

## CHAPTER 261

---

**HEALTH AND ENVIRONMENT**

---

**SENATE BILL 97-236**

BY SENATORS Norton and Powers;  
also REPRESENTATIVES Anderson, Paschall, Reeser, Snyder, and Zimmerman.

**AN ACT**

CONCERNING THE RECOMMENDATION OF THE LEGISLATIVE COUNCIL RELATING TO APPROVAL OF AIR QUALITY CONTROL COMMISSION REVISIONS TO STATE IMPLEMENTATION PLAN PROVISIONS WITH RESPECT TO THE REDUCTION OF CARBON MONOXIDE EMISSIONS FROM GASOLINE-POWERED MOTOR VEHICLES THROUGH THE USE OF OXYGENATED GASOLINES.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 25-7-133.5 (2), Colorado Revised Statutes, 1989 Repl. Vol., as enacted by Senate Bill 97-203, enacted at the First Regular Session of the Sixty-first General Assembly, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**25-7-133.5. Extension or rescission of specific revisions to the state implementation plan (SIP) after 1996.** (2) Pursuant to section 25-7-133, the following revisions to the state implementation plan (SIP), which were adopted by the air quality control commission on the dates indicated and received by the legislative council for review, are approved for incorporation into the state implementation plan:

(n) AMENDMENTS ADOPTED BY THE AIR QUALITY CONTROL COMMISSION ON APRIL 17, 1997, TO REGULATION NUMBER 13, CONCERNING THE REDUCTION OF CARBON MONOXIDE EMISSIONS FROM GASOLINE-POWERED MOTOR VEHICLES THROUGH THE USE OF OXYGENATED GASOLINES; EXCEPT THAT THE AMENDMENTS TO THE FOLLOWING PROVISIONS OF SAID REGULATION SHALL READ AS FOLLOWS:

(I) REGULATION NUMBER 13 II. B. SHALL READ:

"B.  
Control Period  
1. The control period for each control area shall be from November 1 THROUGH FEBRUARY 7 EACH YEAR. ~~1995 through February 14, 1996 and~~

---

*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

~~each November 1 through February 14 thereafter.~~

2. THE MAXIMUM ALLOWABLE OXYGENATE BLENDING PERIOD FOR THE DENVER-BOULDER CONTROL AREA SHALL BE NOVEMBER 8 THROUGH JANUARY 31 EACH YEAR."

(II) REGULATION NUMBER 13 II. C. SHALL READ:

"C.

Class A Fuel Requirements

1. During the control period, no class A motor fuel shall be supplied or sold by any person intended as a final product for fueling of motor vehicles within the Oxygenated Gasoline Program area, or sold at retail, or sold to a private fleet for consumption, or introduced into a motor vehicle in the Oxygenated Gasoline Program area by an person unless the fuel has the following oxygen content:

- a. ~~Larimer-Greeley control area: at least 2.7% oxygen content by weight;~~

LARIMER-GREELEY CONTROL AREA: AT LEAST 2.0% OXYGEN CONTENT BY WEIGHT FROM NOVEMBER 1 THROUGH NOVEMBER 7, AND, AT LEAST 2.7% OXYGEN CONTENT BY WEIGHT FROM NOVEMBER 8 THROUGH FEBRUARY 7;

- b. ~~Denver-Boulder control area: at least 2.7% oxygen content by weight, and is blended at its maximum allowable oxygenate blending level. For ethanol blends this is 10% denatured ethanol by volume, as permitted by the gasohol waiver. For MTBE blends this is 15% MTBE by volume, as permitted by the Sun Oil waiver. For all other oxygenates, or combination of oxygenates, this is the maximum oxygenate level permitted by respective EPA waivers or the substantially similar rule, whichever results in a greater oxygen content;~~

DENVER-BOULDER CONTROL AREA: AT LEAST 2.0% OXYGEN CONTENT BY WEIGHT FROM NOVEMBER 1 THROUGH NOVEMBER 7, AND, AT LEAST 2.7% OXYGEN CONTENT BY WEIGHT FROM NOVEMBER 8 THROUGH FEBRUARY 7. DURING THE MAXIMUM ALLOWABLE OXYGENATE BLENDING PERIOD, ALL OXYGENATED GASOLINE MUST BE BLENDED AT THEIR MAXIMUM ALLOWABLE OXYGENATE BLENDING LEVEL. FOR ETHANOL BLENDS THIS IS 10% DENATURED ETHANOL BY VOLUME, AS PERMITTED BY THE GASOHOL WAIVER. FOR MTBE BLENDS THIS IS 15% MTBE BY VOLUME, AS PERMITTED BY THE SUN OIL WAIVER. FOR ALL OTHER OXYGENATES, OR COMBINATION OF OXYGENATES, THIS IS THE MAXIMUM OXYGENATE LEVEL PERMITTED BY RESPECTIVE EPA WAIVERS OR THE SUBSTANTIALLY SIMILAR RULE, WHICHEVER RESULTS IN A GREATER OXYGEN CONTENT;

- c. ~~Colorado Springs control area: at least 2.7% oxygen content by weight.~~

COLORADO SPRINGS CONTROL AREA: AT LEAST 2.0% OXYGEN CONTENT BY WEIGHT FROM NOVEMBER 1 THROUGH NOVEMBER 7, AND, AT LEAST 2.7% OXYGEN CONTENT BY WEIGHT FROM NOVEMBER 8 THROUGH FEBRUARY 7."

**SECTION 2.** 25-7-133.5, Colorado Revised Statutes, 1989 Repl. Vol., as enacted by Senate Bill 97-203, enacted at the First Regular Session of the Sixty-first General Assembly, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**25-7-133.5. Extension or rescission of specific revisions to the state implementation plan (SIP) after 1996.** (3) REVISIONS TO THE SIP THAT ARE ADOPTED SOLELY TO CONFORM THE SIP TO PRIOR ACTIONS OF THE GENERAL ASSEMBLY UNDER SECTION 25-7-133 AND THIS SECTION MAY BE SUBMITTED TO THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY FOR FINAL APPROVAL UNDER SECTION 25-7-133 (2) WITHOUT FURTHER APPROVAL BY THE GENERAL ASSEMBLY UNDER SECTION 25-7-133 OR THIS SECTION.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 3, 1997