

Initiative 2023-24 #290
Preserve Air Quality Control Commission Regulation

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

SECTION 1. Declaration of the People of Colorado

The People of Colorado hereby find and declare that:

- (1) In December 2023, the Air Quality Control Commission (“Commission”) passed a nation leading, innovative, first of its kind regulation 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” (May to September) (“the NOx Reduction Rules”);
- (2) The Commission’s regulation was in response to a directive from the Governor in March 2023 establishing “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;
- (3) 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;
- (4) 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
- (5) 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:

(2.5) Notwithstanding any other provision of law, the Air Pollution Control Division (“Division”) shall not implement its air quality control program, and the Energy and Carbon Management Commission shall not implement its regulatory program, 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 Air Quality Control Commission passed on December 15, 2023, codified at 5 CCR 1001-9, Part B, § VI.E and 5 CCR 1001-30, Part B, § I.D.6, unless and until the Division makes a formal, written finding that collectively, upstream oil and gas operators in the ozone nonattainment area, have not or will not meet the 2030 50% NOx reduction target established by Governor Polis in the March 16, 2023 Executive Letter.