

New Proposed Regulation 23 Regional Haze Limits

The Colorado Department of Public Health and Environment (CDPHE) proposed to revise [Regulation 3 Stationary Source Permitting and Air Pollutant Emission Notice Requirements](#) by removing the regional haze language from Part F. Regional haze would be covered in the new [Regulation 23 Regional Haze Limit](#). The Air Quality Control Commission (the Commission) proposed these changes to help the regulated community better identify and understand the provisions governing their activities under Best Available Retrofit Technology (BART) and Reasonable Progress (RP) towards mitigating regional haze.

A key driver for the proposed revisions was the U.S. Environmental Protection Agency's (EPA) approval of Colorado's Regional Haze State Implementation Plan (SIP) on July 5, 2018 (see [83 FR 31332](#), page15). This action makes some sections of the Regulation 3 obsolete (Part F, Sections III and IV). Some sections also have compliance requirements that have already be met (Part F, Sections VI.A.4 and VI.B.4). All other sections of Regulation 3 Part F have been corrected and transferred into Regulation 23.

As proposed, Regulation 23 is a 23-page document in two parts: Part A - Best Available Retrofit Technology (BART) and Reasonable Progress (RP), and Part B - Statements of Basis, Specific Statutory Authority, and Purpose. Part A identifies the sources to which the regulation applies, definitions, and a source-by-source listing of BART and RP determinations. Part A also includes the regulatory basis for challenging the BART and RP determinations, as well as monitoring, recordkeeping, and reporting requirements.

Part B of the new regulation is a thorough review of the purpose and basis for the "new" regulation. This part provides an excellent summary of the history of regional haze and Colorado's response. The purpose, and future, of the new regulation are also described well in the Statement of Basis in Regulation 3:

Regulation Number 23 will contain BART and RP determinations from the first regional haze planning period, as well as new emissions reductions requirements to meet the reasonable progress goals for the second 10-year planning period. The existing emission limits and new requirements established for specified sources will limit emissions of nitrogen oxides (NOx), sulfur dioxide (SO2), and particulate matter (PM10) to improve visibility in Colorado's twelve class I areas. Many of the emission reduction requirements have the benefit of also reducing greenhouse gas and other emissions.

The hearings for proposed revisions to Regulation 3 and Regulation 23 will take place November 19, 2020 at 9:00 AM via Zoom. If you have questions regarding the hearings, please contact [Leah Martland](#), Program Supervisor, at 303-692-6269.