

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

May 28, 2020

Committee on Finance.

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

HB20-1265 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Strike the Energy and Environment Committee Report, dated March 9,
2 2020, and substitute:

3 "Amend corrected printed bill, strike everything below the enacting
4 clause and substitute:

5 "SECTION 1. In Colorado Revised Statutes, **add** 25-7-141 as
6 follows:

7 **25-7-141. Public notice of air quality incidents - duties of**
8 **covered entities - definitions.** (1) AS USED IN THIS SECTION:

9 (a) "COVERED AIR TOXIC" MEANS HYDROGEN CYANIDE, HYDROGEN
10 SULFIDE, AND BENZENE.

11 (b) "COVERED FACILITY" MEANS A STATIONARY SOURCE THAT
12 REPORTED AT LEAST ONE OF THE FOLLOWING AMOUNTS OF A COVERED AIR
13 TOXIC IN ITS FEDERAL TOXICS RELEASE INVENTORY FILING PURSUANT TO
14 42 U.S.C. SEC. 11023 FOR THE YEAR 2017 OR LATER:

15 (I) FOR HYDROGEN CYANIDE, TEN THOUSAND POUNDS;

16 (II) FOR HYDROGEN SULFIDE, FIVE THOUSAND POUNDS; AND

17 (III) FOR BENZENE, ONE THOUSAND POUNDS.

18 (c) "EMERGENCY NOTIFICATION SERVICE" HAS THE MEANING
19 ESTABLISHED IN SECTION 29-11-101 (1.5).

20 (d) "INCIDENT" MEANS THE EMISSION BY A COVERED FACILITY OF
21 AN AIR POLLUTANT AT A RATE OR QUANTITY THAT EXCEEDS ALLOWABLE
22 EMISSIONS AS A RESULT OF ANTICIPATED OR UNANTICIPATED

1 CIRCUMSTANCES, INCLUDING A MALFUNCTION, START-UP, SHUTDOWN,
2 UPSET, OR EMERGENCY.

3 (2) EACH COVERED FACILITY SHALL:

4 (a) CONDUCT OUTREACH TO REPRESENTATIVES OF THE
5 COMMUNITY SURROUNDING THE COVERED FACILITY TO DISCUSS
6 COMMUNICATIONS REGARDING THE OCCURRENCE OF AN INCIDENT,
7 INCLUDING:

8 (I) METHODS BY WHICH THE COVERED FACILITY CAN DISSEMINATE
9 INFORMATION TO THE COMMUNITY AND METHODS BY WHICH COMMUNITY
10 MEMBERS CAN CONTACT THE COVERED FACILITY REGARDING AN INCIDENT;
11 AND

12 (II) PROVISIONS FOR COMMUNICATIONS IN SPANISH;

13 (b) USE AN EMERGENCY NOTIFICATION SERVICE THROUGH WHICH
14 THE COVERED FACILITY WILL COMMUNICATE WITH, AND MAKE DATA
15 AVAILABLE TO, THE COMMUNITY SURROUNDING THE COVERED FACILITY
16 REGARDING THE OCCURRENCE OF AN INCIDENT;

17 (c) IMPLEMENT THE EMERGENCY NOTIFICATION SERVICE WITHIN
18 SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION; AND

19 (d) PAY ALL COSTS ASSOCIATED WITH ITS USE OF THE EMERGENCY
20 NOTIFICATION SERVICE.

21 **SECTION 2. Applicability.** This act applies to conduct occurring
22 on or after the effective date of this act.

23 **SECTION 3. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, or safety."."

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