



December 13, 2022

Air Quality Control Commission  
Colorado Department of Public Health and Environment  
4300 Cherry Creek Dr S  
Denver CO 80246

RE: Rule Making Hearing – EPA Notice of Violation

Dear Commission Members,

As I write this letter, I have before me the Detailed Air Quality Summary for December 13, 2022. Based upon the Colorado Department of Public Health and Environments own data for the periods of 1:00 a.m. to 10:00 a.m. of the six major site locations (BHWK, FTCT, MAN, PAL, RIFL03, CTZ, and ASPN) for ozone each shows MAX AQI from a low of 14 (CTZ) to a high of 42 (BHWK – Denver Metro) (see attached). With that the question I have is whether a Notice of Violation submitted by the Environmental Protection Agency (EPA) is for an isolated/intermittent period. Afterall, how is it possible for Colorado air quality ratings worse than many of the cities and/or states in the United States on a regular basis?

Which then raises the question? What sense does it make to initiate EXCESSIVE and UNREASONABLE air quality standards that are merely attempting to accommodate a federal governmental agency at the expense of individuals and small businesses in Colorado? If additional standards are instituted, will these new standards rectify and/or prevent any future violations? If not, then what is their purpose than to punish. Using the Detailed Air Quality Summary for 12/13/2022 using the Daily Highs Data we find that Max AQI for each of the major cities ranks

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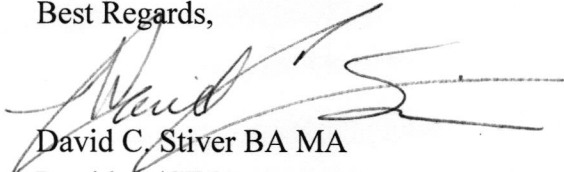
from a low of 25 in the Four Corners area to a high of 43 (46 PPB) for the Denver Metro Area. Clearly the question one must ask is whether this trend routinely occurs throughout the year. If so, then the Denver Metro Corridor might experience the highest levels of ozone.

That said, should ALL CITIES and COUNTIES throughout Colorado be punished for the Denver Metro and Front Ranges inaction? I think not. However, very often it is easier to implement a BLANKET MANDATE that APPLIES TO ALL than to address a specific SITE SOURCE. Whatever the commission decides, I would ask that those cities and/or counties that are not in violation of Air Quality Standards be allowed to continue without any further regulation.

Further, the state of Colorado should not use a PAINT BRUSH to PENALIZE all cities and counties in Colorado at the expense of those larger metropolitan areas. If El Paso County, for example, merely exceeds the EPA standards one or two times per year should they be required to conform to the standards for the Denver Metro corridor? I do not believe so. The same should be true for those mountain communities that rarely (if ever) exceed the AQI on any given day.

Thank you for your time and consideration.

Best Regards,



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President/CEO

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## Detailed Air Quality Summary for 12/13/22 (Today)

### Air Quality Forecasts and Advisories & Colorado Smoke Outlook

Learn more about monitoring sites: [site descriptions](#) and [real-time monitoring map](#)

*All data are collected real-time and have not been corrected nor validated.*

### Forecast - Denver Metro Air Quality

Expected Air Quality for Your Health (Tuesday)

**GOOD**

Expected Visibility (Tuesday)

**MODERATE**

Indoor Burning Unrestricted  
Until at least Tue 4PM



Current Hour:

| Area  | Site                   | Air Quality | MaxAQI | Pollutant                     | Conc.               | Period  | Time * (MST) |
|---|------------------------|-------------|--------|-------------------------------|---------------------|---------|--------------|
| <a href="#">Denver METRO</a><br>[expand +]          | <a href="#">BHWK</a>   | Good        | 42     | Ozone                         | 45 PPB              | 8-hour  | 10 AM        |
| <a href="#">Ft. Collins - Greeley</a><br>[expand +] | <a href="#">FTCF</a>   | Good        | 29     | Particulate < 2.5 micrometers | 7 µg/m <sup>3</sup> | 24-hour | 10 AM        |
| <a href="#">Colorado Springs</a><br>[expand +]      | <a href="#">MAN</a>    | Good        | 25     | Ozone                         | 27 PPB              | 8-hour  | 10 AM        |
| <a href="#">Grand Junction</a><br>[expand +]        | <a href="#">PAL</a>    | Good        | 19     | Ozone                         | 21 PPB              | 8-hour  | 10 AM        |
| <a href="#">Colorado River Valley</a><br>[expand +] | <a href="#">RIFLO3</a> | Good        | 16     | Ozone                         | 17 PPB              | 8-hour  | 10 AM        |
| <a href="#">Four Corners</a><br>[expand +]          | <a href="#">CTZ</a>    | Good        | 14     | Ozone                         | 15 PPB              | 8-hour  | 10 AM        |
| <a href="#">Other</a><br>[expand +]                 | <a href="#">ASPN</a>   | Good        | 37     | Ozone                         | 40 PPB              | 8-hour  | 10 AM        |

| Area   | Site | Visibility | Max VSI | 4-hour Average (1/km) | Beta Extinction (1/km) | Time * (MST) |
|--|------|------------|---------|-----------------------|------------------------|--------------|
| No valid VSI calculations found (12pm - 4pm) |      |            |         |                       |                        |              |

Daily Highs:

| Area  | Site                   | Air Quality | MaxAQI | Pollutant                     | Conc.               | Period  | Time * (MST) |
|---|------------------------|-------------|--------|-------------------------------|---------------------|---------|--------------|
| <a href="#">Denver METRO</a><br>[expand +]          | <a href="#">BHWK</a>   | Good        | 43     | Ozone                         | 46 PPB              | 8-hour  | 9 AM         |
| <a href="#">Ft. Collins - Greeley</a><br>[expand +] | <a href="#">FTCF</a>   | Good        | 35     | Particulate < 2.5 micrometers | 8 µg/m <sup>3</sup> | 24-hour | 1 AM         |
| <a href="#">Colorado Springs</a><br>[expand +]      | <a href="#">MAN</a>    | Good        | 26     | Ozone                         | 28 PPB              | 8-hour  | 7 AM         |
| <a href="#">Grand Junction</a><br>[expand +]        | <a href="#">PAL</a>    | Good        | 31     | Ozone                         | 33 PPB              | 8-hour  | 1 AM         |
| <a href="#">Colorado River Valley</a><br>[expand +] | <a href="#">RIFLO3</a> | Good        | 28     | Ozone                         | 30 PPB              | 8-hour  | 1 AM         |
| <a href="#">Four Corners</a><br>[expand +]          | <a href="#">CTZ</a>    | Good        | 25     | Ozone                         | 27 PPB              | 8-hour  | 1 AM         |
| <a href="#">Other</a><br>[expand +]                 | <a href="#">ASPN</a>   | Good        | 40     | Ozone                         | 43 PPB              | 8-hour  | 1 AM         |

| Area   | Site | Visibility | Max VSI | 4-hour Average (1/km) | Beta Extinction (1/km) | Time * (MST) |
|--|------|------------|---------|-----------------------|------------------------|--------------|
| No valid VSI calculations found (12pm - 4pm) |      |            |         |                       |                        |              |

\* *All data are reported in Mountain Standard Time (MST). During daylight savings time add one hour to the reported hour.*