

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Valdez, A.

1 Amend reengrossed bill, page 34, after line 13 insert:

2 **"SECTION 7.** In Colorado Revised Statutes, 25-7-114.5, **amend**
3 (7)(b) and (16) as follows:

4 **25-7-114.5. Application review - public participation.**

5 (7) (b) Failure of the division or commission, as the case may be, to grant
6 or deny the permit application or permit renewal application within the
7 time prescribed shall be treated as a final permit action for purposes of
8 obtaining judicial review in the district court in which the source is
9 located, to require that action be taken on such application by the
10 commission or division, as appropriate, without additional delay.
11 NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY, JUDICIAL
12 REVIEW OF THE DIVISION'S FAILURE TO GRANT OR DENY A RENEWABLE
13 OPERATING PERMIT REQUIRED BY TITLE V OF THE FEDERAL ACT IS
14 AVAILABLE UNTIL THE DIVISION GRANTS OR DENIES THE PERMIT.

15 (16) (a) If the division experiences a backlog in processing air
16 quality permit applications ~~caused by an occasional need that is seasonal,~~
17 ~~irregular, or fluctuating in nature,~~ and the department determines or
18 reasonably expects that, as a result, permits would not be issued within
19 statutory time frames, the division shall make available to sources that are
20 not subject to permitting under part C of the federal act the option to have
21 the PERMIT APPLICATION, THE air quality modeling, OR BOTH that is
22 submitted with the applicant's air permit application reviewed for
23 acceptance as demonstrating compliance by a contract consultant selected
24 by the division in lieu of the review being conducted by division staff.
25 THE DIVISION MAY ALSO ENTER INTO CONTRACTS TO SUPPORT THE
26 DIVISION'S AIR QUALITY PERMIT PROGRAMS, INCLUDING THE DIVISION'S
27 GENERAL PERMIT PROGRAM, AND MODELING TO SUPPORT THE AIR QUALITY
28 PERMIT PROGRAMS.

29 (b) The division shall select and contract with ~~QUALIFIED~~
30 nongovernmental air quality ~~CONSULTANTS, modeling engineers~~ EXPERTS,
31 OR BOTH to perform PERMIT APPLICATION REVIEWS, air quality modeling
32 reviews, ~~of applicants who choose contract consultant review of their air~~
33 ~~quality permit modeling OR OTHER WORK TO SUPPORT THE DIVISION'S AIR~~
34 ~~QUALITY PERMIT PROGRAMS.~~ The division is not subject to the
35 requirements of the "Procurement Code", articles 101 to 112 of title 24,
36 C.R.S., in selecting and contracting with the consultants, MODELING
37 EXPERTS, OR BOTH. The division shall review and exclude from
38 consideration as a contract air quality ~~modeling~~ consultant any contractors
39 with a conflict of interest regarding air quality permit applications OR
40 MODELING. Applicants that choose consultant review of their air quality

1 PERMIT APPLICATIONS OR modeling are responsible for both the
2 consultant's costs associated with the ~~air modeling~~ review as well as the
3 division's costs associated with the review and determination of the air
4 permit application, to be paid to the division. The division shall transfer
5 the money to the state treasurer, who shall credit it to the stationary
6 sources control fund created in section 25-7-114.7 (2)(b)(I).

7 (c) The division shall use the results of the modeling conducted
8 pursuant to ~~paragraph (b) of this subsection (16)~~ SUBSECTION (16)(a) OR
9 (16)(b) OF THIS SECTION for purposes of the division's permit PROGRAM
10 AND application analysis.".

11 Rerumber succeeding sections accordingly.

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