



COLORADO

Air Quality Control Commission

Department of Public Health & Environment

NOTICE OF RULEMAKING HEARING

Regarding proposed revisions to:

COLORADO'S STATE IMPLEMENTATION PLAN (SIP)

Regional Haze SIP Element

AND

REGULATION NUMBER 3, PART F

Regional Haze Limits - Best Available Retrofit Technology and Reasonable Progress

SUBJECT:

The Air Quality Control Commission will consider specific, targeted revisions to Regulation Number 3, Part F, Section VI, containing the Regional Haze Best Available Retrofit Technology (BART) determination for Tri-State Generation and Transmission Association's Craig Station Unit 1 and the Reasonable Progress determination for Tri-State's Nucla Station. The Commission will also consider revisions to Colorado's Regional Haze SIP Element, including Chapter 6 - Best Available Retrofit Technology; Chapter 8 - Reasonable Progress; Appendix C - Technical Support for the BART Determinations; and Appendix D - Technical Support for the Reasonable Progress Determinations. The revised chapters are intended to fully replace previously adopted SIP chapters. The proposed revisions also correct any typographical, grammatical, and formatting errors.

HEARING SCHEDULE:

DATE: December 15, 2016

TIME: 9:00 AM

PLACE: Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South, Sabin Conference Room
Denver, CO 80246

PUBLIC COMMENT:

The Commission encourages all interested persons to provide their views either orally at the hearing or in writing prior to or at the hearing. The Commission encourages that written comments be submitted by **November 28, 2016** so that Commissioners have the opportunity to review the information prior to the hearing.

Electronic submissions are preferred and should be emailed to:

cdphe.aqcc-comments@state.co.us

Written submissions should be mailed to:

Colorado Air Quality Control Commission
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South, EDO-AQCC-A5
Denver, Colorado 80246

All submissions should include: your name, address, phone number, email address, and the name of the group that you are representing (if applicable).

Public testimony will be taken on December 15, 2016. An approximate time for public comment will be posted in the meeting agenda.

PARTY STATUS:

Any person may obtain party status for the purpose of this hearing by complying with the requirements of the Commission's Procedural Rules. A petition for party status must be filed by electronic mail with the Office of the Air Quality Control Commission no later than close of business on **October 17, 2016**. The petition must: *1) identify the applicant; 2) provide the name, address, telephone and facsimile numbers, and email address of the applicants representative; and 3) briefly summarize what, if any, policy, factual, and legal issues the applicant has with the proposal(s) as of the time of filing the application.* Electronically mailed copies must also be received, by this same date, by the Division staff person and the Assistant Attorneys General representing the Division and the Commission as identified.

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Requests received beyond the stated deadline shall only be considered upon a written motion for good cause shown. The Commission reserves the right to deny party status to anyone that does not comply with the Commission's Procedural Rules.

ALTERNATE PROPOSAL:

The submittal of an alternate proposal must be accompanied by an electronic copy of the alternate proposed rule and all other associated documents as required by the Commission's Procedural Rules, and must be filed by electronic mail with the Office of the Commission by close of business **November 7, 2016**. Alternate proposals must also be filed by electronic mail with the Division staff person and with each of the Assistant Attorneys General.

STATUS CONFERENCE:

A status conference will be held **October 21, 2016 at 10:00 a.m.**, at the Department of Public Health and Environment, Snow Conference Room to ascertain and discuss the issues involved, and to ensure that parties are making all necessary efforts to discuss and resolve such issues prior to the submission of prehearing statements. Attendance at this status conference is mandatory for anyone who has requested party status.

PREHEARING CONFERENCE/PREHEARING STATEMENTS:

Attendance at the prehearing conference is mandatory for all parties to this hearing. A prehearing conference will be held **November 14, 2016 at 10:00 a.m.** at the Department of Public Health and Environment, Snow Conference Room. All parties must submit by electronic mail a prehearing statement to the Commission Office by close of business **November 7, 2016**. In addition, any exhibits to the prehearing statements or alternate proposals must be submitted in a separate electronic transmission to the Commission Office by close of business **November 7, 2016**. Electronically mailed copies of these documents must be delivered by that date to all persons who have been granted party status and to the Division point of contact and each of the Assistant Attorneys General identified above by close of business **November 7, 2016**. Rebuttals to the prehearing statement, and any exhibits thereto, may be submitted to the Commission Office and all other parties by close of business **November 21, 2016**.

EXCEPTIONS TO FILE DOCUMENTS BY ELECTRONIC MAIL:

The Commission's Procedural Rules provide for an exception to file documents by electronic mail. Any person may petition the Commission to file documents in paper copy format if they are unable for any reason to comply with the requirements of the Commission's Procedural Rules. If granted an exception to electronic filing pursuant to the provisions of Subsection III.1.3. of the Commission's Procedural Rules, the applicant for party status shall file an original and fifteen copies in the Office of the Air Quality Control Commission, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado 80246., and shall also deliver copies to each party, the Assistant Attorneys General representing the Commission and Division, and the Division staff person for the proceedings by electronic mail or as otherwise provided by the exception granted under Subsection III.1.3.

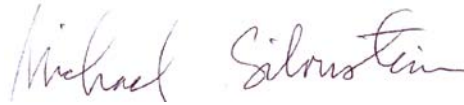
STATUTORY AUTHORITY FOR THE COMMISSION'S ACTIONS:

The Colorado Air Pollution Prevention and Control Act, C.R.S. § 25-7-105(1) directs the Commission to promulgate such rules and regulations as are consistent with the legislative declaration set forth in Section 25-7-102 and are necessary for the proper implementation and administration of Article 7, including a comprehensive state implementation plan which will prevent significant deterioration of air quality. Section 25-7-109 authorizes the Commission to adopt emission control regulations pertaining to air pollutants.

The rulemaking hearing will be conducted in accordance with Sections 24-4-103 and 25-7-110, 110.5 and 110.8 C.R.S., as applicable and amended, the Commission's Procedural Rules, and as otherwise stated in this notice. This list of statutory authority is not intended as an exhaustive list of the Commission's statutory authority to act in this matter.

Dated this 19th day of September 2016 at Denver, Colorado

Colorado Air Quality Control Commission

A handwritten signature in cursive script that reads "Michael Silverstein". The signature is written in dark ink and is positioned above a horizontal line.

Michael Silverstein, Administrator