

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 13, 2013
Date

Committee on State, Veterans, & Military Affairs.

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

SB13-073 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 2, line 5, after "**requirements.**" insert "(1)".
- 2 Page 2, strike lines 9 and 10 and substitute "SHALL:".
- 3 Page 2, after line 10, insert:
 - 4 "(a) PREPARE A STATEMENT OF BASIS AND PURPOSE EXPLAINING
 - 5 THE NEED FOR THE PROPOSED REQUIREMENTS;
 - 6 (b) PRESENT EVIDENCE SUPPORTING THE NEED FOR THE PROPOSED
 - 7 REQUIREMENTS, INCLUDING INFORMATION REGARDING POLLUTANT
 - 8 POTENTIAL AND AVAILABLE CONTROLS, INCIDENTS OF ENVIRONMENTAL
 - 9 DAMAGE, AND PERMIT VIOLATIONS;
 - 10 (c) BEFORE IMPLEMENTING THE PROPOSED REQUIREMENTS,
 - 11 PROVIDE PUBLIC NOTICE OF, AND CONSIDER COMMENTS RECEIVED FROM
 - 12 AFFECTED PARTIES ABOUT, THE PROPOSED REQUIREMENTS; AND
 - 13 (d) UPON REQUEST BY AN AFFECTED PARTY, CONSIDER AND GIVE
 - 14 DUE WEIGHT TO A COST-BENEFIT ANALYSIS:
 - 15 (I) RECEIVED BY THE DIVISION DURING THE COMMENT PHASE SET
 - 16 FORTH IN PARAGRAPH (c) OF THIS SUBSECTION (1);
 - 17 (II) CONCERNING ONE OR MORE PROPOSED REQUIREMENTS THAT
 - 18 ARE NOT ALREADY REQUIRED BY FEDERAL OR STATE STATUTE OR RULE;
 - 19 (III) PREPARED BY A THIRD PARTY CHOSEN FROM AN APPROVED
 - 20 LIST OF ANALYSTS, AS DEVELOPED BY THE DIVISION IN CONSULTATION
 - 21 WITH REPRESENTATIVES OF THE INDUSTRIES THAT ARE SUBJECT TO
 - 22 GENERAL PERMITTING; AND

- 1 (IV) PAID FOR BY THE AFFECTED PARTY.
2 (2) NOTHING IN SUBSECTION (1) OF THIS SECTION CONFERS
3 RULE-MAKING AUTHORITY ON THE DIVISION.
4 (3) A PARTY MAY APPEAL A GENERAL PERMIT ISSUED UNDER
5 SECTION 25-8-502 (1) (b) (I) (G) PURSUANT TO THE APPEALS PROCESS SET
6 FORTH IN SECTION 24-4-105, C.R.S."

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