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**STATE OF COLORADO**  
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**Natural Resources and  
Environment Section**

February 12, 2024

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

RE: Corrections to Regulation Number 26, 5 CCR 1001-30  
Tracking Number 2023-00639

Dear Ms. Maiolo:

On December 15, 2023, amendments to Regulation Number 26 were adopted by the Air Quality Control Commission. Pursuant to § 24-4-103(11)(d)(II), C.R.S., the amended regulation and the Attorney General's opinion were submitted to the Secretary of State under Tracking Number 2023-00639. Subsequently, Commission staff discovered a clerical error that should be corrected to conform the published version with that which was adopted by the Commission. This correction can be made and provided with the same effective date of February 14, 2024 since the timing has not passed.

When completing the version submitted to the Secretary of State, Commission staff provided the table within the rule but when inserting the new table the revision did not get picked up as noted below:

Table A					
Facility AIRS ID	AIRs Point(s)	Prior NOx allowance (tpy)	Current NOx allowance (tpy)	Emission Reduction method	Compliance Date
001-0025	004	234.2	32.2	Retrofit	05/2023
001-0025	006	128.0	15.9	Retrofit	05/2023
001-0025	007	128.0	15.9	Retrofit	05/2022
01-0025	032	234.2	32.2	Retrofit	05/2022
001-0036	005	150.50	8.6	Permitted Hours Reduced	05/2023
001-0036	005	150.50	8.6	Permitted Hours Reduced	05/2023
005-0055	001	148.92	20.6	Retrofit	05/2022
005-0055	001	148.92	20.6	Retrofit	05/2022
005-0055	001	148.92	20.6	Retrofit	05/2022
005-0055	011	133.78	18.6	Retrofit	05/2022

Table A					
Facility AIRS ID	AIRs Point(s)	Prior NOx allowance (tpy)	Current NOx allowance (tpy)	Emission Reduction method	Compliance Date
123-0015	051	11.9	9.5	Retrofit	05/2022
123-0015	052	24.0	9.5	Retrofit	05/2022
123-0015	053	23.8	9.5	Retrofit	05/2022
123-0015	055	23.8	9.5	Retrofit	05/2022
123-0015	056	11.9	9.5	Retrofit	05/2022
123-0015	057	24.0	9.289.5	Retrofit	05/2022
123-0015	060	19.3	7.7	Retrofit	05/2022
123-0015	081	23.8	9.5	Retrofit	05/2022
123-0048	015	16.9	6.3	Retrofit	05/2022
123-0049	101	21.2	8.5	Retrofit	05/2023
123-0049	102	7.8	6.2	Retrofit	05/2023
123-0049	103	26.1	10.4	Retrofit	05/2023
123-0049	107	16.3	6.2	Retrofit	05/2023
123-0049	108	13.0	10.4	Retrofit	05/2023
123-0049	110	18.6	7.1	Retrofit	05/2023
123-0049	113	16.3	6.2	Retrofit	05/2023
123-0049	114	7.8	6.2	Retrofit	05/2023
123-0049	140	14.3	11.4	Retrofit	05/2023
123-0098	001	18.19	10.51	Permitted EF Change	05/2021
123-0098	039	15.78	12.62	Permitted EF Change	05/2021
123-0099	106	21.24	8.5	Retrofit	05/2022
123-0099	107	24.0	8.5	Retrofit	05/2022
123-0099	108	8.65	6.9	Retrofit	05/2022
123-0099	109	21.24	8.5	Retrofit	05/2022
123-0099	110	24.0	8.5	Retrofit	05/2022
123-0184	018	25.1	8.7	Retrofit	05/2022
123-0184	019	8.7	6.9	Retrofit	05/2022
123-0468	011	18.9	15.5	Retrofit	05/2022
123-0468	012	19.5	15.5	Replace	05/2022
123-0595	002	30.82	13.0	Retrofit	05/2023
123-0595	003	30.82	13.0	Retrofit	05/2023
123-0595	004	30.82	13.0	Retrofit	05/2023
123-0595	006	25.69	10.8	Retrofit	05/2023
123-0595	007	25.69	10.8	Retrofit	05/2023
123-0595	008	27.12	11.4	Retrofit	05/2023
123-1351	005	12.8	10.4	Retrofit	05/2022
123-9E80	008	0.00	0.00	Replace	05/2022

Following is how the table should have looked:

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Facility AIRS ID	AIRs Point(s)	Prior NOx allowance (tpy)	Current NOx allowance (tpy)	Emission Reduction method	Compliance Date
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123-0015	055	23.8	9.5	Retrofit	05/2022
123-0015	056	11.9	9.5	Retrofit	05/2022
123-0015	057	24.0	9.5	Retrofit	05/2022
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123-1351	005	12.8	10.4	Retrofit	05/2022
123-9E80	008	0.00	0.00	Replace	05/2022

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.” § 24-4-103(11)(d)(II), C.R.S. 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 Procedure Act.

Sincerely,

FOR THE ATTORNEY GENERAL

*/s/ Robyn L. Wille*

ROBYN L. WILLE, #40915\*

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