

BEFORE THE AIR QUALITY CONTROL COMMISSION  
STATE OF COLORADO

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IN THE MATTER OF PROPOSED AMENDMENTS TO REGULATION NUMBER 11,  
REGULATION NUMBER 20, AND REGULATION NUMBER 22  
AUGUST 18-20, 2021 HEARING

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**WITHDRAWAL OF PROPOSAL CONCERNING REGULATION NUMBER 22, PART B,  
§ III (ETRP) BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND  
ENVIRONMENT, AIR POLLUTION CONTROL DIVISION**

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The Colorado Department of Public Health and Environment, Air Pollution Control Division (“Division”) hereby submits to the Air Quality Control Commission (“Commission”) a Withdrawal of Proposal Concerning Regulation Number 22, Part B, § III (ETRP) in this matter, and states as follows:

On May 20, 2021, the Division requested that the Commission commence a rulemaking to consider adoption of an Employee Traffic Reduction Program (“ETRP”) in Regulation Number 22, Part B, § III (the “Request Proposal”).

In accordance with the Notice of Rulemaking Hearing issued by the Commission on May 26, 2021, the Division submitted its Prehearing Statement on July 7, 2021, which included proposed revisions to the Request Proposal concerning ETRP (the “PHS Proposal”).

At the Prehearing Conference for this matter held on July 19, 2021, the Division informed the Hearing Officer and Parties of its intent to further revise its proposal for ETRP.

After extensive outreach and engagement with a diverse range of stakeholders, the Division now withdraws its support and proposals for a formal ETRP rule and instead will focus on opportunities presented through a voluntary program. The Division is grateful for the ongoing involvement of businesses, communities, and other stakeholders, which is crucial to the success of any ETRP. In the course of this process, the Division mailed roughly 4,600 letters to qualifying businesses, held 12 informational and listening sessions and two equity workshops as part of the Employee Trip Reduction Program stakeholder process on the draft proposal. The Division enters into all stakeholder processes with an open mind and a willingness to change the proposal in response to feedback.

The Division remains committed to meaningfully reducing emissions — greenhouse gas, ozone precursors and more — from the transportation sector and other areas and believes a voluntary program can build a foundation for the future success (such as better data and real-world examples) of the program and result in real progress on emissions reductions.

As such, the Division hereby withdraws its proposal to amend Regulation Number 22, Part B, § III (ETRP) in its Request Proposal and PHS Proposal and recommends against the adoption of any ETRP proposal in this proceeding.<sup>1</sup>

Respectfully submitted this 21st day of July, 2021.

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<sup>1</sup> Nothing in this filing is intended to alter the Division's position with respect to the proposed amendments to Regulation Numbers 11, 20 and 22, Part B, § I (HFC Rules) in this proceeding.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **WITHDRAWAL OF PROPOSAL CONCERNING REGULATION NUMBER 22, PART B, § III (ETRP) BY THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AIR POLLUTION CONTROL DIVISION** was served on the Parties listed below this 21st day of July, 2021.

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