

Clean Energy & Sustainability

NEWSLETTER



Fall 2023

Contact a DGS attorney in the [Clean Energy & Sustainability Group](#) if you have any questions about the contents of this newsletter or if we can assist you with any legal needs.

Upcoming Clean Energy Events:

December 5
[ABA Air Quality Seminar](#)

Colorado's GHG Emission Reduction Roadmap Version 2.0

by [John Jacus](#) and [Cole Killion](#)

In the 2019 legislative session Colorado passed House Bill 19-1261, the Climate Action Plan to Reduce Pollution (“Climate Action Plan”), which includes targets for reducing statewide greenhouse gas pollution 26% by 2025, 50% by 2030, and 90% by 2050 from 2005 levels. To ensure that Colorado continues to make progress toward these targets, Governor Polis directed state agencies to develop a comprehensive Greenhouse Gas Pollution Reduction Roadmap (“GHG Roadmap”). The GHG Roadmap delivers a list of near-term actions the state will pursue over the next one to two years to make significant progress toward the 2025 and 2030 Climate Action Plan goals. [Read more...](#)

AQCC Regulation 27 Revisions – Greenhouse Gas Emissions and Energy Management for Manufacturing Phase 2 Rulemaking

by [John Jacus](#) and [Cole Killion](#)

On Friday, October 20, 2023, the Colorado Department of Public Health & Environment (“CDPHE”), Air Quality Control Commission (“AQCC”) voted to adopt the Greenhouse Gas Emissions and Energy Management for Manufacturing Phase 2 Rule (“GEMM 2 Rule”) that implements key provisions of Colorado’s Environmental Justice Act (“EJ

Act”)—HB 21-1266. The Colorado Legislature passed the EJ Act in July 2021 and one of its main provisions required that the state’s industrial and manufacturing sector reduce its greenhouse gas (“GHG”) emissions by 20% by the year 2030, as compared to the sector’s 2015 emissions. [Read more...](#)

Regulation 28: New Energy Efficiency Requirements Impact an Estimated 8,000 Buildings in Colorado

by [Kelsey Johnson](#) and [Maria Oxman](#)

Effective October 15, 2023, Colorado’s Air Quality Commission (the “Commission”) approved Regulation 28, titled “Building Benchmarking and Performance Standards,” which requires “covered building” owners to meet certain energy use targets or implement greenhouse gas emissions reductions to increase efficiency, as part of Colorado’s broader plan to reduce emissions by 50% prior to 2030. A “covered building” under Regulation 28 includes any residential or commercial building over 50,000 square feet. This regulation impacts approximately 8,000 buildings in Colorado. [Read more...](#)

Proposed Rule Would Allow the U.S. Forest Service to Authorize Carbon Capture and Storage Beneath National Forest System Lands

by [Katie Schroder](#)

On November 3, 2023, the United States Forest Service [announced a proposed amendment](#) to its special use regulations at 36 C.F.R. part 251 to allow the Forest Service to review and process applications for carbon capture and storage beneath National Forest System Lands. [Read more...](#)