

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0602.01 Debbie Haskins

HOUSE BILL 10-1042

HOUSE SPONSORSHIP

Peniston,

SENATE SPONSORSHIP

Hodge,

House Committees

Health and Human Services
Finance

Senate Committees

Health and Human Services
Finance

A BILL FOR AN ACT

101 **CONCERNING ADMINISTRATION OF THE STATIONARY SOURCES AIR**
102 **QUALITY PERMITTING PROGRAM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Section 1 of the bill adds a requirement that the air quality control commission (commission) make an annual public report about stationary industrial sources permits.

Consistent with the federal "Clean Air Act", **section 2** of the bill exempts small non-Title V sources of air pollution from needing

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
February 22, 2010

HOUSE
Amended 2nd Reading
February 19, 2010

operating permits under the large Title V source permitting category.

Current law requires a person granted a construction permit to provide 30 days' advance notice to the division of administration (division) prior to starting the operations for which the permit was granted. **Section 3** revises this notice requirement, allowing a newly permitted entity to notify the division within 15 days after the start-up of its permitted operations.

Section 3 also deletes a requirement that the commission annually review all permits that required 5 or more hours of professional staff time to process.

The open burning law limits the type of materials that can be burned outside and requires a permit to burn approved materials. **Section 4** increases the civil penalty from \$100 to \$1,500 for a violation of the open burning law by a person who conducts a burn for noncommercial purposes without a permit.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 25-7-105 (5), Colorado Revised Statutes, is
3 amended to read:

4 **25-7-105. Duties of commission - rules.** (5) Prior to the hearing
5 required under subsection (4) of this section, the commission shall
6 prepare and make available to the public a report, which shall contain the
7 following specific information:

8 (a) A description of the pollution problem in each of the polluted
9 areas of the state, described separately for each such area;

10 (b) To the extent possible, the identification of the sources of air
11 pollution in each separate area of the state, such as motor vehicles,
12 industrial sources, and power-generating facilities;

13 (c) A list of all alleged violations of emission control regulations
14 ~~which shows~~ SHOWING the status of control procedures in effect with
15 respect to each such alleged violation; AND

16 (d) STATIONARY INDUSTRIAL SOURCES PERMITTING INFORMATION
17 AS FOLLOWS:

- 1 (I) THE TOTAL NUMBER OF PERMITS ISSUED;
- 2 (II) THE TOTAL NUMBER OF HOURS BILLED FOR PERMITTING;
- 3 (III) THE AVERAGE NUMBER OF HOURS BILLED PER PERMIT; AND
- 4 (IV) THE NUMBER OF GENERAL PERMITS ISSUED.

5 **SECTION 2.** 25-7-114.3 (1) (c) and (1) (d), Colorado Revised
6 Statutes, are amended to read:

7 **25-7-114.3. Operating permits required for emission of**
8 **pollutants.** (1) No person shall operate any of the following sources
9 without first obtaining a renewable operating permit from the division for
10 such source in a manner consistent with the requirements of this article
11 and the federal act:

12 (c) Any source required to comply with standards of performance
13 for new stationary sources under section 111 of the federal act, UNLESS
14 OTHERWISE EXEMPTED FROM PERMITTING REQUIREMENTS PURSUANT TO
15 FEDERAL RULES ADOPTED IN ACCORDANCE WITH SECTION 502 OF THE
16 FEDERAL ACT;

17 (d) Any source subject to emission standards or regulations for
18 hazardous air pollutants under section 112 of the federal act, UNLESS
19 OTHERWISE EXEMPTED FROM FEDERAL PERMITTING REQUIREMENTS
20 PURSUANT TO FEDERAL RULES ADOPTED IN ACCORDANCE WITH SECTION
21 502 OF THE FEDERAL ACT;

22 ==
23 **SECTION 3. Repeal.** 25-7-114.5 (14), Colorado Revised
24 Statutes, is repealed as follows:

25 **25-7-114.5. Application review - public participation.**
26 (14) The commission shall designate a member of the air pollution
27 control division who shall review and approve all invoices for any permit

1 which required five or more hours professional staff time to process. The
2 commission shall review, on an annual basis, a list of sources and
3 invoices which required five or more hours of professional staff time to
4 process.

5 **SECTION 4.** 25-7-123 (3) (a), Colorado Revised Statutes, is
6 amended to read:

7 **25-7-123. Open burning - penalties.** (3) (a) Any person who
8 violates paragraph (a) of subsection (2) of this section by burning or
9 permitting any burning for noncommercial purposes without first having
10 obtained a permit as required shall be subject to a civil penalty of ~~not~~
11 ~~more than one~~ UP TO FIVE hundred dollars per day for each day during
12 which such a violation occurs. FOR A SECOND VIOLATION, THE CIVIL
13 PENALTY SHALL BE UP TO ONE THOUSAND DOLLARS PER DAY FOR EACH
14 DAY DURING WHICH SUCH A VIOLATION OCCURS. FOR A THIRD OR
15 SUBSEQUENT VIOLATION, THE CIVIL PENALTY SHALL BE UP TO ONE
16 THOUSAND FIVE HUNDRED DOLLARS PER DAY FOR EACH DAY DURING
17 WHICH SUCH A VIOLATION OCCURS.

18 **SECTION 5. Act subject to petition - specified effective date**
19 **- applicability.** (1) This act shall take effect September 1, 2010; except
20 that, if a referendum petition is filed pursuant to section 1 (3) of article V
21 of the state constitution against this act or an item, section, or part of this
22 act within the ninety-day period after final adjournment of the general
23 assembly, then the act, item, section, or part shall not take effect unless
24 approved by the people at the general election to be held in November
25 2010 and shall take effect on the date of the official declaration of the
26 vote thereon by the governor.

1 (2) The provisions of this act shall apply to acts occurring on or
2 after the applicable effective date of this act.