

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0565.01 Thomas Morris x4218

SENATE BILL 12-132

SENATE SPONSORSHIP

Grantham, Cadman, Scheffel, Brophy, Harvey, King S., Lambert, Lundberg, Neville,
Renfro, Roberts, Spence

HOUSE SPONSORSHIP

Becker,

Senate Committees

Agriculture, Natural Resources, and Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING TIMELY ISSUANCE OF ENVIRONMENTAL CONTROL
102 PERMITS.

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 requires air quality permits to be issued within 12 months after receipt of a complete permit application. **Section 2** requires the same of water quality permits.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-7-114.5, **amend**
3 (4) as follows:

4 **25-7-114.5. Application review - public participation.**

5 (4) (a) The division shall prepare its preliminary analysis regarding
6 compliance, as set forth in subsection (2) of this section, and regarding
7 the impact on attainment or nonattainment areas, as set forth in subsection
8 (3) of this section, as expeditiously as possible. For construction permits
9 not subject to part 2 of this article, ~~such~~ THE DIVISION SHALL COMPLETE
10 THE preliminary analysis ~~shall be completed~~ no later than sixty calendar
11 days after receipt of a completed permit application. THE DIVISION SHALL
12 ADVISE applicants ~~must be advised~~ within sixty calendar days after receipt
13 of any application, or supplement thereto, if and in what respects the
14 subject application is incomplete. Upon failure of the division to so notify
15 the applicant within sixty calendar days ~~of~~ AFTER its filing, the application
16 shall be deemed complete.

17 (b) THE DIVISION SHALL APPROVE OR DISAPPROVE applications for
18 construction permits subject to part 2 of this article ~~shall be approved or~~
19 ~~disapproved~~ AND RENEWABLE OPERATING PERMITS within twelve months
20 ~~of~~ AFTER receipt of a complete application. ~~Applications for renewable~~
21 ~~operating permits shall be approved or disapproved within eighteen~~
22 ~~months after the receipt of the completed permit application; except that~~
23 ~~those applications submitted within the first year after the effective date~~
24 ~~of the operating permit program shall be subject to a phased schedule for~~
25 ~~acting on such permit applications established by the division. The phased~~
26 ~~schedule shall assure that at least one-third of such permits will be acted~~
27 ~~on by the division annually over a three-year period. The commission may~~

1 establish a phased schedule for acting on applications for which a deferral
2 has been granted pursuant to the federal act. A timely and complete
3 permit application operates as a defense to enforcement action for
4 operating without a permit for the period of time during which the
5 division or the commission is reviewing the application and until ~~such~~
6 ~~time~~ as the division or the commission makes a final determination on the
7 permit application; except that this defense to an enforcement action ~~shall~~
8 ~~is not be~~ available to an applicant ~~which~~ THAT files a fraudulent
9 application.

10 **SECTION 2.** In Colorado Revised Statutes, 25-8-501, **add** (7) as
11 follows:

12 **25-8-501. Permits required for discharge of pollutants -**
13 **administration.** (7) THE DIVISION OR COMMISSION SHALL GRANT OR
14 DENY A PERMIT APPLICATION WITHIN TWELVE MONTHS AFTER THE
15 APPLICATION IS DEEMED COMPLETE. FAILURE OF THE DIVISION OR
16 COMMISSION, AS THE CASE MAY BE, TO GRANT OR DENY THE APPLICATION
17 WITHIN THE TWELVE MONTHS IS FINAL AGENCY ACTION FOR PURPOSES OF
18 JUDICIAL REVIEW.

19 **SECTION 3. Act subject to petition - effective date -**
20 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
21 the expiration of the ninety-day period after final adjournment of the
22 general assembly (August 7, 2012, if adjournment sine die is on May 9,
23 2012); except that, if a referendum petition is filed pursuant to section 1
24 (3) of article V of the state constitution against this act or an item, section,
25 or part of this act within such period, then the act, item, section, or part
26 will not take effect unless approved by the people at the general election
27 to be held in November 2012 and, in such case, will take effect on the

- 1 date of the official declaration of the vote thereon by the governor.
- 2 (2) The provisions of this act apply to permit applications filed on
- 3 or after the applicable effective date of this act.