



The EPA has taken issue with certain “Director’s Discretion” language contained in Regulation Number 3 and requests that the rule contain more definitive language to further limit where discretion can be applied. The anticipated revisions will attempt to bridge this gap with regulatory language that is acceptable to both the State and the EPA. It is anticipated that the AQCC will consider revisions to Regulation Number 3 during the second half of 2013. Revised regulations will then be provided to the Legislative Council for consideration in January 2014 for submittal to the U.S. Environmental Protection Agency for approval.

**3. Revisions to Regulation Number 3 to Address Permitting of Oil and Gas Sources.**


The Commission will consider proposed changes to Regulation Number 3 that will allow the State to assume federal air quality permitting and compliance authorities for certain oil and gas operations. EPA has adopted federal air quality regulations which apply to a wide range of oil and gas operations and activities throughout the nation, and the State has been delegated authority to implement most of these rules. However, some provisions have not yet been assumed by the State due to the structure of permitting provisions in the current rule. Once these structural issues are addressed, the State can assume delegation of the remaining federal oil and gas provisions. It is anticipated that the AQCC will consider revisions to Regulation Number 3 during the second half of 2013. Revised regulations will then be provided to the Legislative Council for consideration in January 2014 for submittal to the U.S. Environmental Protection Agency for approval.

These scheduled SIP revisions, along with the AQCC’s other anticipated air quality-related regulatory activity not intended to become part of the federally-approved SIP, have been included in CDPHE’s 2013 Regulatory Agenda at:

<http://www.colorado.gov/cs/Satellite/CDPHE-Main/CBON/1251590276910>

The Air Quality Control Commission is not anticipating any additional SIP changes in 2013.

Sincerely,



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Michael Silverstein, Administrator and Technical Secretary  
Colorado Air Quality Control Commission

cc: Barbara Roberts, Chairperson, Air Quality Control Commission  
Martha Rudolph, Environmental Programs Director, CDPHE  
Karin McGowan, Community Relations Director, CDPHE  
William Allison, Air Pollution Control Division Director, CDPHE