

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.'S REBUTTAL STATEMENT

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 *Rebuttal Statement*:

I. EXECUTIVE SUMMARY

1. As stated in its *Prehearing Statement*, 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. 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. Per the *Preliminary Joint Prehearing Statement of Anadarko Petroleum Corporation, Nobel Energy, Inc., and Williams Production RMT Company*, those parties to this proceeding also set forth the position that commencement of the program may be accelerated to January 1, 2010.

3. By this *Rebuttal Statement*, ESP wishes to clarify its position with regard to implementation of the Enhanced Emissions Program in the North Front Range Area. Specifically, ESP believes that its State partners, including the Colorado Department of Public Health and Environment ("CDPHE") can be prepared to commence the program in the North Front Range Area by July 1, 2010, if not sooner.

II. REBUTTAL STATEMENT OF FACTUAL AND LEGAL ISSUES

4. ESP has committed to having sufficient testing lanes completed and staffed in the North Front Range Area prior to 2012. The lanes and staff will be available in the North Front Range prior to 2012 if the Commission implements the program on an earlier date, even as early as January 2010 as agreed to by CDPHE and ESP. ESP is committed to providing the enhanced testing equipment in the North Front Range Area upon the earlier date as directed by the Commission to comply with the Governor's directive to make every effort to reduce the ozone and to clean the air in the nonattainment area.

5. By starting the program in January 2010, the citizens start receiving the benefits of reducing ozone precursors of the automobile exhaust. The North Front Range Area would see a reduction that equals approximately 1.76 tons per day of ozone precursors. If southwest Weld County is brought into the program area, the reduction would increase to 2.79 tons of ozone precursors per day. These savings will not be realized during the first year of the program, but by January 2012, all automobiles in the program area will have been tested and the reductions of the ozone precursors will be occurring.

6. During the stakeholder process, many of the stakeholders expressed support for expansion of the inspection/maintenance program in the North Front Range Area, as well as the earliest implementation date possible. A large number of North Front Range individuals are producing ozone precursors during their drive to work in the current enhanced area. As well, ozone pollutants are blowing into the current enhanced area from the North Front Range Area.

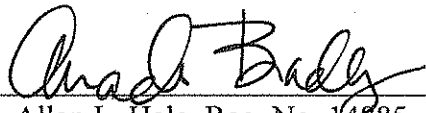
7. Any concerns about the starting date of January 1, 2010, may be mitigated by an implementation date such as July 1, 2010. A July 2010 starting date would also remove the possibility of adverse weather affecting the opening of the facility, creating a smoother start up than was experienced in the enhanced area in January of 1995.

8. The earlier automobiles are tested and repaired, the less fossil fuels are consumed. There are no losers, only winners, in our environment, should implementation of the program in the North Front Range Area be accelerated as requested by ESP.

9. This *Rebuttal Statement* does not contemplate any additional witnesses or exhibits, other than those identified in the *Prehearing Statement*.

Dated this 24th day of November, 2008.

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