

**COLORADO AIR QUALITY CONTROL COMMISSION**  
Regarding proposed revisions to:  
**Ambient Air Quality Standards Regulation,  
Regulation Numbers 3, 7, and 11 for the  
Denver Metropolitan & North Front Range Area Ozone Action Plan**

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**ENVIRONMENTAL SYSTEMS PRODUCTS, INC.'S PREHEARING STATEMENT**

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Pursuant to the September 25, 2008, *Notice of Public Rulemaking Hearing Before the Colorado Air Quality Control Commission* regarding proposed revisions to *Ambient Air Quality Standards Regulation, Regulation Numbers 3, 7, and 11 for the Denver Metropolitan & North Front Range Area Ozone Action Plan*, Environmental Systems Products, Inc. ("ESP"), by and through its counsel, Hale Friesen, LLP, submits the following *Prehearing Statement* ("Prehearing Statement"):

**I. STATEMENT OF FACTUAL AND LEGAL ISSUES**

1. ESP is generally supportive of the Commission's efforts to reduce ambient ozone concentrations in the nine county area and of the revisions to Regulation Nos. 3, 7, and 11. As related to the Commission at the October 17, 2008, status conference, however, ESP wishes to accelerate the proposed modifications to the Enhanced Emissions Program and the resulting expansion of that program to the North Front Range Area from January 1, 2012, to January 1, 2010.
2. As stated in the revised Ozone Action Plan submitted in conjunction with this Rulemaking Hearing, "The program could become effective in 2010 or a date determined by the AQCC." ESP is prepared to implement a motor vehicle inspection/maintenance program in the North Front Range Area by January 1, 2010, and there is no factual or legal reason to delay implementation by an additional two years.

**II. LIST OF ISSUES TO BE RESOLVED DURING THE HEARING**

3. The Public Rulemaking Hearing concerns a proposal to adopt an ozone action plan for the Denver Metropolitan and North Front Range 8-hour ozone non-attainment area. The Commission proposed revisions to Ambient Air Quality Standards Regulation, Regulations Nos. 3, 7, and 11 for the Denver Metropolitan and North Front Range Area Ozone Action Plan. Various parties have submitted alternative proposals which may also be considered by the Commission at the Rulemaking Hearing.
4. ESP requests that the Commission accept the recommendation to accelerate the proposed modifications to Regulation 11, and adopt revisions that reflect a January 1, 2010,

implementation date for expansion of the Enhanced Emissions Program into the North Front Range Area, accordingly.

### **III. EXHIBITS**

5. ESP does not anticipate submitting exhibits at this time, but reserves the right to submit exhibits necessary for testimony, cross examination, or rebuttal.

### **IV. WITNESSES**

6. Jim Brandon, Envirotech Systems Corp. Mr. Brandon may testify regarding all aspects of this matter, including the timing, development, implementation, and effects of the changes proposed by the Commission and other parties. ESP anticipates that Mr. Brandon's presentation of issues at the Rulemaking Hearing will take approximately ½ hour, including any cross-examination.

### **V. WRITTEN TESTIMONY**

7. ESP does not anticipate submitting written testimony at this time, but reserves the right to submit written testimony necessary for testimony, cross examination, or rebuttal.

### **VI. TEXT OF ALTERNATE PROPOSED REVISION**

8. ESP does not propose an alternate revision at this time, but reserves the right to do so at the Prehearing Conference or at the Hearing.

### **VII. ECONOMIC IMPACT ANALYSIS**

9. Because ESP does not propose an alternate revision at this time, ESP submits that the Final Economic Impact Analysis is the same as the Initial Economic Impact Analysis. Should ESP determine that an alternate proposed revision is necessary, ESP will submit an appropriate Final Economic Impact Analysis for such proposal.

Dated this 13 day of November, 2008.

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On Behalf of Applicant:

ENVIRONMENTAL SYSTEMS PRODUCTS,  
INC.