



**COLORADO**  
Energy & Carbon Management  
Commission  
Department of Natural Resources



**COLORADO**  
Department of Public  
Health & Environment

## ECMC CDPHE CONSULTATIONS OPERATOR GUIDANCE

### FORM 2A

## Rules 301.f.(3)., 301.g.(1)., 309.f., 314, and 1304.f. - CDPHE Consultations

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### Document Control

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### Rule Citation

There are several compliance Rules associated with the requirement for a Colorado Department of Public Health and Environment (CDPHE) consultation. For the full text for the following rule citations, see Appendix B.

- Rules 301.f.(3) or 301.g.(1)
- Rule 309.f
- Rule 314
- Rule 1304.f

### Purpose of the CDPHE Consultations

This living document describes how CDPHE and the Colorado Energy and Carbon Management Commission (ECMC), formerly known as the Colorado Oil and Gas Conservation Commission (COGCC), implement the consultation process provided for under ECMC rules that became effective January 15, 2021 (Mission Change Rules or

revised rules)<sup>1</sup>, the Deep Geothermal Operations Rules that became effective September 30, 2024, and the Cumulative Impacts rules that became effective December 15, 2024. It will be updated on an ongoing basis to impart additional knowledge and perspective as CDPHE and ECMC gain experience implementing the permitting process. The primary audiences for this guidance include industry permitting staff, local governments, ECMC staff, and the public. CDPHE and ECMC encourage suggestions on how to maximize the usefulness of this guidance. This guidance as well as other useful ECMC Mission Change guidance may be found on the following ECMC website: <https://ecmc.state.co.us/sb19181.html#/guidance>.

CDPHE has developed this guidance in collaboration with ECMC to achieve several important goals. First, to offer a framework for how CDPHE consults on Oil and Gas Development Plan (OGDP) or Comprehensive Area Plan (CAP) applications, variance requests associated with OGDPs, and Deep Geothermal Operations applications; as well as how CDPHE responds to consultation requests made by local governments or the ECMC Director. Second, this guidance affords the regulated community, local governments, and the public a desired transparency and certainty regarding CDPHE's involvement pursuant to the revised rules. Third, this guidance encourages and helps focus regular communications among ECMC, CDPHE, operators, local governments, and the public. Finally, and most importantly, this guidance helps both CDPHE and ECMC fulfill our shared mission to protect public health and the environment.

## **Disclaimer**

The policies and procedures set out in this guidance are intended solely for informational guidance for CDPHE and ECMC personnel, operators, local governments, and interested members of the public. This guidance describes general practices and recommendations regarding CDPHE consultation pursuant to the revised rules. The

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<sup>1</sup> This guidance document only addresses CDPHE consultations under ECMC rules and it does not address consultations that may be required under Air Quality Control Commission (AQCC) rules. For example, local government consultations on air quality monitoring plans pursuant to AQCC Regulation Number 7, Part D, Section VI.C. are outside of the scope of this guidance. Questions about local government consultations on air quality monitoring plans pursuant to Regulation Number 7 should be directed to the Air Pollution Control Division at [cdphe\\_oilgasreg7\\_airmonitoring@state.co.us](mailto:cdphe_oilgasreg7_airmonitoring@state.co.us).

provisions of this guidance are not binding for any specific consultation actions and CDPHE intends that case-by-case circumstances will be taken into account as appropriate. It is not intended and cannot be relied upon to create rights, substantive or procedural, enforceable by any person in litigation with the CDPHE. Finally, CDPHE may need to deviate from or change this guidance. CDPHE will make every effort to widely distribute and make available any subsequent revisions to the guidance.

## **Background**

In 2019, the General Assembly passed legislation (Senate Bill 19-181 or SB19-181) to ensure that oil and gas development and operations in Colorado are regulated in a manner that protects public health, safety, welfare, the environment, and wildlife resources. Among the revised rules adopted by COGCC in 2020 to implement SB19-181, were additional requirements for consultation with CDPHE on matters relating to the protection of public health, safety, welfare, and the environment. This guidance document discusses CDPHE consultation requirements in revised ECMC Rule 309.f. (Consultations with CDPHE) and Rule 314 (Comprehensive Area Plans) and should be used in conjunction with the ECMC Statement of Basis and Purpose to the Rules.

In 2024, the ECMC undertook several rulemakings, including both the Deep Geothermal Operations rulemaking and the Cumulative Impacts rulemaking. The revised rules for both of these rulemakings include additional requirements for pre-application meetings for OGDs and CAPs and Deep Geothermal Operations.

## **Risk-Based Approach to Consultation**

When reviewing an application for an OGD, CAP, or variance, or within the context of a pre-application meeting for Deep Geothermal Operations, CDPHE will evaluate the facility's relative risk based on the potential to impact public health, safety, welfare, and the environment, and whether the potential risks can be minimized or mitigated in accordance with SB19-181. For example, the factors that contribute to a facility's relative risk to public health include, but are not limited to, the number of residential homes near the proposed facility; the spatial relationship of those homes;

the vulnerability of the people that live, work, or attend school near the proposed facility; proximity to disproportionately impacted communities; the potential impacts associated with the facility; and the proposed minimization or mitigation measures. When CDPHE consults on a proposed oil and gas operation or deep geothermal operation, CDPHE will begin with identifying and considering the potential impacts and whether the proposed minimization and mitigation measures appropriately reduce those potential impacts. CDPHE may discuss additional mitigation measures, recognizing that based on site-specific circumstances there may be other measures that also appropriately reduce risk.

## **Pre-Application Consultation for an OGD or CAP**

As part of the general requirements to submit an OGD or CAP to the ECMC, an Operator must comply with Rule 301.f.(3). or 301.g.(1)., requiring a pre-application meeting with either the relevant local government, federal agency, or ECMC. If Rule 301.f.(3). is not met, then the Operator shall follow Rule 301.g.(1). for a pre-application meeting with ECMC. The pre-application meeting allows for interested parties with jurisdiction or input on the ECMC OGD or CAP process to have a collaborative discussion on proposed development within the State of Colorado, and it should be noted that pre-application meetings occur in the planning stages, and information should be considered as such. CDPHE's attendance at pre-application meetings is optional. Should CDPHE have feedback during the pre-application phase and be unable to attend a meeting, written feedback will be provided to the Operator and/or relevant state/local government agency.

## **Pre-Application Consultation for Deep Geothermal Operations**

As part of the general requirements for a Deep Geothermal Operation to the ECMC, Operators must comply with Rule 1304 consultations on Deep Geothermal Operations. These consultations will occur prior to the Operator submitting an application to the ECMC, and Rule 1304.f. sets forth when CDPHE consultation is to occur, the

procedures, and the results of the consultation. The Deep Geothermal Operations Rule Series shifted the requirement of the consultation from Post-Completeness to pre-application, and it should be noted to the Operators that the information that is presented at the pre-application meeting should be the information that is submitted to the ECMC with the Deep Geothermal Application.

## **Consultation Process**

Rules 309.f. and 314 set forth when CDPHE consultation is to occur, the procedures for consultation, and the results of consultation.

All parties are encouraged to notify CDPHE of a potential consultation as soon as they become aware that a consultation may be required, rather than waiting until a consultation request is formally prompted by the rule. As soon as possible, ECMC staff will notify CDPHE that an OGD or CAP is in process, whether a consultation is requested, and what the consultation deadline is. CDPHE will ask the ECMC Director to consider CDPHE's reasonable requests concerning the consultation timeline; the Director may extend the consultation period by up to 60 days upon the request of CDPHE if additional time is necessary to avoid, minimize, and mitigate potential adverse impacts.

Upon notification of a possible consultation, CDPHE will conduct an initial screening of the proposed facility(ies) based on the relative risk presented by the proposal. If CDPHE determines that consultation is not necessary and that it will not submit recommendations to ECMC (or it will waive the consultation requirement), CDPHE will alert ECMC as soon as possible in writing of its decision. If consultation proceeds, CDPHE and ECMC may initiate discussions with representatives of the Relevant and/or Proximate Local Government, the Operator, Surface Owner, Surface Owner's tenant, emergency responders, school officials, hospital administrators, Public Water System administrators or any other potentially Affected Persons, as appropriate, as part of its consultation review.

At any time during the consultation and public comment period<sup>2</sup>, a local government may request a consultation with CDPHE in the Director's consideration of an OGD or CAP, based on concerns regarding public health, safety, welfare, or impacts to the environment, by formally notifying the ECMC of a request to consult with CDPHE. CDPHE encourages the local government to include the CDPHE Energy Liaison on this request to facilitate a decision on whether to consult and, if applicable, to complete its review and discuss considerations with ECMC. In order to allow the maximum amount of time for a consultation, CDPHE strongly encourages local governments to notify CDPHE and ECMC of a request for consultation as early as possible. CDPHE also strongly recommends that local governments include with any consultation request information conveying the need and basis for the consultation, as well as additional information regarding identified potential impacts that would be relevant to the consultation. Such information should include, but is not limited to, any specific concerns about potential adverse impacts to public health and the environment and what the local government's preferred outcome is. (For example, does the local government generally support approval of the location and is just asking for additional air quality monitoring? Or does the local government generally oppose approval of the location and is providing relevant information from which the CDPHE may recommend denial?) CDPHE encourages representatives of the Relevant Local Government to coordinate with local environmental health directors as well as representatives from Proximate Local Governments regarding questions and concerns involving public health and the environment associated with oil and gas development. CDPHE places great weight on the local perspective and strongly encourages neighboring governments to coordinate early and often on proposed oil and gas development near their shared jurisdictional boundaries.

Once a consultation has been initiated, CDPHE will provide a spreadsheet of Best Management Practices (BMPs) to the Operator for consideration. The Operator will fill out the spreadsheet prior to the consultation meeting, which will then be used to provide a primary basis of discussion in a consultation meeting between the Operator,

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<sup>2</sup> ECMC Rule 303.d.

CDPHE, and ECMC. During the consultation meeting, Operators will be able to identify all of the BMPs they plan to implement for the proposal, along with an explanation as to why other BMPs were not selected for implementation (e.g., why a new facility will not be designed as a tankless facility). Additional meetings with the Operator may be held to address any pending questions or issues, if necessary. If the Operator agrees to any BMPs as a result of the consultation process, the updated BMP list from the consultation will be submitted to ECMC from CDPHE, along with their written recommendations. In advance of submitting its written recommendations, CDPHE and ECMC staff may discuss CDPHE's proposed recommendations regarding monitoring requirements or best management practices necessary and reasonable to protect public health, safety, welfare, or the environment.

CDPHE's consultation written recommendations on a proposed OGD or CAP will be a relative risk assessment and will provide a summary description of the potential risks to and impacts on public health, safety, welfare, or the environment. Consultations will also recommend conditions of approval or other measures to avoid, minimize, and mitigate the identified potential impacts. Such measures may include, but are not limited to, monitoring requirements or Best Management Practices. CDPHE may also recommend that the Commission deny an OGD or CAP if necessary and reasonable to protect public health, safety, welfare, or the environment.

If CDPHE includes written recommendations that raise concerns for ECMC staff due to other unintended impacts (e.g. worker safety, feasibility, or redundancy concerns), CDPHE will note the differing perspectives in its written letter to the Director. If the Director agrees that the monitoring requirements and/or best management practices recommended by CDPHE are necessary and reasonable and do not create other unintended impacts, the Director will incorporate them or other measures appropriate to reduce impacts into the Director's Recommendation regarding the OGD or CAP<sup>3</sup>. If the Director determines that further minimization or mitigation of impacts discussed by CDPHE are not necessary and reasonable to protect public

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<sup>3</sup> ECMC Rule 309.f.(3).B.



health, safety, welfare, or the environment, or that the discussed measures create unintended impacts, the Director will explain the grounds for the disagreement in the Director's Recommendation. Where consultation occurs, the Director will provide the Director's Recommendation to CDPHE on the same day that it announces the decision<sup>4</sup>. CDPHE may petition the Commission to review the Director's Recommendation.

## **Consultation on Specific ECMC Rules/Variance Requests**

CDPHE's approach to consultation on specific rules/variance requests is on a case-by-case basis that accounts for real-world considerations as specific variance requests are received. For each rule, CDPHE may offer its views on:

1. Information the Department believes would help it to effectively and efficiently evaluate variance requests<sup>5</sup>;
2. General criteria CDPHE will use in evaluating specific variance requests; and
3. Typical options for alternatives that CDPHE believes should generally qualify for a variance, where applicable.

CDPHE notes that, in most cases, information contained in this section is general by design, so that specific case-by-case circumstances may be considered during consultation. CDPHE strongly encourages Operators to provide relevant information in narrative form with supporting maps and data easily used to develop recommendations. Failure to do this could force CDPHE to recommend not approving a variance, based on a lack of information necessary to evaluate the request.

CDPHE again emphasizes that its role is limited to consulting with ECMC regarding relative risk of potential impacts from a variance request. The decision on whether to

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<sup>4</sup> ECMC Rule 309.f.(3).C.

<sup>5</sup> Note: recommendations listed in this document do not constitute additional information requirements of the ECMC rules. They are merely recommendations developed by CDPHE technical experts that CDPHE believes would help inform an evaluation of variance requests. CDPHE will evaluate variance requests regardless of whether this information is provided.



approve the request and what, if any, conditions to impose will be made by the ECMC, under ECMC rules.

## **Additional Information**

### **Common Errors and Issues Encountered by ECMC Staff**

1. Operators not responding to CDPHE prior to the consultation with the BMP spreadsheet filled out.

### **General Notes**

1. The pre-application meetings that are now required by the Cumulative Impacts rulemaking (Rules 301.f.(3). or 301.g.(1).) should be used as general information for the application that will be submitted to the ECMC at a later date. With OGDs and CAPs, there may be a more formal consultation with CDPHE after the application has been deemed complete by the Director, during the consultation period described in Rule 309.f.
2. The pre-application consultations for Deep Geothermal Operations are considered to be the only formal consultations for those applications, unless there are specific instances of the need for a consultation after the application has been deemed complete (e.g., CDPHE requests the consultation in response to any public comment on the Deep Geothermal application), and Operators seeking a geothermal application through the ECMC should be fully prepared during the pre-application consultation.

### **Frequently Asked Questions**

1. Are the Best Management Practices agreed to during the CDPHE consultation binding?

ECMC Response: Yes, Operators should be prepared to adhere to any BMPs agreed upon during consultations as Conditions of Approval on the application.

## Document Change Log

Change Date	Description of Changes
June 2021	Created Document
December 2022	Updated Document
February 2023	Updated Document
June 2024	Updated Document
July 25, 2025	Updated Document to reflect Dec. 2024 Rules
July 31, 2025	Reviewed
August 11, 2025	ADA accessibility verified, Prepared for publication

## Appendix A - Associated Rules

### **301.f.(3). Local Government or Federal Agency Pre-Application Meeting**

Prior to an Operator submitting an Oil and Gas Development Plan or CAP application to the Commission, at the request of the Relevant Local Government or federal agency, the Director will participate in a pre-application meeting, which is a Formal Consultation Process with the Relevant Local Government or federal agency and the Operator to discuss Oil and Gas Location siting, alternative location analysis, Cumulative Impacts including Area of Evaluation, Best Management Practices, conditions of approval, anticipated milestones and events in the state and federal or local permitting processes, opportunities for collaboration, and other related topics regarding the Operator's planned development within the Relevant Local Government's or federal agency's jurisdiction.

- A. If the Relevant Local Government or federal agency does not request a pre-application meeting pursuant to this Rule 301.f.(3), the Director will host a pre-application meeting pursuant to Rule 301.g.
- B. If the pre-application meeting held pursuant to this Rule 301.f.(3) does not meet the requirements of Rule 301.g, the Director will host a pre-application meeting pursuant to Rule 301.g.

### **301.g.(1). Pre-Application Meeting Requirements**

Except as provided in Rule 301.f.(3), an Operator will submit a written request for, and participate in, at least one pre-application meeting with the Director prior to the Operator submitting an Oil and Gas Development Plan or CAP application to the Commission.

- A. Purpose and Content of the Director's Pre-Application Meeting. The Director will participate in at least one pre-application meeting with the Operator and all persons identified pursuant to Rule 301.g.(2).B. The purpose of the

Director's pre-application meeting is for the Director, Operator, and the invited participants in Rule 301.g.(2).B to engage in a collaborative discussion regarding the processes, standards, and submittal requirements for a proposed Oil and Gas Development Plan or CAP application. During the Director's pre-application meeting, the Director, Operator, and participants may discuss some or all of the following items:

- i. Oil and Gas Location siting, including whether a proposed Location may be located within a Disproportionately Impacted Community; may have a Working Pad Surface proposed within 2,000 feet of a Residential Building Unit, High Occupancy Building Unit, School Facility, or Child Care Center; may be within High Priority Habitat; or may be in proximity to other sensitive receptors that may require consideration;
- ii. Alternative location analysis;
- iii. Cumulative Impacts issues, including but not limited to:
  - aa. The Operator's NO<sub>x</sub> and Greenhouse Gas Intensity Target statuses, as demonstrated by the Operator's most recent annual report submitted pursuant to AQCC Regulation No. 7, Part B.V.B;
  - bb. The default Area of Evaluation;
  - cc. Past, present, and Reasonably Foreseeable Future Development in the Area of Evaluation; and
  - dd. Best Management Practices and Enhanced Systems and Practices;
- iv. Lesser impact area exemption requests;

- v. Anticipated milestones and events in the state and federal or local permitting processes;
  - vi. Refile or amended permit status;
  - vii. Local land use plans, including topics related to surrounding compatibility, comprehensive area plans, subarea plans, and future land use designations; and
  - viii. Any other related topics regarding the Operator's planned development within the jurisdiction of the Relevant or Proximate Local Government or federal agency.
- B. Participants. The Director's pre-application meeting will include, at minimum, the Operator and the Director. The Operator will also invite following persons to attend:
- i. All Local Governments within 1 mile of the proposed Oil and Gas Location(s);
  - ii. Any federal or state agency with land use jurisdiction over the application lands or minerals;
  - iii. CDPHE;
  - iv. CPW; and
  - vi. A Community Liaison, if the proposed Oil and Gas Location is within a Disproportionately Impacted Community.

### **309.f. Consultation with CDPHE**

#### **1. When Consultation Will Occur.**

- A. The Director will request consultation with CDPHE if:

- i. At any time during the Local Government consultation and comment period, a Local Government requests the participation of CDPHE in the Director's consideration of an Oil and Gas Development Plan or CAP based on concerns regarding public health, safety, welfare, or impacts to the environment;
  - ii. An Operator requests a variance from the Commission pursuant to Rule 502 from a provision of Rules 303, 304, 314, 408.e, 411, 426, 427, 604, 615, 801, 802, 803.g, 803.h, 806.c, or the Commission's 900 Series Rules as part of an Oil and Gas Development Plan, Form 2A, CAP, or UIC Aquifer exemption application;
  - iii. An Operator proposes an Oil and Gas Location with a Working Pad Surface within 1/2 mile of a Residential Building Unit, High Occupancy Building Unit, School Facility, or Child Care Center, or within 1 mile if the Building Unit or High Occupancy Building Unit is within a Disproportionately Impacted Community;
  - iv. An Operator proposes an Oil and Gas Location with a Working Pad Surface within 2,000 feet of one or more Residential Building Units, High Occupancy Building Units, School Facilities, or Child Care Centers within a Disproportionately Impacted Community; or
  - v. An Operator proposes an Oil and Gas Location within the Ozone Nonattainment Area and intends to conduct pre-production operations between May 1 and September 30.
- B. The Director may request consultation about any Oil and Gas Development Plan or CAP if the Director reasonably believes that consultation with the CDPHE would assist the Director in understanding the potential risks to public health, safety, welfare, or the environment, including adverse Cumulative Impacts.
- C. The Director will consult with CDPHE if CDPHE requests consultation.

- D. Notwithstanding the foregoing, the requirement to consult with CDPHE may be waived by CDPHE at any time.

## 2. Procedure for Consultation.

- A. The time period for consultation with CDPHE will begin at the start of the Rule 303.d.(1) public comment period, or when an Operator requests a variance from a Rule listed in Rule 309.f.(1).A.ii. If the public comment period is extended by the Director or the Commission, then the CDPHE consultation period may also be extended for the same amount of time that the public comment period is extended. Following conclusion of the initial post-completeness consultation period, the Director may reopen a new post-completeness consultation period with CDPHE if information pertaining to the Oil and Gas Development Plan or CAP changes or new evidence arises related to the public health or environmental impacts of the Oil and Gas Development Plan or CAP. The Director may extend the consultation period by 60 days upon the request of CDPHE if additional time is necessary to avoid, minimize, or mitigate adverse environmental impacts.
- B. The consultation required by this Rule 309.f will focus on identifying potential impacts to public health, safety, welfare, or the environment from activities associated with the proposed Oil and Gas Development Plan or CAP, and development of conditions of approval or other measures to avoid, minimize, or mitigate those potential adverse impacts.
- C. The consultation process may include, but is not limited to:
  - i. Review of the relevant Oil and Gas Development Plan or CAP application, variance request, Well-density application, draft Commission regulation, or most recent Form 2D;
  - ii. Discussions with the Relevant Local Government(s) and Proximate Local Government(s) to better understand the Local Governments' concerns;



- iii. Discussions with the Commission, Operator, Surface Owner, Surface Owner's tenant, emergency responders, School officials, hospital administrators, Public Water System administrators, or any other potentially Affected Person; and
- iv. Review of public comments.

### 3. Results of Consultation.

- A. As a result of consultation called for by this Rule 309.f, CDPHE may make written recommendations to the Director about conditions of approval necessary and reasonable to protect public health, safety, welfare, or the environment, and address adverse Cumulative Impacts. Such recommendations may include, but are not limited to, monitoring requirements or Best Management Practices. CDPHE may also recommend that the Commission deny an Oil and Gas Development Plan or CAP if necessary and reasonable to protect public health, safety, welfare, or the environment, and address adverse Cumulative Impacts. Where applicable, CDPHE may also make written recommendations about whether a variance request should be granted or denied and the reasons for any such recommendations.
- B. Standards for Consultation and Director Decision. If the Director agrees that the conditions of approval recommended by CDPHE are necessary and reasonable to protect public health, safety, welfare, or the environment, or address adverse Cumulative Impacts, the Director will incorporate CDPHE's recommended conditions into approvals of an Oil and Gas Development Plan or CAP. If the Director determines that any conditions of approval recommended by CDPHE are not necessary and reasonable to protect public health, safety, welfare, or the environment, or address adverse Cumulative Impacts, the Director will explain the grounds for the disagreement in the Director's Recommendation. The Commission will determine whether to

follow CDPHE's recommendation when making a final decision to approve or deny an Oil and Gas Development Plan or CAP.

- C. Notification of Decision to Consulting Agency. Where consultation occurs, the Director will provide the Director's Recommendation to CDPHE on the same day that it announces the decision. CDPHE may petition the Commission to review the Director's Recommendation.

#### **1304.f. Consultation with CDPHE**

- 1. When Consultation Will Occur.

- A. The Operator and Director will consult with CDPHE if:

- i. A Relevant or Proximate Local Government requests the participation of CDPHE in the Director's consideration of a permit application for Deep Geothermal Operations based on concerns regarding public health, safety, welfare, or impacts to the environment; or
    - ii. An Operator requests a variance from the Commission pursuant to Rule 502 from a provision of Rules 1305, 408.e, 411, 426, 427, 615, 801, 802, 803.g, 803.h, 806.c, or the Commission's 900 Series Rules as part of a permit application for Deep Geothermal Operations or UIC Aquifer exemption application.

- B. The Director may request consultation about any permit application for Deep Geothermal Operations if the Director reasonably believes that consultation with the CDPHE would assist the Director in understanding the potential risks to public health, safety, and welfare, including protection of the environment and wildlife resources.

- C. The Director will consult with CDPHE if CDPHE requests consultation.

- D. Notwithstanding the foregoing, the requirement to consult with CDPHE may be waived by CDPHE at any time.

2. Procedure for Consultation.

- A. The consultation required by this Rule 1304.f will focus on identifying potential impacts to public health, safety, welfare, or the environment from activities associated with the permit application for Deep Geothermal Operations, and development of conditions of approval or other measures to avoid, minimize, or mitigate those potential adverse impacts.
- B. The consultation process may include, but is not limited to:
  - i. Review of the relevant permit application for Deep Geothermal Operations, variance request, Well-density application, or draft Commission regulation;
  - ii. Discussions with the Relevant Local Government(s) and Proximate Local Government(s) to better understand the Local Governments' concerns;
  - iii. Discussions with the Commission, Operator, Surface Owner, Surface Owner's tenant, emergency responders, School officials, hospital administrators, Public Water System administrators, or any other potentially Affected Person; and
  - iv. Review of public comments.

3. Results of Consultation.

- A. As a result of consultation called for by this Rule 1304.f, CDPHE may make written recommendations to the Director about conditions of approval to ensure compliance with these Rules and as may be necessary and reasonable to protect public health, safety, welfare, or the environment. Such recommendations may include, but are not limited to, monitoring requirements or Best Management Practices. CDPHE may also recommend that the Director or Commission deny a permit application for Deep Geothermal Operations if necessary and reasonable to protect public health, safety, and welfare, including protection of the environment. Where

applicable, CDPHE may also make written recommendations about whether a variance request should be granted or denied and the reasons for any such recommendations.

- B. Standards for Consultation and Director Decision. If the Director agrees that the conditions of approval recommended by CDPHE are necessary and reasonable to ensure compliance with these Rules and to protect public health, safety, and welfare, including protection of the environment and wildlife resources, the Director will incorporate CDPHE's recommended conditions into approvals of a permit for Deep Geothermal Operations. If the Director determines that any conditions of approval recommended by CDPHE are not necessary and reasonable to protect public health, safety, and welfare, including protection of the environment, the permit application for Deep Geothermal Operations will be subject to Commission review pursuant to Rule 503.g.(10).
- C. Notification of Decision to Consulting Agency. Where consultation occurs, the Director will provide the Director's approval or denial to CDPHE on the same day that it announces the decision.