

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Kennedy

1 Amend the Energy and Environment Committee Report, dated April 7,
2 2022, page 1, line 16, strike "Emission" and substitute "EXCEPT AS
3 PROVIDED IN SECTION 25-7-109.5, emission control regulations shall not
4 include standards ~~which~~ THAT describe maximum ambient air
5 concentrations of specifically identified pollutants or ~~which~~ THAT
6 describe varying degrees of pollution of ambient air. Emission control
7 regulations pertaining to hazardous air pollutants, as defined in subsection
8 (13) of this section, AND TOXIC AIR CONTAMINANTS DESIGNATED
9 PURSUANT TO SECTION 25-7-109.5, shall be consistent with the emission
10 standards promulgated under section 112 of the federal act or ~~section~~
11 SECTIONS 25-7-109.3 AND 25-7-109.5 in reducing or preventing emissions
12 ~~of hazardous air pollutants~~ and may include application of measures,
13 processes, methods, systems, or techniques, including, but not limited to,
14 measures ~~which~~".

15 Page 1 of the report, strike lines 17 through 27.

16 Page 2 of the report, line 4, strike "modifications;". and substitute
17 "modifications;

18 **SECTION 3.** In Colorado Revised Statutes, 25-7-109, **amend**
19 (2)(c) and (2)(h) as follows:

20 **25-7-109. Commission to promulgate emission control**
21 **regulations.** (2) Such emission control regulations may include, but shall
22 not be limited to, regulations pertaining to:

23 (c) Sulfur oxides, sulfuric acids, ORGANIC SULFIDES, hydrogen
24 sulfide, nitrogen oxides, carbon oxides, hydrocarbons, fluorides, and any
25 other chemical substance;

26 (h) Hazardous air pollutants AND TOXIC AIR CONTAMINANTS, AS
27 DEFINED IN SECTION 25-7-109.5 (1)(i)".

28 Page 3 of the report, line 3, strike ""SHALL CREATE AN INITIAL LIST OF".

29 Page 3 of the report, strike lines 4 through 6 and substitute ""SHALL,
30 PURSUANT TO SUBSECTION (1)(i)(III) OF THIS SECTION,".

31 Page 3 of the report, line 8, strike "POLLUTANTS." and substitute
32 "POLLUTANTS AS TOXIC AIR CONTAMINANTS.".

33 Page 3 of the report, strike line 13 and substitute "POLLUTANTS,
34 INCLUDING DATA REPORTED TO THE DIVISION CONCERNING THE EMISSIONS
35 OF TOXIC AIR POLLUTANTS;".

- 1 Page 3 of the report, strike lines 14 through 18.
- 2 Page 3 of the report, line 28, strike "WORKERS AT STATIONARY SOURCES,".
- 3 Page 4 of the report, strike line 1 and substitute:
- 4 "Page 12 of the printed bill, line 6, strike "**emissions inventory reports**"
- 5 and substitute "**toxic emissions reporting program - study -**".
- 6 Page 4 of the report, line 19, strike "THE STATIONARY SOURCE" and
- 7 substitute "CATEGORIES OF STATIONARY SOURCES".
- 8 Page 4 of the report, lines 20 and 21, strike "IS A MAJOR SOURCE,
- 9 SYNTHETIC MINOR SOURCE, OR MINOR SOURCE;" and substitute "ARE
- 10 SOURCES REQUIRED TO HAVE AN OPERATING PERMIT PURSUANT TO
- 11 SECTION 25-7-114.3, SYNTHETIC MINOR SOURCES, OR MINOR SOURCES;".
- 12 Page 5 of the report, line 5, after "THAT" insert "MAY".
- 13 Page 5 of the report, line 6, strike "EMISSIONS INVENTORY" and substitute
- 14 "TOXIC EMISSIONS".
- 15 Page 5 of the report, line 7, after "FOR" insert "OPERATIONS AND
- 16 EMISSIONS OCCURRING IN".
- 17 Page 5 of the report, strike line 12.
- 18 Page 5 of the report, line 24, strike "JULY 1, 2025, AND BY JULY 1" and
- 19 substitute "OCTOBER 1, 2025, AND BY OCTOBER 1".
- 20 Page 6 of the report, line 12, strike "PROGRAM" and substitute "PROGRAM,
- 21 AND THE COSTS ASSOCIATED WITH ADDITIONAL MONITORING SITES,".
- 22 Page 6 of the report, strike lines 20 through 23 and substitute:
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- 24 "Page 18 of the bill, strike lines 21 through 23 and substitute:
- 25 "(6) **Health-based standards - rules.** (a) NO LATER THAN
- 26 DECEMBER 31, 2023, THE COMMISSION SHALL IDENTIFY UP TO FIVE
- 27 PRIORITY TOXIC AIR CONTAMINANTS BASED ON EXISTING DATA AVAILABLE
- 28 TO THE COMMISSION.
- 29 (b) THE COMMISSION SHALL ADOPT RULES THAT:".
- 30 Reletter succeeding paragraphs accordingly."

- 1 Page 6 of the report, line 24, after "FIVE" insert "ADDITIONAL".
- 2 Page 6 of the report, strike lines 26 through 29 and substitute:
- 3 "Page 19 of the bill, strike lines 4 through 6 and substitute:
- 4 "(C) DATA REPORTED TO THE DIVISION CONCERNING EMISSIONS OF
- 5 TOXIC AIR POLLUTANTS;".
- 6 Page 6 of the report, strike lines 33 and 34.
- 7 Page 7 of the report, strike lines 2 and 3 and substitute ""SEPTEMBER 1,
- 8 2030, AND AT LEAST".
- 9 Page 20 of the bill, line 10, strike "OR MORE FREQUENTLY IF THE".
- 10 Page 20 of the bill, strike lines 11 through 15 and substitute "THE
- 11 COMMISSION SHALL;".
- 12 Page 7 of the report, strike lines 6 and 7 and substitute "Page 20 of the
- 13 bill, strike lines 19 through 22.
- 14 Renumber succeeding subparagraphs accordingly."
- 15 Page 7 of the report, strike line 10 and substitute:
- 16 ""(7) **Emission control regulations - rules.** (a) NO LATER THAN
- 17 SEPTEMBER 30, 2024, THE COMMISSION SHALL ADOPT EMISSION CONTROL
- 18 REGULATIONS TO REDUCE EMISSIONS OF EACH PRIORITY TOXIC AIR
- 19 CONTAMINANT IDENTIFIED PURSUANT TO SUBSECTION (6)(a) OF THIS
- 20 SECTION.
- 21 (b) NO LATER THAN".
- 22 Page 7 of the report, line 11, strike "JULY 1, 2026," and substitute
- 23 "SEPTEMBER 30, 2026,".
- 24 Page 7 of the report, strike lines 12 through 15 and substitute
- 25 "REGULATIONS TO REDUCE EMISSIONS OF EACH PRIORITY TOXIC AIR
- 26 CONTAMINANT;".
- 27 Page 7 of the report, line 16, strike "(b)" and substitute "(c)".
- 28 Page 7 of the report, line 16, before "In" insert "EMISSION CONTROL
- 29 REGULATIONS SHALL BE DESIGNED TO REDUCE EMISSIONS OF PRIORITY
- 30 TOXIC AIR CONTAMINANTS TO THE MAXIMUM DEGREE ACHIEVABLE,
- 31 TAKING INTO ACCOUNT ENERGY, ENVIRONMENTAL, AND ECONOMIC

- 1 IMPACTS AND OTHER COSTS."
- 2 Page 7 of the report, line 20, strike "JURISDICTIONS;" and substitute "BY
3 THE FEDERAL GOVERNMENT;"
- 4 Page 7 of the report, strike lines 22 through 29 and substitute "FROM
5 DIFFERENT INDUSTRIES AND CATEGORIES OF SOURCES, INCLUDING
6 SOURCES REQUIRED TO HAVE AN OPERATING PERMIT PURSUANT TO
7 SECTION 25-7-114.3, SYNTHETIC MINOR SOURCES, AND MINOR SOURCES;"
- 8 Page 22 of the bill, strike lines 1 through 3.
- 9 Renumber succeeding subparagraphs accordingly."
- 10 Page 8 of the report, strike lines 2 through 5 and substitute:
- 11 "Page 22 of the bill, line 7, after the semicolon, add "AND".
- 12 Page 22 of the bill, strike lines 8 through 14.
- 13 Renumber succeeding subparagraphs accordingly."
- 14 Page 8 of the report, strike lines 7 and 8 and substitute:
- 15 "Page 22 of the bill, strike lines 17 through 25 and substitute
16 "CONTAMINANT.
- 17 (c) FOR NEW OR MODIFIED SOURCES OF PRIORITY TOXIC AIR
18 CONTAMINANTS, THE COMMISSION SHALL ADOPT EMISSION CONTROL
19 REGULATIONS THAT ARE MORE STRINGENT THAN THOSE IDENTIFIED
20 PURSUANT TO SUBSECTIONS (7)(a) AND (7)(b) OF THIS SECTION WITHOUT
21 REGARD TO ECONOMIC IMPACTS.
- 22 (d) BEGINNING NO LATER THAN SEPTEMBER 30, 2031, AND AT
23 LEAST EVERY FIVE YEARS THEREAFTER, THE COMMISSION SHALL:"
- 24 Renumber succeeding paragraphs accordingly."
- 25 Page 8 of the report, strike lines 20 through 28.
- 26 Strike page 9 of the report.
- 27 Page 10 of the report, strike lines 1 through 26 and substitute:
- 28 "Page 23 of the bill, strike lines 16 through 27.
- 29 Strike pages 24 and 25 of the bill.

1 Page 26 of the bill, strike lines 1 through 20 and substitute:

2 **"(8) Air pollution regulation for sources of toxic air**
3 **contaminants - assessment.** (a) NO LATER THAN DECEMBER 31, 2025,
4 THE DIVISION SHALL CONDUCT AN ASSESSMENT TO DETERMINE THE NEEDS
5 OF THE DIVISION TO ADMINISTER AN AIR PERMITTING PROGRAM TO
6 REGULATE NEW, MODIFIED, AND EXISTING STATIONARY SOURCES THAT
7 EMIT LEVELS OF PRIORITY TOXIC AIR CONTAMINANTS, REFERRED TO IN THIS
8 SUBSECTION (8) AS THE "AIR TOXICS PERMITTING PROGRAM".

9 (b) THE ASSESSMENT MUST:

10 (I) EVALUATE AIR TOXICS PERMITTING PROGRAMS FOR NEW,
11 MODIFIED, AND EXISTING STATIONARY SOURCES OF PRIORITY TOXIC AIR
12 CONTAMINANTS IN OTHER STATES AND ON TRIBAL LANDS;

13 (II) EVALUATE AND MAKE RECOMMENDATIONS REGARDING THE
14 SCOPE OF THE AIR TOXICS PERMITTING PROGRAM, INCLUDING THE TYPES
15 OF PERMITS, STATIONARY SOURCES, INDUSTRIES, AND GEOGRAPHIC AREAS
16 OF THE STATE THAT WOULD BE IMPACTED BY THE PROGRAM;

17 (III) IDENTIFY THE TYPES OF STATIONARY SOURCES OR
18 CONDITIONS THAT COULD PROMPT THE REOPENING OF AN AIR PERMIT BY
19 THE DIVISION TO ADDRESS EMISSIONS OF PRIORITY TOXIC AIR
20 CONTAMINANTS; AND

21 (IV) IDENTIFY PROCESSES AND REASONABLE TIMELINES FOR:

22 (A) THE NOTIFICATION TO ANY STATIONARY SOURCES THAT COULD
23 BE SUBJECT TO THE AIR TOXICS PERMITTING PROGRAM;

24 (B) THE ASSESSMENT OF PUBLIC HEALTH RISKS ASSOCIATED WITH
25 A STATIONARY SOURCE'S EMISSIONS OF PRIORITY TOXIC AIR
26 CONTAMINANTS; AND

27 (C) THE ASSESSMENT AND IMPLEMENTATION OF STRATEGIES
28 DESIGNED TO REDUCE EMISSIONS OF PRIORITY TOXIC AIR CONTAMINANTS
29 FROM A STATIONARY SOURCE THROUGH PERMITTING; AND

30 (V) IDENTIFY THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH
31 THE IMPLEMENTATION OF AN AIR TOXICS PERMITTING PROGRAM FOR
32 EXISTING STATIONARY SOURCES AND POSSIBLE FUNDING MECHANISMS.

33 (c) THE DIVISION SHALL PROVIDE PUBLIC NOTICE AND HOLD AT
34 LEAST TWO PUBLIC MEETINGS AT WHICH MEMBERS OF THE PUBLIC HAVE AN
35 OPPORTUNITY TO COMMENT ON THE ASSESSMENT. THE DIVISION SHALL
36 ALSO CONDUCT OUTREACH TO AND SOLICIT FEEDBACK FROM
37 DISPROPORTIONATELY IMPACTED COMMUNITIES AND WORKERS AT
38 STATIONARY SOURCES ON THE ASSESSMENT.

39 (d) IN FINALIZING THE ASSESSMENT, THE DIVISION SHALL INCLUDE
40 IN THE ASSESSMENT A SUMMARY OF ANY COMMENTS RECEIVED FROM THE
41 PUBLIC, WORKERS AT STATIONARY SOURCES, AND DISPROPORTIONATELY
42 IMPACTED COMMUNITIES AND IDENTIFY ANY SIGNIFICANT CHANGES MADE
43 TO THE ASSESSMENT BASED ON SUCH COMMENTS.

44 (e) THE DIVISION SHALL REPORT ON THE ASSESSMENT TO THE

1 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE
2 ENERGY AND ENVIRONMENT COMMITTEE OF THE HOUSE OF
3 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, DURING THE
4 COMMITTEES' HEARINGS HELD PRIOR TO THE 2026 REGULAR SESSION OF
5 THE GENERAL ASSEMBLY UNDER THE "STATE MEASUREMENT FOR
6 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
7 GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2."

8 Renumber succeeding subsection accordingly."

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