PHIL WEISER Attorney General

NATALIE HANLON LEH Chief Deputy Attorney General

SHANNON STEVENSON Solicitor General

TANJA WHEELER Associate Chief Deputy Attorney General



# STATE OF COLORADO DEPARTMENT OF LAW

RALPH L. CARR COLORADO JUDICIAL CENTER 1300 Broadway, 10th Floor Denver, Colorado 80203 Phone (720) 508-6000

Natural Resources and Environment Section

June 06, 2023

Colorado Department of State Administrative Rules Program Manager 1700 Broadway, Suite 200 Denver, CO 80290

RE: Corrections to Regulation Number 8, 5 CCR 1001-10 Tracking Number 2023-00099

Dear Ms. Maiolo:

On May 17, 2023, amendments to Regulation Number 8 were adopted by the Air Quality Control Commission. Pursuant to C.R.S. § 24-4-103(11)(d)(II), the amended regulation and the Attorney General's opinion were submitted to the Secretary of State under Tracking Number 2023-00099. Subsequently, Commission staff discovered a clerical error that should be corrected to conform the published version with that which was adopted by the Commission.

When completing the version submitted to the Secretary of State, Commission staff provided the redline version correctly, however did not include the Statement of Basis and Purpose revision to Regulation Number 8, Part E in the clean version of the rule as noted below:

## PART E Federal Maximum Achievable Control Technology (MACT)

## VI. Statements of Basis, Specific Statutory Authority and Purpose for Part E

VI.OO. Adopted May 17, 2023

Incorporation by reference of federal rules and amendments to federal standards in 40 C.F.R. Part 63 into Regulation Number 8, Part E.

This Statement of Basis, Specific Statutory Authority, and Purpose complies with the requirements of the Colorado Administrative Procedure Act Sections 24-4-103, C.R.S. and the Colorado Air

## Page 2

Pollution Prevention and Control Act Sections 25-7-110 and 25-7-110.5, C.R.S., and the Air Quality Control Commission's ("Commission") Procedural Rules.

#### <u>Basis</u>

The EPA promulgated new standards in 40 C.F.R. Part 63, Subparts AAAA, FFFF, YYYY, GGGGG, and IIIII. The State of Colorado is required under Section 112 of the Clean Air Act to adopt such revisions and new standards into its regulations.

#### <u>Authority</u>

Sections 25-7-105(1)(b) and 25-7-109(2)(h) and 25-7-109(4), C.R.S. authorize the Commission to adopt emission control regulations and emission control regulations relating to hazardous air pollutants, respectively.

#### <u>Purpose</u>

Adoption of the federal rules and amendments to federal standards in 40 C.F.R. Part 63, Subparts make these rules and revisions enforceable under Colorado law. Further, these revisions may correct typographical, grammatical, and formatting errors throughout the regulation.

Pursuant to the Colorado Administrative Procedures Act, "[U]pon written request of any agency, the secretary of state shall correct typographical and other non-substantive errors appearing in the rules as filed by such agency that occur after final adoption of the rules by the agency during the preparation of such rules for publication in order to conform the published rules with the adopted rules." C.R.S. § 24-4-103(11)(d)(II). On behalf of the Air Quality Control Commission, I have reviewed this error and have determined that the correction set forth above is non-substantive and should be corrected to conform the adopted rule, pursuant to the Administrative Procedures Act.

Sincerely,

Robyn Wille Second Assistant Attorney General Colorado Department of Law Robyn.wille@coag.gov Phone: (720) 508-6310