

# Four proposals to reduce Colorado's ozone pollution and improve air quality, explained

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If there's one thing that can be agreed upon when it comes to protecting Colorado's environment, it's that the state must act to clean its air. But there are widespread ideas on how to do that.

This spring, multiple plans from politicians, [environmental activists](#) and state agencies have been announced—all with the goal to bring Colorado into compliance with the federal Clean Air Act by reducing ground-level ozone pollution.

Colorado needs improvement after the Environmental Protection Agency last year declared Denver and the northern Front Range were in "severe non-attainment" of federal ozone standards, leading to higher gas prices and more regulations on industry.

Already, the Front Range has recorded its first high ozone day of 2023.

On April 11, an air monitoring station in Evergreen recorded ozone concentrations at 71 parts per billion, narrowly exceeding the federal daily standard of 70 parts per billion, said Jeremy Nichols, climate director for Wild Earth Guardians.

That recording illustrates the urgency that environmentalists say the state needs to take in fixing the pollution problem. The April 11 high ozone day came a month sooner than the first one in 2022 and two months earlier than the first of 2021, Nichols said.

The various proposals and policies floated this spring are highly technical. They overlap in some areas. Some are drastic. Most target the state's oil and gas industry, which was responsible for almost half of the state's [harmful emissions](#) last year.

They include a directive from the governor, new permitting guidelines from the state, a bill in the legislature and a proposed ballot initiative.

Here's a rundown of how they would improve the environment and what the pitfalls might be:

## Gov. Jared Polis' order to reduce nitrogen oxides emissions

The plan: Reduce [nitrogen oxide emissions](#) from the oil and gas industry by 30% in 2025 and by 50% by 2030, using 2017 emissions levels as the baseline. Nitrogen oxides mix with volatile organic compounds on hot summer days to form ozone pollution, which causes respiratory problems and a foul brown haze in the sky.

How it would work: Oil and gas companies would have to take steps to reduce their emissions, but exactly how that would happen is to be determined. They could switch to electric from gas-powered engines. They could shut down production on hot days when ozone levels are highest.

What needs to happen to make it a reality: The Colorado Air Quality Control Commission, which regulates emissions, would have to create the rules, which would require public comment and approval by the nine-member board. Then the Colorado Oil and Gas Conservation Commission, which regulates production, would have to implement it.

What the governor said about the plan: "These actions will significantly improve air quality and reduce levels of ozone pollution, with immediate cuts in ozone-causing chemicals in Colorado's air in the next two years and the largest ongoing reduction in NO<sub>x</sub> (nitrogen oxides) from oil and gas in Colorado's history," the governor wrote in a letter to leaders of the Colorado Oil and Gas Conservation Commission and the Colorado Department of Public Health and Environment.

What the oil and gas industry said about the plan: Oil and gas executives want the government's rules to give them plenty of room to find ways to cut emissions on their own. Their engineers and scientists can figure it

out faster and more efficiently than the government, said Dan Haley, president of the Colorado Oil and Gas Association. "It will be difficult to meet the timeline he's set up," Haley said. "The targets are aggressive. The timeline is aggressive."

## **Air Pollution Control Division's new permit guidelines**

**The plan:** The Colorado Department of Public Health and Environment is proposing new modeling guidelines for businesses that are minor sources of pollution. To model potential pollution, scientists use math and computers to predict how pollutants from a mine or manufacturer will interact with the atmosphere. They also use the modeling to direct how much pollution businesses can emit so that they comply with federal air quality standards.

**How it will work:** The proposed guidelines include new thresholds for [nitrogen oxides](#) and sulfur dioxide emissions. Modeling also will include particulate matter, carbon monoxide and lead. If the health department's Air Pollution Control Division determines a site's emissions violate national air quality standards, it can deny the permit or order additional controls to mitigate the pollution.

Nitrogen oxide thresholds would be even lower in areas that are designated as disproportionately impacted by air pollution, such as Pueblo, and in Denver and the northern Front Range, where the EPA classifies air quality as in severe non-attainment.

There also would be a new form for companies to fill out and that information would determine what kind of modeling would be required.

**What needs to happen to make it a reality:** The new plan is described as

a guideline, which doesn't require the same governmental formalities as formal rulemaking. It's open for public comment until May 4. The Air Pollution Control Division could make changes based on public input. No date has been set for when the rules will go into effect.

What the Air Pollution Control Division said, "Protecting the air is our top priority," Michael Ogletree, director of the Air Pollution Control Division, said in a news release. "These new guidelines advance our ongoing work using science, technology and policy to ensure everybody breathes cleaner air, particularly in communities bearing the brunt of air pollution from industrial sources."

What the oil and gas industry said, The extra form and increased modeling would slow down permit applications in a system that already is weighed down by paperwork, said Christy Woodward, senior director of regulatory affairs at the Colorado Oil and Gas Association. "It's a lot more work for everyone involved," she said.

## **Protecting Communities from Air Pollution Act**

The plan: HB23-1294, which was introduced last week by four Democrats in the state legislature, would make the state's air permitting rules more stringent in an attempt to lower toxic air emissions. It also would open investigations into permit violations to include evidence submitted by the public.

How it would work: A company's permit application would have to undergo an air quality analysis at the Air Pollution Control Division before a permit is considered by the Colorado Oil and Gas Conservation Commission. The commission also would have to consider the permit's cumulative impact on the environment before considering it.

What needs to happen to make it a reality: The clock is ticking on the

bill as the General Assembly is scheduled to adjourn on May 6. Even if it is approved by the Democrat-controlled legislature, it's unlikely that Gov. Jared Polis would sign it as he has expressed opposition to it.

What environmentalists said, The oil and gas industry is causing excessive pollution in Colorado to the detriment of people's health. By more stringent permitting, the state could force the oil and gas industry to cut its emissions of various pollutants that make people and plants sick.

"Colorado's permitting system is broken," said Nikie Wells, environmental justice coordinator for Black Parents United Foundation. "Thousands of new pollution sources are built without knowing whether or not they could make our air quality worse. This practice hurts our health and our children and it has to stop."

What the oil and gas industry said, Industry leaders have criticized the bill as a "back door ban" on permits that was written by activists. The permitting process already is long and expensive, said Lynn Granger, Midwest/Mountain West Region director for the American Petroleum Institute.

"What they've done with the legislation is make the process almost impossible," she said. "It is a lengthy process right now and the way they have recommended the sequencing it would be years and years before we would see permits if at all. When we say it's a ban, that's how we are reading this, knowing what the process is currently to get permits and what the impact would be with this legislation."

## **Ballot initiative to phase out oil and gas permits**

The plan: A coalition of environmental groups announced it wants Colorado to phase out new oil and gas permits by 2030 in an effort to

reduce pollution and help clean the air and water in the state.

How it would work: Voters would be asked on the 2024 general election ballot to tell the state to stop issuing new fracking permits as Colorado transitions to renewable energy. Existing permits would remain in place.

What needs to happen to make it a reality: The coalition, which is calling itself Safe and Healthy Colorado, submitted proposed ballot language to the Colorado Legislative Council on April 4. The group would need to collect 125,000 signatures on petitions to make the ballot. Voters would then have to approve it.

What environmentalists said, Colorado cannot afford to continue oil and gas extraction because it speeds up climate change, which increases wildfire risks and brings severe weather patterns to the state. It also takes a toll on human health.

"Colorado can continue to be a leader in a clean energy economy, and we can clean up our air and water, but we can't do that while continuing to commit ourselves to the polluting industries of the last century," Heidi Leathwood, a climate policy analyst with 350 Colorado, said in a news release. "We're giving massive profits to oil and [gas companies](#) while they make us pay more than a billion dollars a year in environmental and health care costs. This ballot initiative is a chance for the people to stand up to the polluters, take control and move our state toward the clean energy future we deserve."

What the oil and [gas industry](#) said, The ballot measure would destroy an industry that supports 69,000 direct jobs that pay higher-than-average wages in the private sector, according to an American Petroleum Institute report. Driving away oil and gas extraction in Colorado also would increase fuel prices for everyone.



"To continue to see things like this ballot measure are incredibly frustrating and quite frankly a waste of everyone's time," said Granger, of the American Petroleum Institute. "These are resources that everybody uses and that we all need. And they've got to come from somewhere. If they're not going to be produced in Colorado, the demand is still there and we're going to need to bring those resources into Colorado by truck, by train, by other means, which at the end of the day are going to increase our emissions and worsen our air quality."

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