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**STATE OF COLORADO**  
**DEPARTMENT OF LAW**

**Natural Resources and  
Environment Section**

June 28, 2021

Deanna Maiolo  
Administrative Rules Program Manager  
Colorado Department of State  
1700 Broadway, Suite 200  
Denver, CO 80290

RE: Correction to Regulation 1, 6 CCR 1017-1, Tracking Number 2021-00274

Dear Ms. Maiolo:

On June 1, 2021, the Air Quality Enterprise Board adopted its first set of regulations at 6 CCR 1017-1 to establish enterprise fees pursuant to section 25-7-103, C.R.S. The regulations, together with the Attorney General's opinion, were submitted to the Secretary of State under Tracking Number 2021-00274. In the adopted rules, a typographical/clerical error has been discovered in Section 1.2.2.4. Section 1.2.2.4 outlines the approved calculation methodology for determining a source's annual emission fee. The section as approved reads as follows:

1.2.2.4 The annual emission fee for the top 150 companies equals:

(A) For state fiscal year 2021-22:

Division fee for FY 2019-20 x (\$1,000,000 / T150 Sum for FY 2019-20)

(B) For state fiscal year 2022-23:

Division fee for FY 2020-21 x (\$3,000,000 / T150 Sum for FY 2021-22)

(C) For state fiscal year 2023-24 equals:

Division fee for FY 2021-22 x (\$4,000,000 / T150 Sum for FY 2022-23)

(D) For state fiscal year 2024-25:

Division fee for FY 2022-23 x (\$5,000,000 / T150 Sum for FY 2022-23)

(E) For state fiscal year 2025-26 and each subsequent year:

Division fee for FY 2023-24 (or the previous year if later) x (RR / T150 Sum for FY 2023-24 (or the previous year if later))

The typographical error can be found at (B) and (C) and should read:

(B) For state fiscal year 2022-23:

Division fee for FY 2020-21 x (\$3,000,000 / T150 Sum for FY ~~2021-22~~ 2020-21)

(C) For state fiscal year 2023-24 equals:

Division fee for FY 2021-22 x (\$4,000,000 / T150 Sum for FY ~~2022-23~~ 2021-22)

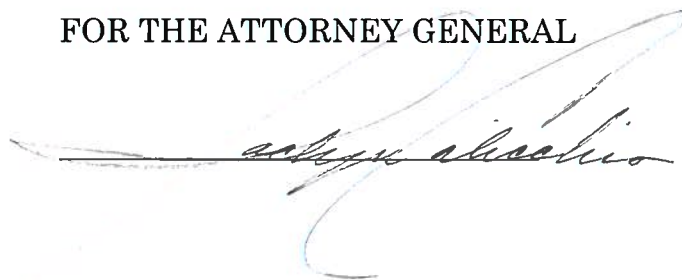
There was a typographical error in outlining the applicable fiscal years solely in the fee calculation equation, which does not impact the substantive provisions of the rule. The rule language makes it clear that annual emission fees will be calculated based on the division fees charged to stationary sources of pollution by the division *for the previous state fiscal year for which fee adjustments have been completed* (emphasis added). The Statement of Basis and Purpose also states that the state fiscal year is July 1 through June 30, and fee adjustments are completed into the next fiscal year.

Pursuant to the rulemaking provisions of the Colorado Administrative Procedures Act, clerical errors may be corrected upon submission of a request by the agency. C.R.S. § 24-4-103(11)(d)(II). Stakeholders have been informed of this clerical error.

I have reviewed these errors and have determined that they are nonsubstantive. I respectfully request that you make these corrections to the above referenced rules. An appropriate corrective document has been provided.

Sincerely,

FOR THE ATTORNEY GENERAL

A handwritten signature in blue ink, appearing to read "Adrian Alvarado", is written over a horizontal line. The signature is fluid and cursive.