

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0694.04 Jery Payne x2157

HOUSE BILL 22-1372

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HOUSE SPONSORSHIP

Carver,

SENATE SPONSORSHIP

(None),

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House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING AN EXEMPTION FROM AIR EMISSION LIMITS FOR THE USE  
102 OF A STATIONARY ENGINE TO SUPPORT CRITICAL  
103 INFRASTRUCTURE IN EMERGENCIES.

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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://leg.colorado.gov>.)*

The bill authorizes the use of an emergency stationary engine if:

- The emergency stationary engine is providing electric power to or mechanical work for military facilities or facilities under the control of the United States department of defense;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

- The emergency stationary engine is in compliance with 40 CFR 60, subparts IIII and JJJJ, as in effect on January 1, 2022;
- The emergency stationary engine's air pollution control and monitoring equipment is installed, operated, and maintained in compliance with the manufacturer's standards; and
- The emergency stationary engine is undergoing routine maintenance or testing or providing primary electrical power or mechanical work during an emergency situation pursuant to 40 CFR 60 or 63, as in effect on January 1, 2022.

A person that operates an emergency stationary engine is required to:

- Minimize the use of emergency stationary engines as much as practicable, consistent with the health, safety, and welfare of the people of Colorado;
- Report each emergency event that causes the engine to be operated within the later of 48 hours after or noon on the business day following the emergency event;
- Record information about each emergency event; and
- Submit compliance reports detailing the operation of the engine, the reason for the operation, deviations, and corrective actions.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-7-103, **add** (9.7)  
 3 and (9.8) as follows:

4 **25-7-103. Definitions.** As used in this article 7, unless the context  
 5 otherwise requires:

6 (9.7) "EMERGENCY EVENT" MEANS A SITUATION ARISING FROM A  
 7 SUDDEN AND REASONABLY UNFORESEEN NATURAL DISASTER OR OTHER  
 8 UNFORESEEN EVENT, INCLUDING THE LOSS OF UTILITY SERVICE, THAT  
 9 REQUIRES THE USE OF EMERGENCY STATIONARY ENGINES TO ALLEVIATE  
 10 A THREAT TO HEALTH, SAFETY, AND WELFARE PURSUANT TO 40 CFR 60 OR  
 11 63, AS IN EFFECT ON JANUARY 1, 2022. A THREAT TO HEALTH, SAFETY,

1 AND WELFARE INCLUDES NATIONAL SECURITY THREATS.

2 (9.8) "EMERGENCY STATIONARY ENGINE" MEANS AN ENGINE THAT  
3 IS NOT MOBILE AND THAT IS USED TO PROVIDE ELECTRIC POWER TO OR  
4 MECHANICAL WORK FOR CRITICAL INFRASTRUCTURE DURING AN  
5 EMERGENCY EVENT.

6 **SECTION 2.** In Colorado Revised Statutes, **add 25-7-143** as  
7 follows:

8 **25-7-143. Emergency stationary engine exception - legislative**  
9 **declaration - rules.** (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS  
10 THAT:

11 (I) THE UNITED STATES ARMED FORCES PROTECT THE UNITED  
12 STATES, INCLUDING THE PEOPLE OF COLORADO, FROM THREATS DOMESTIC  
13 AND ABROAD;

14 (II) COLORADO IS HOME TO THE NORTH AMERICAN AEROSPACE  
15 DEFENSE COMMAND, U.S. STRATEGIC COMMAND, U.S. AIR FORCE SPACE  
16 COMMAND, AND U.S. NORTHERN COMMAND;

17 (III) THESE COMMAND AND MILITARY FACILITIES PLAY A CRITICAL  
18 ROLE IN AEROSPACE DEFENSE, INCLUDING DEFENSE AGAINST  
19 INTERCONTINENTAL BALLISTIC MISSILES AND WEAPONS OF MASS  
20 DESTRUCTION; AND

21 (IV) REGULATIONS PROMULGATED UNDER THE FEDERAL ACT  
22 AUTHORIZE EMERGENCY STATIONARY ENGINES TO OPERATE DURING AN  
23 EMERGENCY EVENT.

24 (b) THEREFORE, THE GENERAL ASSEMBLY HEREBY DECLARES  
25 THAT:

26 (I) MAINTAINING THE OPERATING CAPACITY OF COLORADO'S  
27 MILITARY FACILITIES IS CRITICAL TO PROTECTING THE HEALTH, SAFETY,

1 AND WELFARE OF THE PEOPLE OF COLORADO;

2 (II) ALTHOUGH REGULATION OF EMISSIONS IS IMPORTANT TO THE  
3 HEALTH, SAFETY, AND WELFARE OF THE PEOPLE OF COLORADO, FAILURE  
4 TO MAINTAIN OPERATION AT ALL TIMES OF THESE CRITICAL FACILITIES  
5 DURING AN EMERGENCY COULD LEAD TO SEVERE LOSS OF LIFE AND  
6 DEVASTATING ENVIRONMENTAL CONSEQUENCES IN COLORADO;

7 (III) EMERGENCY STATIONARY ENGINES ARE CRITICAL TO  
8 PROVIDING POWER AND OTHER SERVICES NECESSARY TO MAINTAIN THE  
9 OPERATION OF THESE MILITARY FACILITIES AT ALL TIMES; AND

10 (IV) THIS SECTION IS SELF EXECUTING.

11 (2) NOTWITHSTANDING ANY REQUIREMENTS OR EMISSION LIMITS  
12 ESTABLISHED BY STATE STATUTE OR RULE, A PERSON MAY OPERATE AN  
13 EMERGENCY STATIONARY ENGINE, AS AUTHORIZED BY THE FEDERAL ACT,  
14 IF:

15 (a) THE EMERGENCY STATIONARY ENGINE IS PROVIDING ELECTRIC  
16 POWER TO OR MECHANICAL WORK FOR MILITARY FACILITIES OR FACILITIES  
17 UNDER THE CONTROL OF THE UNITED STATES DEPARTMENT OF DEFENSE;

18 (b) THE EMERGENCY STATIONARY ENGINE IS IN COMPLIANCE WITH  
19 40 CFR 60, SUBPARTS IIII AND JJJJ, AS IN EFFECT ON JANUARY 1, 2022;

20 (c) THE EMERGENCY STATIONARY ENGINE'S AIR POLLUTION  
21 CONTROL AND MONITORING EQUIPMENT IS INSTALLED, OPERATED, AND  
22 MAINTAINED IN COMPLIANCE WITH THE MANUFACTURER'S STANDARDS;

23 AND

24 (d) THE EMERGENCY STATIONARY ENGINE IS:

25 (I) UNDERGOING ROUTINE MAINTENANCE OR TESTING; OR

26 (II) PROVIDING PRIMARY ELECTRICAL POWER OR MECHANICAL  
27 WORK DURING AN EMERGENCY EVENT PURSUANT TO 40 CFR 60 OR 63, AS

1 IN EFFECT ON JANUARY 1, 2022, FOR THE DURATION OF THE EMERGENCY  
2 EVENT.

3 (3) (a) A PERSON THAT OPERATES AN EMERGENCY STATIONARY  
4 ENGINE SHALL:

5 (I) MINIMIZE THE USE OF EMERGENCY STATIONARY ENGINES AS  
6 MUCH AS PRACTICABLE, CONSISTENT WITH THE HEALTH, SAFETY, AND  
7 WELFARE OF THE PEOPLE OF COLORADO;

8 (II) REPORT AN EMERGENCY EVENT TO THE DIVISION WITHIN THE  
9 LATER OF FORTY-EIGHT HOURS OR BY NOON ON THE NEXT BUSINESS DAY  
10 AFTER OPERATING AN EMERGENCY STATIONARY ENGINE BECAUSE OF THE  
11 EMERGENCY EVENT; AND

12 (III) EACH TIME AN EMERGENCY STATIONARY ENGINE IS  
13 OPERATED, RECORD:

14 (A) THAT THE EMERGENCY STATIONARY ENGINE WAS OPERATED;

15 (B) THE DATE THAT THE OPERATION BEGAN;

16 (C) THE DURATION OF THE OPERATION;

17 (D) THE REASON FOR EACH OPERATION, INCLUDING AN  
18 EMERGENCY EVENT, MAINTENANCE, OR TESTING; AND

19 (E) WHETHER ANY ACTION WAS TAKEN TO CORRECT OR MITIGATE  
20 THE EMERGENCY EVENT.

21 (b) A PERSON THAT INSTALLS AN EMERGENCY STATIONARY ENGINE  
22 SHALL RETAIN FOR FIVE YEARS AND MAKE AVAILABLE FOR INSPECTION THE  
23 INSTALLATION, MAINTENANCE, AND OPERATION RECORDS AND DATA OF  
24 THE EMERGENCY STATIONARY ENGINE, INCLUDING, AT A MINIMUM:

25 (I) MONITORING RESULTS;

26 (II) OPERATION AND MAINTENANCE PROCEDURES; AND

27 (III) OPERATION AND MAINTENANCE RECORDS.

1           (4) A PERSON THAT OPERATES AN EMERGENCY STATIONARY  
2 ENGINE SHALL SUBMIT A COMPLIANCE REPORT TO THE DIVISION ANNUALLY  
3 ON THE DATE THE PERSON REGULARLY SUBMITS REPORTS IN ACCORDANCE  
4 WITH ANY PERMITS HELD BY THE PERSON. EACH COMPLIANCE REPORT  
5 MUST INCLUDE THE FOLLOWING INFORMATION:

6           (a) THE INSTALLATION NAME AND ADDRESS;

7           (b) THE DATE OF THE REPORT AND THE BEGINNING AND END DATES  
8 OF THE REPORTING PERIOD;

9           (c) THE INFORMATION REQUIRED TO BE RECORDED IN SUBSECTION  
10 (3)(a)(III) OF THIS SECTION;

11          (d) ANY ACTION TAKEN TO MINIMIZE THE OPERATION OF THE  
12 EMERGENCY STATIONARY ENGINE; AND

13          (e) A STATEMENT BY THE REPORTING PERSON, INCLUDING THE  
14 PERSON'S NAME, TITLE, AND SIGNATURE, CERTIFYING THE ACCURACY OF  
15 THE REPORT.

16          (5) COMPLIANCE WITH THIS SECTION IS A CONDITION OF EVERY AIR  
17 QUALITY PERMIT ISSUED OR RENEWED BY THE DIVISION.

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