

Subject: Air Quality Related Activities Report to NFRMPO Council

Date: 4/21/25

Introduction:

Two Roads Environmental LLC (TRE) is providing a monthly report of air quality related activities to the North Front Range Metropolitan Planning Organization (NFRMPO) Council for their May 1, 2025, Meeting.

Summary:

In April 2025, TRE tracked activities at the Regional Air Quality Council (RAQC), state legislative activities, and as federal activities. Colorado Department of Public Health & Environment's Air Pollution Control Division (APCD) announced Colorado's intentions for ozone planning efforts for the Denver Metropolitan North Front Range – seeking a voluntary reclassification to the next more stringent nonattainment designation under the 2015 Ozone National Ambient Air Quality Standard (NAAQS) instead of waiting for EPA to act on all areas nationally. Subsequently, the APCD identified a list of strategies that they intend to develop and implement in coming years. RAQC staff intend to develop a different set of control strategies.

Air Quality Activities:

AQCC Activities:

In April, the AQCC set an August 2025 rulemaking hearing considering setting more stringent GHG requirements for landfills, by establishing GHG monitoring requirements, lowering thresholds for triggering control requirements, adding control requirements and phasing out the use of open flares at landfills. As drafted, reporting begins March 31, 2026, which determines if additional monitoring or control equipment installation. This proposal impacts landfills owned/operated by local governments.

Separately, the AQCC adopted rules increasing fees used to cover APCD costs, reporting of Toxic Air Contaminants (TACs) and streamlining emissions reporting. Notably, the AQCC directed the APCD to improve accountability in terms of permitting efficiency and communicating those efforts. The AQCC also held a work session discussing their draft Procedural Rules Guidebook considering the procedural changes adopted in December 2024.

The APCD Executive Director reported Colorado's intent to seek voluntary reclassification from Serious to Severe under the 2015 Ozone NAAQS, due to "...the region [being] unable to model attainment and, based on recent monitoring data, is unlikely to monitor attainment...".¹ The APCD listed control strategies by the AQCC, whose emission reductions have not yet been fully realized to date but will be by the next anticipated 2032 attainment date. This voluntary reclassification will trigger more stringent requirements, including lower permitting thresholds, offsets and control requirements for operations in the nonattainment area that take effect with EPA's approval of the voluntary reclassification, as well as lower VOC content limits for specified consumer products and a penalty fee program that takes effect in 2027. The Colorado

¹ See March 28, 2025 letter from Colorado Department of Public Health and Environment's Michael Ogletree, Senior Director of State Air Quality Programs, to the Regional Air Quality Council Board. Downloaded April 4, 2025, here: https://raqc.egnyc.com/dl/uayp6lv9Tr/25Apr_RAQC_Board_Meeting_Reclassification.pdf



Chamber of Commerce estimates fees associated with the Penalty Fee Program alone at \$12,738.00 per ton of VOC and NOx in 2025.²

APCD Activities

The APCD has scheduled several upcoming public stakeholder meetings to address ozone and the upcoming ozone State Implementation Plan rule proposal they intend to put forth this summer. These meetings

RAQC Activities

Much of the RAQC's April Board meeting centered on the APCD's letter of intent to seek voluntary reclassification from a Serious to a Severe ozone nonattainment area under the 2015 Ozone NAAQS. During that meeting, the RAQC staff identified that they would continue efforts to develop control strategies, including setting Mobile Source Emissions Targets and establishing indirect source rules. Staff indicated that they intended to administer reporting elements of these programs, given the APCD would not commit to administering these programs until they better understood the scope, timelines and resources needed to do so.

On 4/16/25, the RAQC held their Control Strategies Committee Meeting, providing updates on indirect source control strategies. Staff indicated that the anticipated voluntary reclassification will allow for more detailed discussions on indirect source control strategies to occur through November 2025.

The 2025 Ozone Planning Forum scheduled for 4/16/25 was postponed and has not yet been rescheduled. This meeting was anticipated to share updated modeling results for the nonattainment area. Notably, the RAQC's Executive Director, Mike Silverstein shared, "Recent updated computer modeling of Front Range air shows continuing violations closer to 80 parts per billion... That means Colorado isn't projected to meet even the more lax 2008 standard of 75 parts per billion before 2027..."³

ISR Workgroup update:

This subcommittee is scheduled again to meet 4/22/25.

Other Air Quality Initiatives:

EPA Actions

Several recent Presidential Executive Orders were issued with the deregulation agenda, intended to bolster energy development and strengthen the electric grid, address climate related efforts, and more including, "Directing the Repeal of Unlawful Regulations", "Reducing Anti-Competitive Regulatory Barriers", "Reinvigorating America's Beautiful Clean Coal Industry and Amending Executive Order 14241", "Regulatory Relief for Certain Stationary Sources to Promote American Energy", "Protecting American Energy from State Overreach", and

² See the Colorado Chamber of Commerce's direct testimony presentation before the Air Quality Control Commission, at the April 17-18, 2025 rulemaking hearing on Regulation 3 & 7, slide 11, here:

<https://drive.google.com/drive/u/1/folders/1mHHQc6dHz26Exq0NaNvNxZnfFvPFROk>

³ See the Colorado Sun 4/16/25 article, "Colorado is giving up on near-term ozone improvements in favor of longer outlook," here: <https://coloradosun.com/2025/04/16/colorado-ozone-air-pollution-downgrade/>

“Strengthening the Reliability and Security of the United States Electric Grid.” All of these have potential air quality rule, regulation, policy or administrative impacts.

EPA rescinded its 2021 guidance specifying how states can address attainment with NAAQS, if international emissions contributions are excluded. Further, EPA agreed to reconsider previous determinations in Utah, limiting the use of Clean Air Act Section 179B. InsideEPA.com speculates that this move is responsive to a request in the April 2024 joint letter from Arizona, Colorado, Utah and Wyoming governors.

Colorado General Assembly Actions

Several air quality-related bills have been signed into law, including several transportation related bills, including:

- HB25-1054 repealing audits of CDPHE’s Air Program (aka vehicle inspection and maintenance program);
- HB25-1076 addressing motor vehicle administration and was an outgrowth of the 2024 Transportation Legislative Review Committee;
- SB25-051 changing the way RTD calculates operating costs; and
- SB25-052 addressing RTD Operating Costs defines operating costs to mean all operating expenditures.

Transportation related air quality bills that lost, include:

- HB25-1046 increasing the number of transportation planning regions;
- SB25-024 addressing registration of off-highway vehicles;
- SB25-117 reducing transportation costs by reducing fees imposed on fuels, passenger rides, short-term rentals; and
- HB25-1046 relating to Increase Maximum Number of Transportation Planning Regions.

Additional transportation-related bills still under consideration include:

- HB25-1039 addressing Commercial Vehicle Muffler Requirements;
- HB25-1112 allows local authorities to enforce vehicle registration requirements;
- HB25-1118 allows for EPA approved alternative catalytic converters to be installed in limited cases. As amended, this bill requires vehicles retrofit with alternative catalytic converters be tested within 30 days to verify that the vehicle achieves the necessary emissions standards, regardless of being proximate to vehicle emissions testing centers that are only located in the Denver Metro North Front Range;
- HB25-1127 allows owners of surplus military vehicles to register vehicles to drive on highways;
- HB25-1189 reforms motor vehicle registration, including the setting of fees, vehicle registration expiration dates, shipping fees, and addressing salvage vehicles;
- HB25-1197 addressing the sale and labeling of e-bikes;
- HB25-1198 establishes a new 15 member Regional Planning Commission, establishing a state-wide authority in coordinating housing, land use and other planning;
- HB25-1267 directs the adoption of rules that govern retail electric vehicle charging equipment and methods of sale;
- HB25-1277 requires labeling of fuel products regarding the combustion of which emits GHGs;

- HB25-1281 allows small Japanese KEI vehicles to be treated as a motor vehicle, but not allowed on roads with greater than 55 mph speed limits;
- HB25-1291 sets consumer protections for transit riders to be established by transportation network companies;
- HB25-1292 addressing transit developers and CDOT, requiring a study on transit highway corridors and utility corridors;
- SB25-160 addressing motor vehicle sales by manufacturer's affiliates; and
- SB25-161 addressing Transit Reform outlines study, planning and coordination requirements for RTD.

There are two bills addressing different air quality related enterprises to watch: SB25-030 – Increase Mode Choice Reduce Emissions and Nonattainment Area Air Pollution Mitigation Enterprise and SB25-126 – Reducing Costs of State Regulation (lost). This last bill repeals substantial air quality statutes in recent years.

Other air quality-related bills still being considered include:

- HB25-1269 directs compliance with 2040 building energy performance standards set by the AQCC;
- HB25-1042 relating to Air Quality Control Regulation Workforce Impact;
- SB25-182 allows tax credits for industrial embodied carbon improvements; and
- SB25-286 allows for assessment of civil penalties for violations of fuel quality standard for reformulated gasoline.
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Air quality-related bills that passed include:

- HB25-1280 directing the PUC's development of advanced leak detection technology rules for pipelines (passed and waiting on signatures); and
- SB25-039 defines "agricultural buildings," and exempts them from energy efficiency mandates (signed into law);

Other notable bills include:

- HB25-1069 is still being considered, addressing stakeholder participation, creating a process to publish bills that may be introduced to General Assembly in the upcoming session;
- HB25-1093, was signed into law addressing limitations on local anti-growth laws;
- HB25-1126 addressing membership of the Public Utilities Commission;
- HB25-1170 addressing lobbying by nonprofit entities;
- HB25-1175 addressing smart meter opt-in requirements; and
- SB25-120 establishing a nuclear workforce development and education program; and
- SB25-202 repealing the Climate Change Markets Grant Program.

There are two bills relating to energy code requirements that both lost. SB25-141 – Municipal Government Exemption from Energy Code Requirements, and SB25-156 – Reducing Costs of State Regulation both reduce or repeal certain energy code requirements.

Further, SB25-254 is still under consideration, and transfers \$5 million from General Fund to the Stationary Sources Control Fund in 2025-2026 only.

Colorado Air Quality Enterprise

The Colorado Air Quality Enterprise anticipates the next Request for Proposal to focus on developing/hosting an Air Quality Data Center website that will improve air quality data access and dissemination. The website is envisioned to include criteria pollutants, air toxics, ozone and methane. The RFP amount is anticipated to be at least \$4.5 million, and \$500,000 in annual operations and maintenance costs.

Upcoming Activities:

TRE plans to attend meetings and track air quality related activities as follows, unless otherwise directed.

Meetings TRE Plans to Attend (or screen)

- 4/21/25 APCD Stakeholder Meeting on Emergency Generators
- 4/22/25 RAQC ISR Control Strategy Subcommittee Meeting
- 4/29/25 APCD Ozone 101 Stakeholder Meeting
- 5/1/25 NFRMPO Council Meeting
- 5/2/25 RAQC Board Meeting
- 5/15/25 AQCC Meeting
- TBD RAQC 2025 Ozone Attainment Forum

Other Anticipated Air Quality Activities

- RAQC Board Discussion of Mobile Source Emission Targets in May
- EPA's NAAQS Guidance
- EPA's Ozone NAAQS Reconsideration
- EPA's Reconsideration of the PM_{2.5} NAAQS

Recommendations:

- NFRMPO staff should engage RAQC staff on their Mobile Source Emissions Targets concept paper as soon as possible

NFRMPO TAC meeting 5/21

Update from the Air Pollution Control Division

Updates from Climate Team:

From May (15th) AQCC Meeting:

- Manufacturing Sector Greenhouse Gas Emissions Standards (GEMM II) – Regulation Number 27 – The Division will brief the Commission on current emission trends and extending the timeframe to request a hearing to establish a state-managed industrial decarbonization fund to address greenhouse gas emissions from the manufacturing sector which revisions follow the Commission's request that the Division review and evaluate the ability of the rule adopted in 2023 to assure sufficient compliance by and compliance pathways for the affected sources

Updates on hearings from AQCC meetings:

From April (16-18) AQCC Meeting:

- The Division requested that the Commission set a hearing to consider establishing a new Regulation Number 31 to address municipal solid waste landfill greenhouse gas control and monitoring requirements. (Hearing will be August 2025)
- Hearing held on Regulations Number 3 and Number 7 resulting in some revisions to air toxics reporting.

From May (15th) AQCC Meeting:

- Request for two rulemaking hearings in September:
 - Regulation 28 on Building Performance Standards to address technical corrections to this rule.
 - Regulation 30 on Air Toxics Health Based Standards to consider revisions to address the health based standards for the adopted priority air toxic contaminants in response to HB 22-1244

Topics regarding the Northern Front Range area:

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MEMORANDUM

To: NFRMPO Transportation Advisory Committee (TAC)

From: Becky Karasko

Date: May 21, 2025

Re: NFRMPO 10-Year Priority List Scoring

Background

On January 30, 2025, the NFRMPO Planning Council held a joint workshop with TAC members and NFRMPO staff to score projects for the NFRMPO's 10-Year Priority List across three categories: roadway, transit, and non-motorized. Following the workshop, Planning Council requested the NFRMPO TAC score and rank the Tier 1 Roadway projects. At their March meeting, TAC members requested NFRMPO Staff develop scoring criteria and a workshop to refine the scoring criteria was held on April 23, 2025. Completed scoring matrices were due to NFRMPO staff on May 19, 2025.

Action

NFRMPO staff requests TAC members review the results of the scoring matrices and the average scores for the projects and to provide feedback at the TAC meeting.

NFRMPO 10-Year List - Average TAC Scores

Corridor	Project	TOTAL
US34	US34 and WCR 17	86.11
I-25/SH14	I-25/SH14 Interchange	74.56
I-25/Harmony Road	I-25/Harmony Road Interchange	72.33
SH392	I-25 to US287	67.00
SH392	SH392/Timberline Road	59.56
US34	US34 and 35th Avenue to US34 and 47th Avenue	56.56
US34	US34 Corridor within the NFRMPO boundary	55.67
US34	Rocky Mountain to Centerra Parkway along US 34	55.28
US34	US34/US287	54.67
US34	LCR3 to Centerra Pkwy	53.72
SH392	Highland Meadows Pkwy to Colorado Blvd.	53.72
US287	US287 (College Ave) and Drake Rd	53.67
US34	US34 and 131st Street	46.44
SH392	WCR21 to WCR19	45.56
US287	SH287 and LCR17 (North Berthoud Parkway)	45.44
US287	Trilby to Harmony	45.11
SH392	WCR23 to WCR21	44.56
US34	US34 and 65 th Ave	43.22
SH14	SH14 and WCR23	41.78
US34	US34 and 83 rd Ave	34.33
US287	US287 Bridge over Big Thompson River	34.33