



EARTHWORKS

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Earthworks is grateful for the opportunity to provide comments on the proposed revisions to Regulations 24, 26, and 30 to meet the statutory mandate of House Bill 22-1244¹ and adopt additional emissions controls for sources of the Priority Toxic Air Contaminants (PTACs) identified in Regulation 30.

Earthworks is a nonprofit organization committed to working with frontline communities to address the adverse impacts of mining and energy development on public health and the environment while promoting sustainable solutions. For more than 10 years, Earthworks staff have worked on the ground with local partners across Colorado, the US, and the world using FLIR G-Series optical gas imaging (OGI) cameras² to expose harmful hydrocarbon pollution from oil and gas facilities. This extensive field experience and our strong relationships with communities impacted by oil and gas production and processing guides our advocacy and informs our engagement with local, state, and federal regulators and lawmakers. We strive for reformed policies and stricter rules that put the lives of people before the interests of industry.

During previous Regulation 30 rulemakings in 2025, Earthworks primarily supported the participation of Community Organized for Clean Air (COCA) as a party to the proceedings. HB 22-1244 was the hard-earned result of years of tireless advocacy by Colorado community members including those directly represented by COCA. The participation of those same community members in the rulemaking processes promulgated by this landmark legislation is essential to guarantee that the rules achieve the desired outcome and result in meaningful improvements in air quality in communities directly impacted by sources of PTACs.

For this reason, we were encouraged by the decision of the Commission to prioritize air toxics that were of particular concern to COCA and impacted community members during the January 2025 Regulation 30 rulemaking.³ Less encouraging was the adoption of weaker health based standards advocated for by industry parties during the September 2025 Regulation 30 rulemaking. Importantly, these weaker standards did not account for community concerns about acute and/or cumulative exposures. That said, the standards adopted for benzene were still an improvement on prior standards and indicated that the State was poised to take the potential health risks of benzene emissions seriously. Therefore, we share the disappointment and concern of COCA,⁴

Dedicated to protecting communities and the environment from the adverse impacts of mineral and energy development while promoting sustainable solutions.

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¹ https://leg.colorado.gov/bill_files/100982/download

² <https://www.flir.com/products/flir-g-series/>

³ <https://earthworks.org/blog/victory-advocating-with-compassion-a-win-for-clean-air-in-commerce-city-and-north-denver/>

⁴ https://drive.google.com/file/d/1hG4_-w-kpTrBzDgEtn-bnOsVrs_CDIBA/view?usp=drive_link

the Local Government Coalition (LGC),⁵ and GreenLatinos⁶ that the Division proposal excludes sources from the upstream and midstream oil and gas segments from additional controls despite the fact that these sources are the primary stationary sources of benzene emissions in the state of Colorado.

The Division's Proposal for Benzene Is Insufficient

In September 2025, the Commission recognized both the cancer and non-cancer health risks associated with chronic exposure to benzene and adopted stricter lifetime exposure limits to account for these risks. This decision provides ample justification for proposing new control measures to reduce benzene emissions in line with the statutory mandate of HB 22-1244, which requires the adoption of such measures to reduce PTAC emissions.

The primary stationary sources of benzene emissions in Colorado are oil and gas upstream and midstream facilities. The Division identified 20 facilities statewide that meet the applicability threshold for both benzene emissions levels and location-based criteria to be considered for control measures under the proposed rules. 90% of those facilities are oil and gas upstream and midstream facilities.⁷ By excluding the oil and gas upstream and midstream segments from additional control measures, the Division is excluding 90% of facilities located near impacted communities and with benzene emissions high enough to be considered for those measures under the proposed rules.

The main rationale for this exclusion is the numerous provisions in other regulations such as Regulation 7 that have been adopted to reduce emissions of greenhouse gas (GHG) and ozone precursor emissions from facilities in these oil and gas segments.⁸ Earthworks has been party to numerous Regulation 7 rulemakings and has supported many of the provisions the Division is citing as justification for this exclusion. We agree that the Commission has taken significant steps to reduce emissions from the oil and gas sector. We do not believe this precludes the Commission from taking additional steps to ensure that communities in Colorado are protected from one of the most harmful pollutants from this sector.

Measures that reduce GHG and ozone precursor emissions will likely result in reductions of benzene emissions, but these measures are not *targeting* benzene or any other PTAC emissions specifically. Current measures that reduce GHG and ozone precursor emissions are also not specifically *targeting* the 36 facilities the Division identified as applicable for control measures in these proposed rules based on their benzene emissions levels. More importantly, the emissions reductions from many of these measures are only *anticipated* and have yet to be fully verified. One of the main goals of HB 22-1244 is to identify and reduce emissions of air toxics that contribute to poor air quality and negative health impacts in Colorado communities. The legislation is not

⁵ https://drive.google.com/file/d/1ke5JYU66BkuHsz7FwCs0UAZ2TYqhE-xT/view?usp=drive_link

⁶ https://drive.google.com/file/d/1MVA8gzox7H90pz2Xd0BFue37CBdnVoZh/view?usp=drive_link

⁷ https://drive.google.com/file/d/1yvELr3LMov6D3q7zN8_9P12x-9fJthRP/view?usp=drive_link

⁸ https://drive.google.com/file/d/16nO-IGzJyPfdwP5GbsOXBcK9kLsDDVn/view?usp=drive_link

intended to identify and then appraise whether enough has already been done to reduce emissions of those air toxics.

With this proposal for benzene, the Division is not exercising its full statutory authority to reduce emissions of PTACs and is therefore not taking all available steps to protect Colorado communities from harmful pollutants.

The Commission Should Adopt LGC’s Statement of Basis and Purpose (SBAP) Language

In order to address this deficiency in the proposed rules, the Commission should adopt the LGC’s proposed SBAP language requiring the Commission to **“consider benzene control strategies from the upstream and midstream oil and gas segments no later than August 2028.”**⁹

The Division argues that new oil and gas reporting requirements will result in a more complete understanding of benzene emissions from oil and gas facilities in 2027 and that this information could “inform additional benzene-specific control regulations for oil and gas facilities in the future.” In this case, the Division should prioritize the development of proposals based on a more complete understanding of benzene emissions and the Commission should consider those proposals without delay in 2028.

It is also important for the Commission to consider that there are existing proposals that have already been brought before the Commission and would result in additional reductions of harmful pollutants from oil and gas upstream and midstream facilities. While the LGC is not bringing forward the Regional Air Quality Council’s blowdown control strategy¹⁰ as an alternative proposal during this rulemaking, it is essential that the Commission recognize that significant gaps persist in regulatory oversight of emissions from the oil and gas upstream and midstream segments.¹¹ Taking action to close these gaps will yield benefits not just in reducing the harmful impacts of PTAC emissions but also in tackling the Front Range’s persistent ozone nonattainment.¹²



Figure 1: (Left) Photo of an oil and gas midstream facility located .8 miles from the Aetna Estates mobile home community in Arapahoe County. (Right) OGI image of the same facility from the same vantage point showing a plume of uncontrolled hydrocarbon emissions from a blowdown of one of the compressor engines.

⁹ https://drive.google.com/file/d/1m9Wfs4zM4ea-UC1LZxcKu1SaJgnIoZuT/view?usp=drive_link

¹⁰ <https://raqc.org/control-strategy-blueprint-2025/>

¹¹ <https://earthworks.org/blog/earthworks-field-survey-2025-for-colorado/>

¹² https://earthworks.org/wp-content/uploads/2026/01/EW_Ozone_SIP_11_4_2025_Comments.pdf

The Commission Should Adopt the Division’s Location-based Applicability Proposal

We appreciate that the Division’s proposal of location-based criteria for determining which existing sources must take additional steps to control formaldehyde emissions includes a consideration of sources within a one-mile buffer of either census blocks with high modeled cancer risks or occupied areas within Disproportionately Impacted Communities (DICs).¹³

Earthworks supports rules that target additional controls for facilities located within census blocks designated as DICs. However, we have previously expressed concerns that focusing solely on facilities located within DICs may fail to fully protect community members in those DICs from polluting facilities located just outside their census block boundaries.¹⁴ Expanding the scope of the proposed rules to sources within a one-mile buffer of target census blocks or areas helps address these concerns by reflecting the reality that the impacts of air pollution from a facility are often not confined to specific census block boundaries.

We also appreciate that the Division’s final rule proposal¹⁵ emphasizes the consideration of mobile home communities as DICs specified by location rather than census block. Importantly, mobile home parks are considered DICs but are not defined at the census block level and do not host sources of PTACs within their boundaries. If DIC boundaries are only determined at the census block level, the Division’s proposed location-based criteria may not apply to these communities even though they are impacted by nearby sources of PTACs (Figure 1).

To strengthen this proposal further, the Commission should adopt the LGC’s recommended amendment to location-based applicability that includes consideration of sources within a one-mile buffer of DIC census blocks with high population densities. This approach expands on the Division’s proposed location-based criteria in a manner that is reasonable and ensures greater protections for a greater number of impacted Coloradans.

Furthermore, the Commission must dismiss industry party arguments that location-based criteria should also be applied to new and modified sources, which would intentionally limit the applicability of the rules to only some of those sources. HB 22-1244 is clear that the Commission is required to adopt stricter controls for new sources and the Division’s proposal achieves that statutory mandate by applying the location-based criteria only to existing sources.

¹³<https://www.cohealthmaps.dphe.state.co.us/DICCommunity/>

¹⁴<https://earthworks.org/wp-content/uploads/2024/06/EW-Comments-on-MSR-Recommendations.pdf>

¹⁵<https://drive.google.com/drive/folders/1ewxgmnutoyblKxu0Ri-LXkqUYvbb7Mev>

Earthworks Supports Positions of COCA and GreenLatinos

In addition to generally supporting the arguments and concerns of LGC, Earthworks also generally supports the positions of COCA¹⁶ and GreenLatinos.¹⁷ We share concerns expressed by these parties about delays to implementation of LDAR requirements at Suncor's Commerce City refinery and the need for more information about emissions of hexavalent chromium from this facility. We also share concerns about the definition of "modified sources" and urge the Commission to reject any definitions that narrow the applicability of the proposed rules.

The input of impacted community members is essential to ensure these rules achieve the goals of HB 22-1244 and result in a meaningful improvement in air quality for Coloradans exposed to PTAC emissions on a daily basis. The previous Regulation 30 rulemakings, while important in their own right, have only been building towards this rulemaking: with these rules, the Commission can act to reduce the harmful impacts of these pollutants on communities. This is what community members have been demanding for years. Now more than ever, the Commission needs to listen to the voices of those community members and meet their demands.



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¹⁶https://drive.google.com/file/d/1vbCZZIi4WDhYGH0JvLAqyDGO8zCCIDvr/view?usp=drive_link

¹⁷https://drive.google.com/file/d/1ZC2SrtMIQra5d8qL4sWR3ATgcDhgCDbp/view?usp=drive_link