

1 A new section to Colorado Revised Statutes is proposed as follows:
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3 **25-7-109.7 Greenhouse gas emission standard.**
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5 (1) Purpose. Coloradans must do their part to reduce the risks and impacts of
6 global warming to Colorado's water supplies, farms and ranches, ski and recreation industry,
7 wildlife, economy and environment. Colorado's electricity ratepayers, businesses and economy
8 should also be protected from the costs of complying with future carbon dioxide regulations by
9 investing in low polluting electricity resources today. Because carbon dioxide is a major
10 greenhouse gas that causes global warming, the purpose of this section is to limit carbon dioxide
11 pollution from power plants located in Colorado and from the production of electricity for
12 Coloradans so as to help reduce the risks and impacts of global warming and the costs of future
13 carbon dioxide regulation.
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16 (2) New electricity generating facilities located in the State of Colorado shall emit
17 into the atmosphere no more than 1100 pounds of carbon dioxide pollution per megawatt-hour.
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19 (3) Before a Colorado public utility, including every cooperative electric association
20 and generation and transmission electric association whether or not exempt from regulation
21 under C.R.S. 40-1-103(2)(b), and including every municipally owned utility subject to this section,
22 constructs, operates, acquires, or makes a long-term electricity purchase from a new electricity
23 generating facility, it must first obtain a certification from the Colorado Department of Public
24 Health and the Environment that the electricity generating facility is designed, and will be
25 operated, to emit into the atmosphere no more than 1100 pounds of carbon dioxide pollution per
26 megawatt-hour. Long-term electricity purchases that do not specify a generation source for which
27 carbon dioxide emission rates can be determined shall be denied certification. For purposes of
28 this subsection, the governing body of each municipally owned utility shall require compliance
29 with the emission limitations set forth in this section.
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31 (4) The Colorado Department of Public Health and the Environment, in consultation
32 with the Colorado Public Utilities Commission, shall publish rules and regulations, and establish
33 penalties, to implement and enforce this section. The Colorado Department of Public Health and
34 the Environment shall review the emission standard at least every five (5) years and may revise
35 the emission standard to make it more stringent as necessary and appropriate to achieve the
36 purpose of this section. The carbon dioxide emission standard shall apply in a neutral manner to
37 new electricity generating facilities whether located within or outside of Colorado.
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40 (5) For purposes of this section
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42 (a) "long-term electricity purchase" is a contract or series of contracts that
43 allows the public utility to purchase electricity for three (3) years or more;
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45 (b) "new electricity generating facility" is a power plant, located within or
46 outside of Colorado, with a nameplate capacity rating exceeding ten (10) megawatts that has
47 been developed to operate and produce electricity more than 2000 hours per year, and that had
48 not as of May 1, 2007 obtained all required pre-construction permits from the Colorado Air Quality
49 Control Commission or such other air quality permits as are required by the location of the facility.
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51 (6) Severability. If any part or particular application of this section is held invalid, the
52 remainder of this section and all other applications shall remain in effect.