

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 13-0517.03 Thomas Morris x4218

SENATE BILL 13-284

SENATE SPONSORSHIP

Carroll,

HOUSE SPONSORSHIP

Hullinghorst,

Senate Committees

Agriculture, Natural Resources, & Energy
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING STREAMLINING THE ENVIRONMENTAL PERMITTING OF**
102 **OIL AND GAS DEVELOPMENT THAT MEETS ENHANCED**
103 **ENVIRONMENTAL PROTECTION STANDARDS.**

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 the division of administration in the department of public health and environment to provide for expedited air quality permitting for oil and gas operations for operators that certify that they will use pollution control technology that meets enhanced

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.

environmental and human health protection standards as established either by the division through guidance or by the air quality control commission by rule. **Section 2** allows the division to provide an analogous permitting schedule and enhanced standards for water quality permitting either by the division through guidance or by the water quality control commission by rule.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-7-114.5, **add** (3.5)
3 as follows:

4 **25-7-114.5. Application review - public participation -**
5 **expedited review - rules.** (3.5) (a) NOTWITHSTANDING ANY OTHER
6 PERMIT REVIEW, PUBLIC NOTICE, OR PERMIT DETERMINATION SCHEDULE
7 ESTABLISHED BY LAW, THE DIVISION SHALL PROVIDE FOR AN EXPEDITED
8 PERMIT REVIEW, PUBLIC NOTICE, AND PERMIT DETERMINATION SCHEDULE
9 FOR AN OIL AND GAS OPERATOR THAT CERTIFIES THAT THE EMISSIONS
10 CONTROL TECHNOLOGY THAT IT WILL USE UNDER THE PERMIT MEETS
11 ENHANCED ENVIRONMENTAL AND HUMAN HEALTH PROTECTION
12 STANDARDS. THE DIVISION MAY, IN CONSULTATION WITH THE COLORADO
13 OIL AND GAS CONSERVATION COMMISSION, DEVELOP THE EXPEDITED
14 REVIEW AND ENHANCED STANDARDS THROUGH DIVISION GUIDANCE,
15 INCORPORATION AS PART OF AN EXISTING RULE-MAKING PROCEEDING
16 RELATED TO OIL AND GAS AIR EMISSION CONTROLS, OR THROUGH A
17 SEPARATE RULE ADOPTED BY THE COMMISSION. THE DIVISION MAY
18 CONSIDER THE OIL AND GAS OPERATOR'S COLORADO COMPLIANCE
19 HISTORY IN DETERMINING WHETHER THE OPERATOR QUALIFIES FOR
20 EXPEDITED REVIEW PURSUANT TO THIS SUBSECTION (3.5).

21 (b) THE FOLLOWING FACILITIES ARE NOT ELIGIBLE FOR THE
22 EXPEDITED PERMIT REVIEW OF THIS SUBSECTION (3.5):

- 1 (I) A FACILITY THAT IS SUBJECT TO THE FEDERAL PREVENTION OF
2 SIGNIFICANT DETERIORATION PERMITTING PROGRAM;
- 3 (II) A FACILITY THAT IS SUBJECT TO THE FEDERAL
4 NONATTAINMENT NEW SOURCE REVIEW PERMITTING PROGRAM;
- 5 (III) A SYNTHETIC MINOR SOURCE THAT EMITS OR HAS THE
6 POTENTIAL TO EMIT AT OR ABOVE EIGHTY PERCENT OF THE FEDERAL TITLE
7 V MAJOR SOURCE THRESHOLD; AND
- 8 (IV) A COLORADO FACILITY THAT IS CURRENTLY OUT OF
9 SUBSTANTIVE COMPLIANCE WITH EXISTING FEDERAL OR STATE AIR
10 POLLUTION REQUIREMENTS WHILE ITS PERMIT APPLICATION IS PENDING.

11 **SECTION 2.** In Colorado Revised Statutes, 25-8-502, **add** (7) as
12 follows:

13 **25-8-502. Application - definitions - fees - water quality**
14 **control fund - animal feeding operations fund - public participation**
15 **- repeal - expedited review - rules.** (7) NOTWITHSTANDING ANY OTHER
16 PERMIT REVIEW, PUBLIC NOTICE, OR PERMIT DETERMINATION SCHEDULE
17 ESTABLISHED BY LAW, THE DIVISION MAY PROVIDE FOR AN EXPEDITED
18 PERMIT REVIEW, PUBLIC NOTICE, AND PERMIT DETERMINATION SCHEDULE
19 FOR AN OIL AND GAS OPERATOR THAT CERTIFIES THAT THE DISCHARGE
20 CONTROL TECHNOLOGY THAT IT WILL USE UNDER THE PERMIT MEETS
21 ENHANCED ENVIRONMENTAL AND HUMAN HEALTH PROTECTION
22 STANDARDS. THE DIVISION MAY DEVELOP THE EXPEDITED REVIEW AND
23 ENHANCED STANDARDS THROUGH DIVISION GUIDANCE OR THROUGH A
24 RULE ADOPTED BY THE COMMISSION IN CONSULTATION WITH THE
25 COLORADO OIL AND GAS CONSERVATION COMMISSION. THE DIVISION MAY
26 CONSIDER THE OIL AND GAS OPERATOR'S COLORADO COMPLIANCE
27 HISTORY IN DETERMINING WHETHER THE OPERATOR QUALIFIES FOR

1 EXPEDITED REVIEW PURSUANT TO THIS SUBSECTION (7). A COLORADO
2 FACILITY THAT IS CURRENTLY OUT OF SUBSTANTIVE COMPLIANCE WITH
3 EXISTING FEDERAL OR STATE WATER POLLUTION REQUIREMENTS WHILE ITS
4 PERMIT APPLICATION IS PENDING IS NOT ELIGIBLE FOR THE EXPEDITED
5 PERMIT REVIEW OF THIS SUBSECTION (7).

6 **SECTION 3. Applicability.** This act applies to acts occurring on
7 or after the effective date of this act.

8 **SECTION 4. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.