

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 27, 2011

Date

Committee on Agriculture, Natural Resources, and Energy.

After consideration on the merits, the Committee recommends the following:

SB11-235 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, strike lines 5 through 14.

2 Page 3, strike lines 1 through 19 and substitute:

3 "(16) (a) IF THE DIVISION EXPERIENCES A BACKLOG IN PROCESSING
4 AIR QUALITY PERMIT APPLICATIONS CAUSED BY AN OCCASIONAL NEED
5 THAT IS SEASONAL, IRREGULAR, OR FLUCTUATING IN NATURE, AND THE
6 DEPARTMENT DETERMINES OR REASONABLY EXPECTS THAT, AS A RESULT,
7 PERMITS WOULD NOT BE ISSUED WITHIN STATUTORY TIME FRAMES, THE
8 DIVISION SHALL MAKE AVAILABLE TO SOURCES THAT ARE NOT SUBJECT TO
9 PERMITTING UNDER PART C OF THE FEDERAL ACT THE OPTION TO HAVE
10 THE AIR QUALITY MODELING THAT IS SUBMITTED WITH THE APPLICANT'S
11 AIR PERMIT APPLICATION REVIEWED FOR ACCEPTANCE AS DEMONSTRATING
12 COMPLIANCE BY A CONTRACT CONSULTANT SELECTED BY THE DIVISION IN
13 LIEU OF THE REVIEW BEING CONDUCTED BY DIVISION STAFF.

14 (b) THE DIVISION SHALL SELECT AND CONTRACT WITH
15 NONGOVERNMENTAL AIR QUALITY MODELING ENGINEERS TO PERFORM AIR
16 QUALITY MODELING REVIEWS OF APPLICANTS WHO CHOOSE CONTRACT
17 CONSULTANT REVIEW OF THEIR AIR QUALITY PERMIT MODELING. THE
18 DIVISION IS NOT SUBJECT TO THE REQUIREMENTS OF THE "PROCUREMENT
19 CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., IN SELECTING AND
20 CONTRACTING WITH THE CONSULTANTS. THE DIVISION SHALL REVIEW AND
21 EXCLUDE FROM CONSIDERATION AS A CONTRACT AIR QUALITY MODELING
22 CONSULTANT ANY CONTRACTORS WITH A CONFLICT OF INTEREST

1 REGARDING AIR QUALITY PERMIT APPLICATIONS. APPLICANTS THAT
2 CHOOSE CONSULTANT REVIEW OF THEIR AIR QUALITY MODELING ARE
3 RESPONSIBLE FOR BOTH THE CONSULTANT'S COSTS ASSOCIATED WITH THE
4 AIR MODELING REVIEW AS WELL AS THE DIVISION'S COSTS ASSOCIATED
5 WITH THE REVIEW AND DETERMINATION OF THE AIR PERMIT APPLICATION,
6 TO BE PAID TO THE DIVISION.

7 (c) THE DIVISION SHALL USE THE RESULTS OF THE MODELING
8 CONDUCTED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (16) FOR
9 PURPOSES OF THE DIVISION'S PERMIT APPLICATION ANALYSIS."

10 Page 1, strike lines 105 and 106 and substitute "**APPROVALS.**".

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