to Fairview
- xv. 7th Street - Main to College
- xvi. Harding - 5th to Central
- xvii. Orchard - Elizabeth to Pear
- xviii. Diamond - Pear to Florence
- xix. Cottonwood - Pear to Florence
- xx. Cherry - Orchard to Delray
- xxi. Franklin - 15th to 19th
- xxii. 16th Street - Main to Franklin
- xxiii. East Main - Hwy. 50 to Dozier
- xxiv. Frontage Road - East from Dozier to Highway
- xxv. South 1st Street - Royal Gorge to City Limit
- xxvi. Myrtle - 4th to 12th
- xxvii. South 5th Street - Griffith to Myrtle
- xxviii. South 6th Street - Griffith to Myrtle
- xxvix. Park Avenue - 9th to 12th

b. Each traffic lane of the specified roadways must be swept within four days of the roadways becoming free and clear of snow and ice following each street sanding deployment, as weather and street conditions permit.

c. Broom sweepers using water, or any other method of equal efficiency approved by the APCD and EPA, must be utilized to sweep the specified streets and roadways.

d. The street sweeping measures could be implemented at any time prior to EPA's determination that the area failed to attain the PM<sub>10</sub> NAAQS or make RFP. Early implementation of this contingency measure will not result in the requirement to implement additional contingency measures if the area eventually is determined to fail to attain the PM<sub>10</sub> NAAQS or make RFP. Additional control measures, including best available control measures and "serious-area" contingency measures, would be necessary, however, if the area is redesignated as a serious nonattainment area, as required by the Federal Clean Air Act.

## 2. Recordkeeping and Reporting Requirements

a. Once the requirements of Section V.A.2. become effective, each user of street sanding materials on the specified roadways shall begin and continue to keep records of street sanding deployments and sweeping activities. Each user that uses street sanding materials shall notify the City within 24 hours of each sanding deployment and shall maintain on file a record of the notifications provided to the City for a period of two (2) years. All records generated under provisions of this regulation shall include a list of all streets where sanding occurred and shall be made available for inspection upon request by the City of Canon City and the APCD.

b. Once the requirements of Section V.A.2. become effective, the City of Canon City shall maintain records to document the information described below for a period of two (2) years. On the fifth day of each month following a month where street sanding occurred, the City of Canon City shall submit a report to the APCD which shall contain the information described below. All records generated under provisions of this regulation shall be made available for inspection upon request by the APCD.

i. Dates of street sanding deployments;

ii. Dates of street sweeping operations;

iii. Miles and names of streets or roadways sanded and swept;

iv. Type of sweeping equipment used;

v. Sweeping equipment malfunctions and downtime, if any;

vi. Conditions of driving lanes on the days following each sanding deployment (dry, wet, snow packed, patchy ice, etc.); and

vii. General weather conditions at time of sweeping operations.