

Be it enacted by the People of the State of Colorado:

SECTION 1. Declaration of the People of Colorado

(1) The People of Colorado hereby find and declare that:

(a) In December 2023, the Air Quality Control Commission (“Commission”) passed a nation leading, innovative, first of its kind rule to achieve fast and deep reductions of nitrogen oxides (“NOx”) from oil and gas operations in the Denver Metro Front Range 8-hour ozone nonattainment area during “ozone season,” which lasts from May to September (“the NOx Reduction Rule”);

(b) The Commission’s rule was in response to a directive from the Governor in March 2023 to establish “the most ambitious rule in Colorado’s history.” This directive set nonattainment area ozone season NOx reductions targets of 30% by 2025 and 50% by 2030.

(c) The Air Pollution Control Division and numerous stakeholders spent nearly a year developing the NOx Reduction Rules, which are expressly designed to ensure the NOx reduction targets will be met;

(d) The rule encourages technological innovation and evolution and will drive deep and fast NOx reductions while ensuring Colorado rules are compliant with federal law; and

(e) This ballot initiative preserves the Commission’s groundbreaking December 2023 rule, avoids the potential for competing and conflicting mandates that might actually impede progress, and gives the NOx Reduction Rules the necessary time to work unless and until the state determines the reduction targets will not be met.

SECTION 2. In Colorado Revised Statutes, 25-7-111, **add (2.5)** as follows:

25-7-111. Administration of air quality control programs - directive - prescribed fire - review.

(2.5)(a) AS USED IN THIS SUBSECTION (2.5):

(I) “NOX” MEANS NITROGEN OXIDE.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE AIR POLLUTION CONTROL DIVISION SHALL NOT IMPLEMENT ITS AIR QUALITY CONTROL PROGRAM CREATED IN THIS ARTICLE 7, AND THE ENERGY AND CARBON MANAGEMENT COMMISSION SHALL NOT IMPLEMENT ITS REGULATORY PROGRAM CREATED IN TITLE 34, ARTICLE 60, INCLUDING ISSUING ANY PERMIT, ENFORCING ANY EMISSION BUDGET OR OTHER LIMIT, OR PROPOSING ANY RULES, IN A WAY THAT IS INCONSISTENT WITH OR DIFFERENT FROM THE RULES THAT THE COMMISSION PASSED ON DECEMBER 15, 2023, CODIFIED AT 5 CCR 1001-9, PART B, SEC. VI.E, "USE AND OPERATIONAL RESTRICTIONS FOR DRILLING, PRE-PRODUCTION, AND PRODUCTION OPERATIONS" AND 5 CCR 1001-30, PART B, SEC. I.D.6, "(STATE ONLY) ADDITIONAL REQUIREMENTS FOR INTERNAL COMBUSTION ENGINES" UNLESS AND UNTIL THE AIR POLLUTION CONTROL DIVISION MAKES A FORMAL, WRITTEN FINDING THAT, COLLECTIVELY, UPSTREAM OIL AND GAS OPERATORS IN THE OZONE NONATTAINMENT AREA HAVE NOT MET OR WILL NOT MEET THE 2030 TARGET OF A FIFTY PERCENT NOX REDUCTION FROM THE 2017 BASELINE USED IN THE STATE IMPLEMENTATION PLAN.