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**Natural Resources and
Environment Section**

October 16, 2018

Colorado Secretary of State,
Attn: Deanna Maiolo
Administrative Rules Program Manager
1700 Broadway, Suite 300
Denver, CO 80290

RE: Corrections to Regulation Number 7, 5 CCR 1001-9
Tracking Number 2018-00172 (Correction Tracking Number 2018-00557)

Dear Ms. Maiolo:

On July 19, 2018, amendments to Regulation Number 7 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 2018-00172. Subsequently, we discovered a clerical error that should be corrected to conform the published version to the version adopted by the Commission.

Specifically, the version adopted by the Commission states:

XVI.D.2.a. Any stationary combustion equipment whose utilization is less than:
XVI.D.2.a.(i) 20% of its capacity factor on an annual average basis over a 3-year rolling period for boilers; or
XVI.D.2.a.(ii) 10% of its capacity factor on an annual average basis over a 3-year rolling period for stationary combustion turbines and compression ignition reciprocating internal combustion engines.

The version published in the Colorado Register states:

XVI.D.2.a. Any stationary combustion equipment whose utilization is less than 20% of its capacity factor on an annual average basis over a 3-year rolling period (emphasis added)
XVI.D.2.a.(i) 20% of its capacity factor on an annual average basis over a 3-year rolling period for boilers; or
XVI.D.2.a.(ii) 10% of its capacity factor on an annual average basis over a 3-year rolling period for stationary combustion turbines and compression ignition reciprocating internal combustion engines.

The published version should be corrected by adding a colon following “than” and removing the text reflected in the following redline:

- XVI.D.2.a. Any stationary combustion equipment whose utilization is less than: ~~20% of its capacity factor on an annual average basis over a 3-year rolling period.~~

Pursuant to the Colorado Administrative Procedures Act, “[U]pon written request of any agency, the secretary of state shall correct typographical and other nonsubstantive 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 nonsubstantive and should be corrected to conform the published rule with the adopted rule, pursuant to the Administrative Procedures Act.

Sincerely,

FOR THE ATTORNEY GENERAL



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