

# Permanent Rulemaking Hearing

2 CCR 608-1

“Rules Governing Nonattainment Area Air  
Pollution Mitigation Enterprise Fees”



April 14, 2022

3:00 p.m.

Zoom

[Exhibits](#)

## Index of Exhibits

Exhibit	Description
1	Meeting minutes dated February 24, 2022 from the Nonattainment Area Air Pollution Mitigation Enterprise opening the rulemaking process.
2	<p>A. SOS Notice of Rulemaking Confirmation dated February 25, 2022.</p> <p>B. Proposed rules filed with the SOS to open rule making.</p> <p>C. Notice of Hearing posted February 25, 2022.</p> <p>D. Updated Rulemaking Hearing Notice filed on March 4, 2022.</p> <p>E. Confirmation that the Updated Rulemaking Hearing Notice was filed with SOS on March 4, 2022.</p> <p>F. Notice of Rulemaking Hearing published in Colorado Register on March 10, 2022.</p>
3	<p>A. DORA Notice of Rulemaking Confirmation dated February 25, 2022.</p> <p>B. DORA Notice to Stakeholders dated February 25, 2022.</p> <p>C. DORA Notice to Stakeholders re: Updated Hearing Date and Time Changes on March 7, 2022.</p> <p>D. DORA Notice that no Cost-Benefit Analysis is necessary dated March 19, 2022.</p>
4	<p>A. Screenshot of CDOT's Rules website indicating that CDOT posted rulemaking hearing date, time, and location on CDOT website on February 25, 2022.</p> <p>B. Screenshot of CDOT's website indicating that CDOT posted the updated rulemaking hearing date, time, and location on March 4, 2022.</p> <p>C. Screenshot of CDOT's website indicating that CDOT posted updated rule language on April 6, 2022.</p>
5	<p>A. List of Representative Group Members.</p> <p>B. Emails dated February 25, 2022 and February 28, 2022 to Representative Group regarding notice of hearing and proposed rules.</p> <p>C. Email dated March 7, 2022 to Representative Group with updated notice of hearing.</p>
6	<p>A. Email dated February 25, 2022 to Interested Parties regarding notice of hearing and proposed rules.</p> <p>B. Email dated March 7, 2022 to Interested Parties regarding updated notice of hearing.</p>
7	<p>A. Statement of Basis and Purpose, posted and filed February 25, 2022.</p> <p>B. Statement of Basis and Purpose, posted April 6, 2022.</p>
8	Proposed Rules for Adoption April 14, 2022.
9	Email notification to individuals registered to attend originally scheduled hearing, dated March 4, 2022.
10	All written comments received by 5 p.m. on April 7, 2022, to dot_rules@state.co.us.
11	Memo to maintain permanent rule making record.
12	SB 260, the legislation authorizing this rulemaking.
13	
14	

**Exhibit 1**



## COLORADO

Department of Transportation  
 Nonattainment Area Air Pollution Mitigation  
 Enterprise

*The Nonattainment Area Air Pollution Mitigation Enterprise mitigates the environmental and health impacts of increased air pollution from motor vehicle emissions in nonattainment areas.*

*The Nonattainment Area Air Pollution Mitigation Enterprise Board Meeting took place on Thursday, February 24th, 2022. This meeting was held in a virtual format only, in an abundance of caution due to the COVID-19 pandemic*

### **Nonattainment Area Air Pollution Mitigation Enterprise Board Meeting Minutes - Thursday, February 24, 2022, 3:00pm – 4:30pm** [NAAPME Feb 24 Meeting Packet](#)

#### **Attendees:**

##### **Board Members:**

Lynn Baca, *Commissioner (District 5), Adams County*

Yessica Holguin, *Executive Director, (CCWB); Commissioner, Transportation Commission of Colorado*

Kristin Stephens, *Commissioner (District 2), Larimer County*

Stacy Suniga, *Council Member, City of Greeley*

Leanne Wheeler, *Principal, Wheeler Advisory Group LLC*

Dena Wojtach, *Manager, Planning and Policy Program, CDPHE*

##### **CDOT:**

Marissa Gaughan, *Manager, Multimodal Planning Branch*

Kay Kelly, *Chief Officer, Office of Innovative Mobility, CDOT*

Herman Stockinger, *Deputy Director, CDOT; Director, Office of Policy and Government Relations (CDOT)*

Jeff Sudmeier, *Chief Financial Officer, CDOT*

Sari Weichbrodt, *Policy Advisor, Office of Policy and Government Relations*

Rebecca White, *Director, Division of Transportation Development*

##### **Other Affiliation:**

Matthew Gorenc, *Government Affairs Manager, Denver Metro Chamber of Commerce*

#### **Welcome and Opening Remarks**

**Purpose:** Meeting called to order and roll call

**Action:** No action requested

##### **Discussion:**

- Rebecca White will be acting in the role of program administrator for the the NAAPME
  - Will ensure production of materials required for the Enterprise and Enterprise Board
- Presentation of a mixed agenda with largely administrative action items

### **Election of Enterprise Board Officers**

**Purpose:** For the effective management of the NAAPME Board

**Action:**

- Motion by Director Lynn Baca to nominate Director Kristen Stephens as Chair; Seconded by Director Yessica Holguin; Passed unanimously
- Motion by Director Kristen Stephens (Chair) to nominate; Seconded by Stacey Suniga; Director Lynn Baca; Passed unanimously

**Discussion:**

- DTD/CDOT staff will work to minimize the workload for Enterprise Board
- Enterprise Board Administrative Roles:
  - Appointed Secretary - proposing that Jenni Fogel, *CDOT*, perform this role
  - Program Administrator- Rebecca White, *CDOT*
  - Enterprise Board may choose to select other personnel for these roles

### **Adoption of Articles of Incorporation**

**Purpose:** States the business purpose of the NAAPME, TABOR exemption, powers and duties, revenues and expenditures needed to adopt the bylaws

**Action:**

- Motion to approve Jan 27 meeting passes with no further discussion
  - One abstention: Leanne Wheeler, NAAPME Board Member
- Motion to approve Articles of Incorporation Passes with no further discussion

**Discussion:**

- Commissioner Holguin notes NAAPME Bylaws documents in Feb 24 Board Meeting Packet do not seem to match an earlier document
  - Correct document emailed to Board Members at 3:02 PM
- Prior to approval of Articles of Incorporation, need to approve/adopt meeting minutes from NAAPME Board meeting held on Jan 27

### **Adoption of Enterprise Bylaws**

**Purpose:** Board composition, meeting frequency & methods, open meetings & records, officers & staff, fiscal year & budget, miscellaneous provisions

**Action:**

- Motion to approve Bylaws passes with no further discussion

**Discussion:**

- Kristen Stephen, *Chair, NAAPME Board*, requests that meeting materials be made available to Board Members and the public at least one week in advance of meeting
  - CDOT staff accepts that commitment

## Approve/Accept Loan Document

**Purpose:** For defraying operational expenses of the NAAPME and Board until revenue from fees is received

**Action:**

- Motion to approve loan document in the amount of **\$74,700** passes with no further discussion
  - One abstention: Leanne Wheeler, *NAAPME Board Member*

**Discussion:**

- Presented by Jeff Sudmeier, *CFO, CDOT*
  - NAAPME Board was given overview of forecasted revenues and review of startup loan agreement in Jan 27 NAAPME meeting
  - Loan amount: \$74,700
    - Agenda contained an incorrect value for loan amount
  - Loan between CDOT and the NAAPME
  - Fee revenue expect early next fiscal year
  - Repayment period commences on Sept 1, 2022; Full payment due Jun 30, 2023
  - No penalty for early payment
  - Loan bears a 2% interest rate - based upon current infrastructure bank rate

## Open Rulemaking

**Purpose:** To open the rules for the NAAPME

**Action:**

- Motion to open rules and have CDOT staff act has hearing officer passes with no further discussion

**Discussion:**

- Presented by Herman Stockinger, Deputy Director, CDOT; Director, Office of Policy and Government Relations
  - Rules must be authorized in statute (C.R.S. 43-4-1303)
  - Overview of per ride fee and retail delivery fee
    - Sets initial fee effective as of July 1, 2022
  - Process and timeline:
    - Upon NAAPME Board approval, rules open Feb 24
    - CDOT staff files the rule
    - CDOT staff will conduct hearing on April 4, per the [Administrative Procedures Act](#)
    - NAAPME Board will adopt rule during April 14 board meeting
    - Effective date: as early as May 31
      - Statutory deadline: June 30
  - Expectation:
    - Board may attend and assign board member to provide introductory comments
    - Move to authorize CDOT staff to open the rules
    - Authorize CDOT staff to preside as rule offers
- Rebecca White, *CDOT*
  - Commits to sending out an invitation to board to hold hearing time open on calendars
- Director Suniga

- Asks how fees are to be collected
  - All contained in SB260 - DOR collects fees on behalf of the enterprise
- Board member is concerned as to why fees are being assessed on drivers of EVs
- Regarding Retail Delivery Fee:
  - Is USPS exempt?
  - Are grocery deliveries exempt?
  - Jeff Sudmeier, *CDOT*: USPS is not included, and grocery deliveries are exempt; small retailer are also excluded
- Director Wojtach
  - Curious as to how this enterprise works in tandem with other enterprises established in SB260
  - Curious about the degree of outreach done following passage of SB260
    - Herman Stockinger: There is an outreach effort underway;
    - Stakeholders will be given opportunity to provide comments, which may affect final rule
- Director Holguin
  - Asks when CDOT is expected to file the rule
    - Sari Weichbrodt file rule on Feb 25 and will share with stakeholder list
- Director Stephens
  - Inquires about text of rulemaking
    - Rules will follow Secretary of State's format

### **Overview of Other SB260 Enterprises**

**Purpose:** Overview of new enterprises established by SB21-260

**Action:** No action requested

**Discussion:**

- Presented by Kay Kelly, *Chief Officer, Office of Innovative Mobility, CDOT*
  - \$733M of new fee revenue supports 3 new electrification and charging infrastructure enterprises

### **Nonattainment Areas - Areas of Eligibility**

**Purpose:** Focus of the NAAPME is Air Quality in Nonattainment Areas

**Action:** No action requested

**Discussion:**

- Presented by Rebecca White, *CDOT*
  - Gray area in Clean Air Act: Maintenance Areas
    - Once an area has reduced air pollution, they move into *maintenance* status for a period of 20 years
    - CDOT assumes NAAPME will focus solely on Nonattainment Areas, and not on Maintenance Areas
- Presented by Director Wojtach, *NAAPME, CDPHE*
- Director Baca:
  - Will rural counties be charged these fees? Will fees only be applied in nonattainment areas?
    - Statewide fee collection, however majority of these rides occur in the Front Range
  - Is there funding from SB260 that rural counties can tap into?
    - Yes
- Director Suniga:

- Request to look at slide containing map of nonattainment area
- Jeff Sudmeier, *CDOT*:
  - Clarification on how fees are to be applied - depending on what is being delivered (i.e. food vs other taxable retail goods) and the method of delivery

### **CDOT 10-Year Plan**

**Purpose:** To ensure NAAPME has full scope of information in regards to air quality issues and CDOT projects

**Action:** No action requested

**Discussion:**

- Presented by Marissa Gaughan, *CDOT*:
  - 10-yr plan includes Strategic Pipeline of Projects
    - 1,000+ lanes touched
    - Investments in transit and mobility hubs
    - Largest investment in rural roads in CDOT history
    - Currently updating 10-yr plan
  - Other Plan Documents
    - 2045 Statewide Plans
    - Rural and Regional Plans
    - Statewide Transportation and Transit Plans
- Director Kristen Stephens:
  - Advises NAAPME Board to bring questions to meetings as they come up

### **Future Meetings/Wrap-up**

**Purpose:** Provide next steps for rulemaking, board confirmation, and the NAAPME agenda

**Action:**

- Director Stephens:
  - Asks for a glossary of commonly-used CDOT acronyms
- Director Wojtach
  - Asks for draft rule language
  - Request for further information on all SB260 fees in future meetings
- Director Suniga:
  - Asks time for Board Confirmation hearing
    - 2PM, in person and virtual
    - State Capital

**Discussion:**

- Presented by Rebecca White, *CDOT*:
  - Upcoming Dates:
    - Tuesday, March 15th - Board Confirmation Hearings
    - Monday, April 4th - Nonattainment Rulemaking Hearing
    - April 14, 3:00 PM - 4:30 PM - Nonattainment Board Meeting
    - May 26, 3:00 PM - 4:30 PM - Nonattainment Board Meeting
    - June 26, 2022, 3:00 PM - 4:30 PM - Nonattainment Board Meeting
    - Wednesday, June 1st - Deadline to Publish/Post 10-year Plan



- Upcoming Meeting Topics:
  - 10 Year Plan Development

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*Meeting adjourned at 4:17 PM (MST)*

**Exhibit 2**

# Notice of Rulemaking Confirmation

## Official Publication of the State Administrative Rules (24-4-103(11) C.R.S.)

2A

Date Filed: February 25, 2022 12:42:43

**Please print this page for your records**

REMEMBER: You must submit your proposed rules to DORA's Office of Policy, Research and Regulatory Reform at the time of filing this notice with the Secretary of State, as required by section 24-4-103(2.5) C.R.S.

Link: <https://www.dora.state.co.us/pls/real/SB121.Logon>

**Your notice of rulemaking has been submitted to the Secretary of State.  
Your tracking number is 2022-00107.**

<b>Department</b>	600 - Department of Transportation
<b>Type of Filing</b>	Permanent
<b>Agency</b>	608 - Nonattainment Area Air Pollution Mitigation Enterprise Board
<b>CCR Number</b>	2 CCR 608-1
<b>CCR Title</b>	Rules Governing Nonattainment Area Air Pollution Mitigation Enterprise Fees
<b>Hearing Date</b>	04/04/2022
<b>Hearing Time</b>	02:00 PM
<b>Hearing Location</b>	*virtual only* <a href="https://attendee.gotowebinar.com/register/395157203703774219">https://attendee.gotowebinar.com/register/395157203703774219</a>
<b>Description</b>	SB21-260 Sustainability of the Transportation System created new sources of dedicated funding and new state enterprises intended to preserve, improve, and expand existing transportation infrastructure and mitigate environmental and health impacts of transportation system use. To accomplish these goals, the legislation established a Nonattainment Area Air Pollution Mitigation Enterprise (the Enterprise), an enterprise and government owned business within the Colorado Department of Transportation (CDOT) for the purpose of collecting fee revenue to mitigate the impacts of increased air pollution that results from increased motor vehicle use for Retail Deliveries and Prearranged Rides by Transportation Network Companies. The Enterprise is a Type 1 transfer agency and as such the Legislature specifically vested the Enterprise with the authority to promulgate rules to set the amounts of fees called for in the legislation in addition to other activities. The Enterprise is required to impose the Air Pollution Mitigation Per Ride Fee and the Air Pollution Mitigation Retail Delivery fee. Per statute, for the Air Pollution Mitigation Retail Delivery Fee, the Enterprise can set a maximum fee of seven-tenths of one cent per Retail Delivery. The board can set a maximum fee of \$0.1125 for any Prearranged Ride in a Zero Emissions Motor Vehicle (ZEV) and \$0.225 per Prearranged Ride in a non-ZEV vehicle. The fees delineated in the rule mirror the fee amounts set in C.R.S. § 43-4-1303.
<b>Statutory Authority</b>	The Nonattainment Area Air Pollution Mitigation Enterprise is authorized by C.R.S. § 43-4-1303(6)(h) to promulgate rules setting the amounts of the Air Pollution Mitigation Per Ride Fee and the Air Pollution Mitigation Retail Delivery Fee at or below maximum levels contained in C.R.S. § 43-4-1303(7) and (8).
<b>Proposed Rule</b>	<a href="#">ProposedRuleAttach2022-00107.pdf</a>
<b>Additional Information</b>	<a href="#">AddInfoAttach2022-00107.pdf</a>

**DEPARTMENT OF TRANSPORTATION****Nonattainment Area Air Pollution Mitigation Enterprise****REGULATION 1 – NONATTAINMENT AREA AIR POLLUTION MITIGATION ENTERPRISE FEES****2 CCR 608-1**

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**1.00 Statement of Basis and Purpose and Authority**

The Nonattainment Area Air Pollution Mitigation Enterprise is authorized by C.R.S. § 43-4-1303(6)(h) to promulgate rules setting the amounts of the Air Pollution Mitigation Per Ride Fee and the Air Pollution Mitigation Retail Delivery Fee at or below maximum levels contained in C.R.S. § 43-4-1303(7) and (8).

SB21-260 Sustainability of the Transportation System created new sources of dedicated funding and new state enterprises intended to preserve, improve, and expand existing transportation infrastructure and mitigate environmental and health impacts of transportation system use. To accomplish these goals, the legislation established a Nonattainment Area Air Pollution Mitigation Enterprise (the Enterprise), an enterprise and government owned business within the Colorado Department of Transportation (CDOT) for the purpose of collecting fee revenue to mitigate the impacts of increased air pollution that results from increased motor vehicle use for Retail Deliveries and Prearranged Rides by Transportation Network Companies. The Enterprise is a Type 1 transfer agency and as such the Legislature specifically vested the Enterprise with the authority to promulgate rules to set the amounts of fees called for in the legislation in addition to other activities. The Enterprise is required to impose the Air Pollution Mitigation Per Ride Fee and the Air Pollution Mitigation Retail Delivery fee. Per statute, for the Air Pollution Mitigation Retail Delivery Fee, the Enterprise can set a maximum fee of seven-tenths of one cent per Retail Delivery. The board can set a maximum fee of \$0.1125 for any Prearranged Ride in a Zero Emissions Motor Vehicle (ZEV) and \$0.225 per Prearranged Ride in a non-ZEV vehicle. The fees delineated in the rule mirror the fee amounts set in C.R.S. § 43-4-1303.

The Enterprise shall notify the Department of Revenue (DOR) of the amount of the Air Pollution Mitigation Per Ride Fee to be collected for rides requested and accepted during each state fiscal year no later than March 15 of the calendar year in which the state fiscal year begins. The Enterprise shall also notify DOR of the amount of the Air Pollution Mitigation Retail Delivery Fee to be collected for Retail Deliveries of Tangible Personal Property purchased during each state fiscal year no later than March 15 of the calendar year in which the state fiscal year begins. CDOT will work with DOR to determine the maximum fee amounts that may be imposed, which shall be the maximum amounts for the prior state fiscal year adjusted for inflation.

**2.00 Definitions**

- 2.1 “Carshare ride” means a Prearranged Ride for which the Rider agrees, at the time the Rider requests the ride through a digital network, to be transported with another Rider who has separately requested a Prearranged Ride regardless of whether or not another Rider is actually transported with the Rider.
- 2.2 “Prearranged Ride” means a period of time that begins when a Driver accepts a requested ride through a digital network, continues while the Driver transports the Rider in a personal vehicle, and ends when the Rider departs from the personal vehicle, as defined by C.R.S. § 40-10.1-602.
- 2.3 “Retail Delivery” means a retail sale of Tangible Personal Property by a retailer for delivery by a motor vehicle owned or operated by the retailer or any other person to the purchaser at a location

in the state, which sale includes at least one item of Tangible Personal Property that is subject to taxation under Article 26 of Title 39. Each such retail sale is a single Retail Delivery regardless of the number of shipments necessary to deliver the items of Tangible Personal Property purchased.

- 2.4 “Rider” means a passenger in a personal vehicle for whom transport is provided, including (a) an individual who uses a Transportation Network Company’s online application or digital network to connect with a Driver to obtain services in the Driver’s vehicle for the individual and anyone in the individual’s party; or (b) anyone for whom another individual uses a Transportation Network Company’s online application or digital network to connect with a Driver to obtain services in the Driver’s vehicle, as defined in C.R.S. § 40-10.1-602.
- 2.5 “Tangible Personal Property” means all goods, wares, merchandise, products and commodities, and all tangible or corporeal things and substances which are dealt in, capable of being possessed and exchanged, except newspapers excluded by law. Tangible property, as defined in C.R.S. § 39-26-102(15) does not include:
- 2.5.1 Real property, such as land or buildings, nor Tangible Personal Property that loses its identity when it becomes an integral and inseparable part of the realty, and is removable only with substantial damage to the premises. Property severed from real estate becomes Tangible Personal Property.
- 2.5.2 Intangible personal property constituting mere rights of action and having no intrinsic value, such as contracts, deeds, mortgages, stocks, bonds, certificates of deposit or memberships, or uncanceled United States postage or revenue stamps sold for postage or revenue purposes.
- 2.5.3 Water in pipes, conduits, ditches or reservoirs, but does include water in bottles, wagons, tanks or other containers.
- 2.5.4 Computer software that does not meet the criteria enumerated in C.R.S. §39-26-102(15)(c).
- 2.5.5 An advertising supplement included in a newspaper.
- 2.5.6. The method of delivery does not impact the definition of Tangible Personal Property as defined in C.R.S. §39-26-102(15).
- 2.6 “Transportation Network Company” means a corporation, partnership, sole proprietorship, or other entity, operating in Colorado, that uses a digital network to connect Riders to Drivers for the purpose of providing transportation. A Transportation Network Company does not provide taxi service, transportation service arranged through a transportation broker, ridesharing agreements as defined in C.R.S. § 39-22-509(1)(a)(II), or any transportation service over fixed routes at regular intervals. A Transportation Network Company is not deemed to own, control, operate, or manage the personal vehicles used by Transportation Network Company Drivers. A Transportation Network Company does not include a political subdivision or other entity exempted from federal income tax, as defined in C.R.S. § 40-10.1-602.
- 2.7 “Transportation Network Company Driver” or “Driver” means an individual who uses their personal vehicle to provide services for Riders matched through a Transportation Network Company’s digital network. A Driver need not be an employee of a Transportation Network Company.
- 2.8 “Zero Emissions Motor Vehicle” or “ZEV” means a battery electric motor vehicle or a hydrogen fuel cell motor vehicle.

### **3.00 Fees**

- 3.1 Effective July 1, 2022, the Enterprise shall impose an Air Pollution Mitigation Retail Delivery Fee of seven-tenths of one cent per Retail Delivery of Tangible Personal Property.
- 3.2 Effective July 1, 2022, the Enterprise shall impose an Air Pollution Mitigation Per Ride Fee of eleven and one-quarter cents for each Prearranged Ride that is a Carshare Ride or for which the Transportation Network Company Driver transports the Rider in a ZEV.
- 3.3 Effective July 1, 2022, the Enterprise shall impose an Air Pollution Mitigation Per Ride Fee of twenty-two and one-half cents for every other Prearranged Ride that is a Carshare Ride or for which the Transportation Network Company Driver transports the Rider.
- 3.4 Starting in 2023, CDOT will work with the Department of Revenue (DOR) to determine the maximum fee amounts that may be imposed, which shall be the maximum amounts for the prior state fiscal year adjusted for inflation.
- 3.5 The Enterprise shall notify DOR of the amount of the Air Pollution Mitigation Per Ride Fee to be collected for rides requested and accepted during each state fiscal year no later than March 15 of the calendar year in which the state fiscal year begins. The Enterprise shall also notify DOR of the amount of the Air Pollution Mitigation Retail Delivery Fee to be collected for Retail Deliveries of Tangible Personal Property purchased during each state fiscal year no later than March 15 of the calendar year in which the state fiscal year begins.

### **4.00 Declaratory Orders**

The Enterprise board may, at its discretion, entertain petitions for declaratory orders pursuant to § 24-4-105(11), C.R.S.



# COLORADO

## Department of Transportation

2829 W. Howard Place  
Denver, CO 80204-2305

### Notice of Proposed Rulemaking

#### Nonattainment Area Air Pollution Mitigation Enterprise Rules Governing Nonattainment Area Air Pollution Mitigation Enterprise Fees 2 CCR 608-1

**Date & Time of Public Hearing: Monday, April 4, 2022, at 2:00 p.m.**

#### I. Notice

As required by the State Administrative Procedure Act found at section 24-4-103, C.R.S., the Nonattainment Area Air Pollution Mitigation Enterprise gives notice of proposed rulemaking.

This proposed permanent rulemaking hearing is scheduled for **April 4, 2022, at 2:00 p.m.** and will only be conducted in a virtual setting. All interested and affected parties must register to attend the public hearing through the registration link provided in the table below.

Date	Location	Time	Registration Links
04/04/2022	Webinar Only	2:00 p.m.	<a href="#">Registration Link</a>

#### How to Register for Hearing

You must click on the registration link from the above table to register for the hearing. When you register, you must provide your full name, email address, telephone number, and mailing address. You may also provide the name of the organization that you are representing. Finally, please indicate whether you plan to testify during the hearing and/or submit written comments. When you submit your registration, you should receive a confirmation email including details about how to join the webinar.

The registration link for the hearing is also available on the Colorado Department of Transportation's website at <https://www.codot.gov/business/rules/proposed-rules>.

#### II. Subject

Senate Bill 21-260 took effect in Colorado on June 17, 2021 and created new sources of dedicated funding and new state enterprises intended to preserve, improve, and expand existing transportation infrastructure, develop the modernized infrastructure needed to support the widespread adoption of electric motor vehicles, and mitigate environmental and health impacts of transportation system use. The legislation requires the Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME), a Type 1 transfer agency, to promulgate rules to impose a retail delivery fee and to impose a rideshare fee to mitigate the impacts of increased air pollution that results from increased motor vehicle use for retail deliveries and prearranged rides by transportation network companies. NAAPME is authorized by C.R.S. § 43-4-1303(6)(h) to promulgate rules setting the amounts of the Air Pollution Mitigation Per Ride Fee and the Air Pollution Mitigation Retail Delivery Fee at or below maximum levels contained in C.R.S. §§ 43-4-1303(7) and (8). NAAPME can set a maximum fee of seven-tenths of one cent per retail delivery, a maximum fee of \$0.1125 for any prearranged ride in a zero emission vehicle (ZEV) and \$0.225 per prearranged ride in a non-ZEV. NAAPME proposes to set the fees at the levels provided in the statute.



A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

### **III. Statutory Authority**

The specific authority under which the Nonattainment Area Air Pollution Mitigation Enterprise shall establish these rules is set forth in §§ 43-4-1303(6)-(8), C.R.S.

### **IV. Copies of the Notice, Proposed Rules, and the Statement of Basis, Purpose & Authority**

The notice of hearing, the proposed rules, and the proposed statement of basis, purpose and authority are available for review at CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.

If there are changes made to the proposed rules prior to the hearing, the updated proposed rule will be available to the public and posted on CDOT's website by March 28, 2022.

Please note that the proposed rule being considered is subject to further changes and modifications after the public hearing and the deadline for the submission of written comments.

### **V. Opportunity to testify and submit written comments**

CDOT strives to make the rulemaking process inclusive to all. Everyone will have the opportunity to testify and provide written comments concerning the proposed rule. Interested and affected parties are welcome to testify and submit written comments.

The format of the hearing will proceed as follows:

- The Hearing Officer opens the hearing and provides a brief introduction of the hearing procedures.
- CDOT staff will review exhibits to establish that the CDOT met all the procedural requirements of the Administrative Procedure Act.
- CDOT staff will present a summary of the proposed rules.
- Participants will have the opportunity to give testimony regarding the proposed rules.
- The Hearing Officer will make certain findings and conclude the hearing.

#### Testimony

The testimony phase of each hearing will proceed as follows:

- The Hearing Officer will identify the participants who indicated that they plan to testify during the hearing based on the registration records.
- When Hearing Officer exhausts the list, we will ask whether any additional participants wish to testify.

To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.





## Written Comments

All interested and affected parties are strongly encouraged to submit their written comments by March 28, 2022 to [dot\\_rules@state.co.us](mailto:dot_rules@state.co.us). All written comments must be received on or before Thursday, April 7, 2022, at 5 p.m. for consideration by the NAAPME Board.

Additionally, we will post all written comments to CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.

All written comments will be added to the official rulemaking record and may be subject to disclosure.

### **VI. Recording of the Hearings**

The hearing will be recorded. After the hearing concludes, the recording will be available on CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.

### **VII. Special Accommodations**

If you need special accommodations, please contact CDOT's Rules Advisor at [dot\\_rules@state.co.us](mailto:dot_rules@state.co.us) or 303.757.9441 at least one (1) week prior to the scheduled hearing date.

### **VIII. Contact Information**

Please contact CDOT's Rules Advisor at [dot\\_rules@state.co.us](mailto:dot_rules@state.co.us) or 303.757.9441 if you have any questions.





# COLORADO

## Department of Transportation

2829 W. Howard Place  
Denver, CO 80204-2305

### Updated Notice of Proposed Rulemaking

#### Nonattainment Area Air Pollution Mitigation Enterprise Rules Governing Nonattainment Area Air Pollution Mitigation Enterprise Fees 2 CCR 608-1

**Date & Time of Public Hearing: Thursday, April 14, 2022, at 3:00 p.m.**

#### I. Notice

As required by the State Administrative Procedure Act found at section 24-4-103, C.R.S., the Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME) gives notice of proposed rulemaking.

This proposed permanent rulemaking hearing has been rescheduled to **April 14, 2022, at 3:00 p.m.** and will only be conducted in a virtual setting. All interested and affected parties must register to attend the public hearing through the registration link provided in the table below. The hearing will take place at the beginning of the Enterprise Board meeting and participants are welcome to remain on the Zoom webinar to learn more about NAAPME and its important work.

Date	Location	Time	Registration Links
04/14/2022	Webinar Only	3:00 p.m.	<a href="#">Registration Link</a>

#### How to Register for Hearing

You must click on the registration link from the above table to register for the hearing. When you register, you must provide your full name, email address, telephone number, and mailing address. You may also provide the name of the organization that you are representing and let us know if you plan to provide verbal comments. When you submit your registration, you should receive a confirmation email including details about how to join the webinar.

The registration link for the hearing is also available on the Colorado Department of Transportation's website at <https://www.codot.gov/business/rules/proposed-rules>.

#### II. Subject

Senate Bill 21-260 took effect in Colorado on June 17, 2021 and created new sources of dedicated funding and new state enterprises intended to preserve, improve, and expand existing transportation infrastructure, develop the modernized infrastructure needed to support the widespread adoption of electric motor vehicles, and mitigate environmental and health impacts of transportation system use. The legislation requires the Nonattainment Area Air Pollution Mitigation Enterprise (NAAPME), a Type 1 transfer agency, to promulgate rules to impose a retail delivery fee and to impose a rideshare fee to mitigate the impacts of increased air pollution that results from increased motor vehicle use for retail deliveries and prearranged rides by transportation network companies. NAAPME is authorized by C.R.S. § 43-4-1303(6)(h) to promulgate rules setting the amounts of the Air Pollution Mitigation Per Ride Fee and the Air Pollution Mitigation Retail Delivery Fee at or below maximum levels contained in C.R.S. §§ 43-4-1303(7) and (8). NAAPME can set a maximum fee of seven-tenths of one cent per retail delivery, a maximum fee of \$0.1125 for any prearranged ride in a zero emission vehicle (ZEV) and \$0.225 per prearranged ride in a non-ZEV. NAAPME proposes to set the fees at the levels provided in the statute.



A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

### III. Statutory Authority

The specific authority under which the Nonattainment Area Air Pollution Mitigation Enterprise shall establish these rules is set forth in §§ 43-4-1303(6)-(8), C.R.S.

### IV. Copies of the Notice, Proposed Rules, and the Statement of Basis, Purpose & Authority

The notice of hearing, the proposed rules, and the proposed statement of basis, purpose and authority are available for review at CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.

If there are changes made to the proposed rules prior to the hearing, the updated proposed rule will be available to the public and posted on CDOT's website by March 28, 2022.

Please note that the proposed rule being considered is subject to further changes and modifications after the public hearing and the deadline for the submission of written comments.

### V. Opportunity to testify and submit written comments

CDOT strives to make the rulemaking process inclusive to all. Everyone will have the opportunity to testify and provide written comments concerning the proposed rule. Interested and affected parties are welcome to testify and submit written comments.

The format of the hearing will proceed as follows:

- The Enterprise Board Chair opens the hearing and provides a brief introduction of the hearing procedures.
- CDOT staff will establish that CDOT met all the procedural requirements of the Administrative Procedure Act on behalf of the Enterprise.
- CDOT staff will present a summary of the proposed rules.
- Participants will have the opportunity to give testimony regarding the proposed rules.
- The Board Chair will close the public comment portion of the rulemaking and move to Board discussion and a vote. If you intend to provide verbal comment, please join the meeting at the beginning to ensure that the Board can receive your comment. If you are unable to join, please submit written comments to [dot\\_rules@state.co.us](mailto:dot_rules@state.co.us) as described below.

### Testimony

The testimony phase of each hearing will proceed as follows:

- The Board Chair will first identify any participants who notified CDOT at [dot\\_rules@state.co.us](mailto:dot_rules@state.co.us) that they wished to testify by April 11, 2022.
- After calling on those who provided advance notice of their intention to testify, the Chair will ask whether any additional participants wish to testify and recognize members of the public using the Zoom "raised hand" feature.

To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.



## Written Comments

All interested and affected parties are strongly encouraged to submit their written comments by March 28, 2022 to [dot\\_rules@state.co.us](mailto:dot_rules@state.co.us). All written comments must be received on or before Thursday, April 7, 2022, at 5 p.m. for full consideration by the NAAPME Board.

Additionally, we will post all written comments to CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.

All written comments will be added to the official rulemaking record and may be subject to disclosure.

### **VI. Recording of the Hearings**

The hearing will be recorded. After the hearing concludes, the recording will be available on CDOT's website at <https://www.codot.gov/business/rules/proposed-rules>.

### **VII. Special Accommodations**

If you need special accommodations, please contact CDOT's Rules Advisor at [dot\\_rules@state.co.us](mailto:dot_rules@state.co.us) or 303.757.9441 at least one (1) week prior to the scheduled hearing date.

### **VIII. Contact Information**

Please contact CDOT's Rules Advisor at [dot\\_rules@state.co.us](mailto:dot_rules@state.co.us) or 303.757.9441 if you have any questions.





2E

Agency Rulemaking Home

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# Notice of Rulemaking Confirmation

Official Publication of the State Administrative Rules (24-4-103(11) C.R.S.)

Date Filed: March 04, 2022 16:09:39

Please print this page for your records

REMEMBER: You must submit your proposed rules to DORA's Office of Policy, Research and Regulatory Reform at the time of filing this notice with the Secretary of State, as required by section 24-4-103(2.5) C.R.S.

Link: [https://www.dora.state.co.us/pls/real/SB121\\_Logon](https://www.dora.state.co.us/pls/real/SB121_Logon)

Your notice of rulemaking with tracking number 2022-00107 has been updated successfully.

<b>Department</b>	600 - Department of Transportation
<b>Type of Filing</b>	Permanent
<b>Agency</b>	608 - Nonattainment Area Air Pollution Mitigation Enterprise Board
<b>CCR Number</b>	2 CCR 608-1
<b>CCR Title</b>	Rules Governing Nonattainment Area Air Pollution Mitigation Enterprise Fees
<b>Hearing Date</b>	04/14/2022
<b>Hearing Time</b>	03:00 PM
<b>Hearing Location</b>	*virtual only* <a href="https://cdot.zoom.us/j/9201212121">https://cdot.zoom.us/j/9201212121</a>
<b>Description</b>	SB21-260 Sustainability of the Transportation System created new sources of dedicated funding and new state enterprises intended to preserve, improve, and expand existing transportation infrastructure and mitigate environmental and health impacts of transportation system use. To accomplish these goals, the legislation established a Nonattainment Area Air Pollution Mitigation Enterprise (the Enterprise), an enterprise and government owned business within the Colorado Department of Transportation (CDOT) for the purpose of collecting fee revenue to mitigate the impacts of increased air pollution that results from increased motor vehicle use for Retail Deliveries and Prearranged Rides by Transportation Network Companies. The Enterprise is a Type 1 transfer agency and as such the Legislature specifically vested the Enterprise with the authority to promulgate rules to set the amounts of fees called for in the legislation in addition to other activities. The Enterprise is required to impose the Air Pollution Mitigation Per Ride Fee and the Air Pollution Mitigation Retail Delivery fee. Per statute, for the Air Pollution Mitigation Retail Delivery Fee, the Enterprise can set a maximum fee of seven-tenths of one cent per Retail Delivery. The board can set a maximum fee of \$0.1125 for any Prearranged Ride in a Zero Emissions Motor Vehicle (ZEV) and \$0.225 per Prearranged Ride in a non-ZEV vehicle. The fees delineated in the rule mirror the fee amounts set in C.R.S. § 43-4-1303.
<b>Statutory Authority</b>	The Nonattainment Area Air Pollution Mitigation Enterprise is authorized by C.R.S. § 43-4-1303(6)(h) to promulgate rules setting the amounts of the Air Pollution Mitigation Per Ride Fee and the Air Pollution Mitigation Retail Delivery Fee at or below maximum levels contained in C.R.S. § 43-4-1303(7) and (8).
<b>Proposed Rule</b>	<a href="#">ProposedRuleAttach2022-00107.pdf</a>
<b>Additional Information</b>	<a href="#">AddInfoAttach2022-00107.pdf</a>
<b>Comments</b>	This hearing will be virtual only. Please register at <a href="https://cdot.zoom.us/j/9201212121">https://cdot.zoom.us/j/9201212121</a> . Please note that this updated notice has changed the date, time, and virtual platform for the hearing, but not the language of the proposed rule.
<b>Contacts for Public</b>	
<b>Name</b>	Sari Weichbrodt
<b>Title</b>	Rules, Policies, and Procedures Advisor
<b>Phone</b>	303-757-9441
<b>Email</b>	<a href="mailto:dot_rules@state.co.us">dot_rules@state.co.us</a>
<b>Contacts for SOS, AG and OLLS (if different)</b>	
<b>Name</b>	
<b>Title</b>	
<b>Phone</b>	
<b>Email</b>	



# Colorado Register

Official Publication of the State Administrative Rules (24-4-103(11) C.R.S.)

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## Notices of proposed rulemaking

Department	Agency	Proposed rules	Hearing
Department of Revenue	Colorado Racing Commission	<a href="#">RACING</a>	<a href="#">04/12/2022 09:30 AM</a>
Department of Human Services	Behavioral Health	<a href="#">BEHAVIORAL HEALTH</a>	<a href="#">04/08/2022 08:30 AM</a>
Department of Transportation	Clean Transit Enterprise Board	<a href="#">Rules Governing Clean Transit Enterprise Processes and Fees</a>	<a href="#">04/12/2022 01:30 PM</a>
Department of Transportation	Nonattainment Area Air Pollution Mitigation Enterprise Board	<a href="#">Rules Governing Nonattainment Area Air Pollution Mitigation Enterprise Fees</a>	<a href="#">04/14/2022 03:00 PM</a>
Department of Regulatory Agencies	Division of Insurance	<a href="#">LIFE, ACCIDENT AND HEALTH, Series 4-2 Accident and Health (General)</a>	<a href="#">03/31/2022 01:00 PM</a>
Department of Regulatory Agencies	Division of Insurance	<a href="#">LIFE, ACCIDENT AND HEALTH, Series 4-2 Accident and Health (General)</a>	<a href="#">03/31/2022 01:00 PM</a>
Department of Regulatory Agencies	Division of Insurance	<a href="#">LIFE, ACCIDENT AND HEALTH, Series 4-2 Accident and Health (General)</a>	<a href="#">03/31/2022 01:00 PM</a>
Department of Regulatory Agencies	Division of Insurance	<a href="#">LIFE, ACCIDENT AND HEALTH, Series 4-2 Accident and Health (General)</a>	<a href="#">03/31/2022 01:00 PM</a>
Department of Regulatory Agencies	Division of Insurance	<a href="#">LIFE, ACCIDENT AND HEALTH, Series 4-2 Accident and Health (General)</a>	<a href="#">03/31/2022 01:00 PM</a>
Department of Public Health and Environment	Air Quality Control Commission	<a href="#">REGULATION NUMBER 6 STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES</a>	<a href="#">05/19/2022 09:00 AM</a>
Department of Public Health and Environment	Air Quality Control Commission	<a href="#">REGULATION NUMBER 8 CONTROL OF HAZARDOUS AIR POLLUTANTS</a>	<a href="#">05/19/2022 09:00 AM</a>
Department of Public Health and Environment	Water Quality Control Commission (1002 Series)	<a href="#">REGULATION NO. 38 - CLASSIFICATIONS AND NUMERIC STANDARDS SOUTH PLATTE RIVER BASIN LARAMIE RIVER BASIN REPUBLICAN RIVER BASIN SMOKY HILL RIVER BASIN</a>	<a href="#">09/12/2022 09:00 AM</a>
Department of Public Health	Health Facilities and Emergency	<a href="#">EMERGENCY MEDICAL SERVICES</a>	<a href="#">04/20/2022 10:00 AM</a>

# **Exhibit 3**

3A

- Home
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- Submit New Rule
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### Submission Accepted

**Rule Submitted**

Your proposed rules or amendments to rules have been successfully submitted to the Department of Regulatory Agencies.

After your submission has been checked for completeness, it will be made available to the general public on DORA's website and email notifications will be sent to interested stakeholders. You will be copied on all stakeholder requests for a cost-benefit analysis and DORA staff will contact you to discuss any public requests.

You may log back in to this system at any time to check on the current status of this rule. An email notification containing further instructions will be sent if a cost-benefit analysis is required as a result of your submission.



STATE OF  
COLORADO

Weichbrodt - CDOT, Sari &lt;sari.weichbrodt@state.co.us&gt;

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**Proposed Rule Submitted - Nonattainment Area Enterprise Rulemaking -**

1 message

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**DORA\_OPR\_Website@state.co.us** <DORA\_OPR\_Website@state.co.us>

Fri, Feb 25, 2022 at 12:51 PM

To: sari.weichbrodt@state.co.us

The following Proposed Rule has been submitted to the Colorado Office of Policy, Research and Regulatory Reform:

**Department:** Department of Transportation**Rulemaking Agency:** Nonattainment Area Air Pollution Mitigation Enterprise Board**Agency:****Rule ID:** 9249**Title or Subject:** Rules Governing Nonattainment Area Air Pollution Mitigation Enterprise Fees**Submitted by:** Sari Weichbrodt**Date Submitted:** 02/25/2022

After your submission has been checked for completeness, it will be made available to the general public on DORA's website and email notifications will be sent to interested stakeholders.

In accordance with SB13-158, the public will have until Tuesday, March 15th, 2022 at midnight to request that the Department of Regulatory Agencies require your agency to prepare a cost-benefit analysis of these rules or amendments. You will be copied on all stakeholder requests for a cost-benefit analysis and DORA staff will contact you to discuss the requests. A second email notification will be sent if you are required to submit a cost-benefit analysis as a result of a public request.

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Please contact us at [DORA\\_OPR\\_Website@state.co.us](mailto:DORA_OPR_Website@state.co.us) if you have further questions regarding this e-mail message.

STATE OF  
COLORADOWeichbrodt - CDOT, Sari <sari.weichbrodt@state.co.us> **3B**

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## DORA Regulatory Notice: Nonattainment Area Air Pollution Mitigation Enterprise Board - Nonattainment Area Enterprise Rul -

1 message

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**DORA\_OPR\_Website@state.co.us** <DORA\_OPR\_Website@state.co.us>  
To: sari.weichbrodt@state.co.us

Fri, Feb 25, 2022 at 5:30 PM

Dear Stakeholder:

The Department of Transportation - Nonattainment Area Air Pollution Mitigation Enterprise Board will be holding a rulemaking hearing on Monday, April 4th, 2022, 2:00 pm on rules regarding [Nonattainment Area Enterprise Rulemaking](#). The hearing will be held at: VIRTUAL HEARING ONLY [2829 W. Howard Place, Denver CO 80204](#).

The purpose of this rulemaking is:

The purpose of this rule is to set the amounts of the Air Pollution Mitigation Per Ride Fee and the Air Pollution Mitigation Retail Delivery Fee for the Nonattainment Area Air Pollution Mitigation Enterprise.

If you believe there will be a significant negative impact on small business, job creation or economic competitiveness, you may [request that the Department of Regulatory Agencies require the rulemaking agency to prepare a cost-benefit analysis](#) of a proposed rule or amendment. This request must be made to the Department of Regulatory Agencies by Tuesday, March 15th, 2022.

You may also [submit comments directly to the rulemaking agency](#) for the agency's consideration during the upcoming rulemaking hearing.

We hope this information is helpful to you. Thank you for taking the time to participate in the rulemaking process.

Brian Tobias  
Director  
Colorado Office of Policy, Research and Regulatory Reform

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You have received this e-mail bulletin because you previously signed up for this service provided by the Department of Regulatory Agencies. If you do not want to receive further e-mails regarding the review of proposed rules, please visit [https://www.dora.state.co.us/pls/real/SB121\\_Web.SignIn\\_Form](https://www.dora.state.co.us/pls/real/SB121_Web.SignIn_Form) and update your personal profile.

STATE OF  
COLORADO

Weichbrodt - CDOT, Sari &lt;sari.weichbrodt@state.co.us&gt;

3C

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**DORA Regulatory Notice: Nonattainment Area Air Pollution Mitigation Enterprise Board - REVISED: Nonattainment Area Enter -**

1 message

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**DORA\_OPR\_Website@state.co.us** <DORA\_OPR\_Website@state.co.us>  
To: sari.weichbrodt@state.co.us

Mon, Mar 7, 2022 at 5:30 PM

Dear Stakeholder:

The Department of Transportation - Nonattainment Area Air Pollution Mitigation Enterprise Board will be holding a rulemaking hearing on Thursday, April 14th, 2022, 3:00 pm on rules regarding [REVISED: Nonattainment Area Enterprise Rulemaking](#). The hearing will be held at: This hearing will be held virtually., Denver CO 80204.

The purpose of this rulemaking is:

The purpose of this rule is to set the amounts of the Air Pollution Mitigation Per Ride Fee and the Air Pollution Mitigation Retail Delivery Fee for the Nonattainment Area Air Pollution Mitigation Enterprise.

If you believe there will be a significant negative impact on small business, job creation or economic competitiveness, you may [request that the Department of Regulatory Agencies require the rulemaking agency to prepare a cost-benefit analysis](#) of a proposed rule or amendment. This request must be made to the Department of Regulatory Agencies by Tuesday, March 15th, 2022.

You may also [submit comments directly to the rulemaking agency](#) for the agency's consideration during the upcoming rulemaking hearing.

We hope this information is helpful to you. Thank you for taking the time to participate in the rulemaking process.

Brian Tobias  
Director  
Colorado Office of Policy, Research and Regulatory Reform

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You have received this e-mail bulletin because you previously signed up for this service provided by the Department of Regulatory Agencies. If you do not want to receive further e-mails regarding the review of proposed rules, please visit [https://www.dora.state.co.us/pls/real/SB121\\_Web.SignIn\\_Form](https://www.dora.state.co.us/pls/real/SB121_Web.SignIn_Form) and update your personal profile.

STATE OF  
COLORADOWeichbrodt - CDOT, Sari <sari.weichbrodt@state.co.us> **3D**

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## No Public Cost-Benefit Analysis Request for Rule - REVISED: Nonattainment Area Enterprise Rulemaking -

1 message

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**DORA\_OPR\_Website@state.co.us** <DORA\_OPR\_Website@state.co.us>  
To: sari.weichbrodt@state.co.us

Sat, Mar 19, 2022 at 7:45 PM

The deadline for public Cost-Benefit Analysis requests has passed for the following Proposed Rule:

**Department:** Department of Transportation  
**Rulemaking Agency:** Nonattainment Area Air Pollution Mitigation Enterprise Board  
**Rule ID:** 9249  
**Title or Subject:** Rules Governing Nonattainment Area Air Pollution Mitigation Enterprise Fees  
**Submitted by:** Sari Weichbrodt  
**Date Submitted:** 02/25/2022  
**Deadline for Public Cost-Benefit Analysis Request:** March 15, 2022 11:59 pm

No public requests were received by the deadline. A Cost-Benefit Analysis is not required for this submission.

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Please contact us at [DORA\\_OPR\\_Website@state.co.us](mailto:DORA_OPR_Website@state.co.us) if you have further questions regarding this e-mail message.

**Exhibit 4**

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Sari Weichbrodt

## Rules Governing Nonattainment Area Air Pollution Mitigation Enterprise Fees

4A

Number	2 CCR 608-1
Contact	<a href="#">Rebecca White</a>
Hearing Notice	<a href="#">Notice</a>
Statement of Basis and Purpose	<a href="#">Statement</a>
Proposed Rule	<a href="#">Rule</a>
Virtual Hearing Date and Time	April 4, 2022 at 2:00 p.m. MT
Virtual Hearing Registration	<a href="#">Register</a>
Hearing Exhibits	
Recording of Rulemaking Hearing	
Please submit written comments and questions to:	<a href="mailto:dot_rules@state.co.us">dot_rules@state.co.us</a>
Written comments due March 28, 2022	

## Rules Governing Nonattainment Area Air Pollution Mitigation Enterprise Fees

4B

Number	2 CCR 608-1
Contact	<a href="#">Rebecca White</a>
Hearing Notice	<a href="#">Updated Notice</a>
Statement of Basis and Purpose	<a href="#">Statement</a>
Proposed Rule	<a href="#">Rule</a>
Virtual Hearing Date and Time	April 14, 2022 at 3:00 p.m. MT
Virtual Hearing Registration	<a href="#">Register</a>
Hearing Exhibits	
Recording of Rulemaking Hearing	
Please submit written comments and questions to:	<a href="mailto:dot_rules@state.co.us">dot_rules@state.co.us</a>
Written comments due March 28, 2022	

## Rules Governing Nonattainment Area Air Pollution Mitigation Enterprise Fees

4C

Number	2 CCR 608-1
Contact	<a href="#">Rebecca White</a>
Hearing Notice	<a href="#">Updated Notice of 2 CCR 608-1 Hearing</a>
Statement of Basis and Purpose	<a href="#">2 CCR 608-1 Statement</a>
Proposed Rule	<a href="#">Proposed Rule Language 2 CCR 608-1-Updated 3/30/22</a>
Virtual Hearing Date and Time	April 14, 2022 at 3:00 p.m. MT
Virtual Hearing Registration	<a href="#">Register for 2 CCR 608-1 Hearing</a>
Hearing Exhibits	
Recording of Rulemaking Hearing	
Please submit written comments and questions to:	<a href="mailto:dot_rules@state.co.us">dot_rules@state.co.us</a>
Written comments due April 7, 2022	

### Virtual Public Hearing

Date	Time	Location	Virtual Registration
4/14/2022	3:00 p.m.	Virtual Only	Virtual Registration Form Handout  Permanent Rulemaking Hearing Exhibits Handout