



**COLORADO**

**Air Quality Control Commission**

Department of Public Health & Environment

# Informational Hearing Guidebook

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## I. INTRODUCTION

The Air Quality Control Commission (“Commission” or “AQCC”) is an administrative agency responsible for implementing the policies set forth by the Colorado General Assembly to oversee Colorado’s air quality program pursuant to the Colorado Air Pollution Prevention and Control Act, Section 25-7-101 et seq., C.R.S., as amended (the Act).

The primary role of the Commission is to adopt an air quality management program that promotes clean and healthy air for Colorado’s citizens and visitors, protects Colorado’s scenic and natural resources in a cost-effective and efficient manner, and ensures that Colorado meets National Ambient Air Quality Standards established by the United States Environmental Protection Agency. The Colorado Department of Public Health and Environment Air Pollution Control Division (“Division” or “APCD”), acts as staff for the Commission in researching, drafting, and proposing standards and regulations.

The goal of Commission proceedings is to produce thoughtful and well-informed decisions. This Guidebook has been prepared to provide members of the public and other interested person’s information on the process by which the Commission conducts informal hearings, briefings, or reports. Informational hearings do not require compliance with the Administrative Procedures Act and do not have binding regulatory or adjudicatory effect. More details may be found in the Commission’s Rules of Practice and Procedure, 5 CCR 1001-1. The Commission hopes that this Guidebook will help facilitate public involvement in the Commission’s information gathering and decision-making process.

For further information regarding any of the topics addressed in the Guidebook, please contact the Commission Office at:

Colorado Air Quality Control Commission  
Colorado Department of Public Health and Environment  
4300 Cherry Creek Drive South, EDO-AQCC-A5  
Denver, Colorado 80246  
Email: [cdphe.aqcc-comments@state.co.us](mailto:cdphe.aqcc-comments@state.co.us)  
Web: <https://www.colorado.gov/cdphe/aqcc>

Thank you.

## II. PROCESS SUMMARY

As noted in the Introduction, the Commission is the administrative agency responsible for adopting and revising Colorado air quality standards and regulations. In addition to rulemaking or adjudications, the Commission's general meetings may include informal hearings, briefings, or reports. The information and comments provided through these presentations assist the Commission to produce thoughtful and well-informed decisions. The Commission's informational hearing process includes requirements to provide notice of and details concerning informational hearings. This section provides a brief overview of these requirements.

### A. Overview of the Informational Hearing

The Commission's Rules of Practice and Procedure establish informational hearing requirements, including:

- Placing an item on the Commission's general meeting agenda.
- The development of proposals for rules or revisions.
- The conduct of general meetings.
- Public participation.

#### 1. The Request for Informational Hearing

Any person that wants to place an item on the Commission's agenda must contact the Commission Technical Secretary for agenda scheduling and file relevant materials with the Commission Office prior to the general meeting during which that person wants to present the matter. The Commission's monthly meetings generally occur on the third Thursday and/or Friday of every month.

Thirty days prior to the scheduled date of the informational hearing, the presenter must file an **agenda item control sheet** with the Commission, along with any additional supporting information.

#### 2. Pre-rulemaking Informational Hearings

Whenever the Commission contemplates rulemaking, the Commission may hold an informational hearing to gather information concerning the potential rulemaking. The Commission will announce the informational hearing to inform the public and allow for public comment and discussion.

### 3. The Informational Hearing Process

The Commission chairperson presides over Commission general meetings. The Commission generally provides for the Division or party presenting to present first, followed by public comment.

### 4. Public Participation

All Commission general meetings are open to the public and the Commission strongly encourages public participation. The Commission chairperson or presiding Commissioner will provide an opportunity at each general meeting for the Commission to accept public comments, including comments on informational hearings.

## B. Chronology of Events

The following Chronology summarizes the events discussed in this Guidebook:

- 1) Petitioner contacts Commission to schedule an informational hearing
- 2) Agenda item review meeting (Monday after Commission meeting)
- 3) Agenda Item Control Sheet due (no later than 30 days prior to the informational hearing)
- 4) Presentation review meeting (Monday the week before the Commission meeting, final slides due to Commission the following Tuesday)
- 5) Commission meeting (typically the third Thursday of the month)

## III. REQUESTING AN INFORMATIONAL HEARING

If you wish to present an informational hearing, you must submit an Agenda Item Control Sheet (“AICS”). The AICS must provide the Commission and interested persons with information regarding the informational hearing at least 30 days prior to the hearing. The presenter must submit the AICS electronically to the Commission in word format, as well as the signed AICS in (pdf) format. **Petitioners may obtain templates of the AICS from the Commission Office.**

### A. Informational Hearing Documents

#### 1. Agenda Item Control Sheet (required)

The Agenda Item Control Sheet (“AICS”) provides basic information about the request for rulemaking. The AICS must include:

- a. The nature of the action (e.g., a Briefing on a specific issue);
- b. The recommended action;

- c. The specific or general statutory authority;
- d. State Implementation Plan(s) (“SIP”) that may be affected;
- e. Who requests the action;
- f. The subject of the action (e.g., inspection and maintenance program, operating permit program, etc);
- g. The regulation(s) to which the action applies;
- h. An issue statement;
  - Introduction and background of topic/issue
  - Summary of the proposed presentation
  - Relevant policy, factual, technical, and legal issues
  - Summary of prior public input, if any
  - Conclusions and recommended action, if any
- i. List of included documents, if any (attachments).

## **2. Background Materials (optional)**

The presenter may provide any other concise background information that may assist the Commission and interested individuals in understanding the information presented. This optional information typically consists of summaries of studies, tables of analytical data, maps, conclusions, and/or references.

## **B. Additional Presenter Requirements**

### **1. Agenda Item Review Meeting**

Commission staff conducts an agenda item review meeting typically on the Monday following the Commission’s last monthly meeting. The purpose of the meeting is for the presenter to explain and discuss the issue(s) for the informational hearing. The Commission Technical Secretary will use this discussion to clarify the items on the Commission’s agenda for the next Commission meeting.

### **2. Presentation Review Meeting**

The presentation review meeting is mandatory and typically occurs the Monday the week before the Commission meeting. At the presentation review meeting, the presenter will provide and discuss draft presentation slides or handouts, especially controversial portions. The Commission Technical Secretary and the petitioner will discuss how to clarify the presentation for the Commission.

## **IV. THE INFORMATIONAL HEARING**

### **A. Conduct of the Hearing**

The Commission chairperson presides over the informational hearing. The Commission generally provides for the Division or party presenting present first, followed by public comment.

Once all comment has been heard, the chairperson will close the hearing and commence discussions. During this time, Commissioners discuss the information they have received and may recommend further informational hearings or other actions.

### **B. Participation as a Member of the Public**

Members of the public are encouraged to participate by providing written or oral comments to the Commission. Written comment from members of the public is most effective if the Commission can review the comments prior to the meeting. Therefore, the Commission encourages interested persons submit all written comment to the Commission at least 14 days prior to the informational hearing. Members of the public wishing to provide oral comments should complete a testimony request card at the meeting so the Commission has a record of the person providing testimony.

Members of the public are afforded a limited, predetermined amount of time to comment at the informational hearing, but may be afforded more time for good cause shown.