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**Natural Resources and
Environment Section**

April 15, 2024

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

RE: Corrections to Regulation Number 27, 5 CCR 1001-31
Tracking Number 2024-00185

Dear Ms. Maiolo:

On October 20, 2023, amendments to Regulation Number 27 were adopted by the Air Quality Control Commission. Pursuant to C.R.S. § 24-4-103(11)(d)(II), the amended regulation and the Attorney General's opinion were submitted to the Secretary of State. Subsequently, Commission staff discovered a clerical error that should be corrected to conform the published version with that which was adopted by the Commission.

When completing the version submitted to the Secretary of State, Commission staff provided the equation within the rule, but part of the equation was dropped off as noted below:

III.A.2.a.(i) In any compliance year, a GEMM 2 facility with a production-related adjusted baseline will generate one (1) GHG credit for each metric ton of CO₂e that the facility's annual direct GHG emissions are less than the result of the below calculation:

*(Higher of the GEMM 2 facility's 2021 or 2022 emissions, as reported under Regulation Number 22) * 2030 GEMM 2 facility GHG percentage reduction requirement as specified in Part B, Section I.A.)*

Following is how the equation should have looked (highlighted in yellow):

III.A.2.a.(i) In any compliance year, a GEMM 2 facility with a production-related adjusted baseline will generate one (1) GHG credit for each metric ton of CO₂e that the facility's annual direct GHG emissions are less than the result of the below calculation:

*(Higher of the GEMM 2 facility's 2021 or 2022 emissions, as reported under Regulation Number 22) * (1-2030 GEMM 2 facility GHG percentage reduction requirement as specified in Part B, Section I.A.)*

Pursuant to the Colorado Administrative Procedures Act, “[U]pon written request of any agency, the secretary of state shall correct typographical and other non-substantive errors appearing in the rules as filed by such agency that occur after final adoption of the rules by the agency during the preparation of such rules for publication in order to conform the published rules with the adopted rules.” C.R.S. § 24-4-103(11)(d)(II). On behalf of the Air Quality Control Commission, I have reviewed this error and have determined that the correction set forth above is non-substantive and should be corrected to conform the adopted rule, pursuant to the Administrative Procedures Act.

Sincerely,

FOR THE ATTORNEY GENERAL

/s/ Robyn L. Wille

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