

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

March 9, 2020

Committee on Energy & Environment.

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

HB20-1119 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 2, line 3, strike "(4) and (5)" and substitute "(4),
2 (5), and (6)".
- 3 Page 2, line 5, strike "**definitions.**" and substitute "**definitions - repeal.**"
4 and strike "ANY" and substitute "AS OF AUGUST 2, 2019, ANY".
- 5 Page 2, line 12, after "COLORADO;" add "AND".
- 6 Page 2, strike lines 13 and 14.
- 7 Renumber succeeding subparagraph accordingly.
- 8 Page 3, lines 3 and 4, strike "HAZARDOUS CHEMICALS DATA, NFPA 49,
9 1994 EDITION, REVISED 2001, AS AMENDED;" and substitute "THE
10 STANDARD ON AIRCRAFT HANGARS NFPA 409, 2016 EDITION, REVISED
11 2011, AS AMENDED;".
- 12 Page 3, line 15, strike "OR" and substitute "OF".
- 13 Page 3, after line 17 insert:
14 "(6) SUBSECTIONS (4) AND (5) OF THIS SECTION ARE REPEALED,
15 EFFECTIVE JANUARY 1, 2023."
- 16 Page 3, strike lines 18 through 27.

- 1 Page 4, strike lines 1 through 10.
- 2 Renumber succeeding sections accordingly.
- 3 Page 4, strike lines 15 and 16 and substitute "COMMISSION SHALL
4 PROMULGATE RULES ESTABLISHING A CERTIFICATE OF REGISTRATION FOR
5 ANY FACILITY, FIRE DEPARTMENT, OR LESSEE THAT USES OR STORES".
- 6 Page 4, line 17, strike "SUBSTANCES," and insert "SUBSTANCES IN ITS
7 OPERATIONS,".
- 8 Page 4, line 22, after "SUBSTANCES." add "THE COMMISSION SHALL TAKE
9 INTO ACCOUNT COSTS, TECHNOLOGICAL FEASIBILITY, AND THE POSSIBILITY
10 OF EMERGENCY SITUATIONS FOR ANY RULES IT PROMULGATES.".
- 11 Page 4, line 23, strike "POSSESSES" and substitute "USES OR STORES".
- 12 Page 4, line 24, after "SUBSTANCES" insert "IN ITS OPERATIONS".
- 13 Page 5, after line 7 insert:
14 "(d) NO FACILITY, FIRE DEPARTMENT, OR LESSEE SUBJECT TO
15 FEDERAL RULES AND REGULATIONS THAT POSSESSES PERFLUOROALKYL
16 AND POLYFLUOROALKYL SUBSTANCES SHALL BE SUBJECT TO ANY
17 PENALTIES UNDER THIS SECTION FOR NOT OBTAINING A CERTIFICATE OF
18 REGISTRATION UNLESS THERE HAS BEEN A SUFFICIENT OPPORTUNITY TO
19 APPLY FOR AND RECEIVE A CERTIFICATE OF REGISTRATION.".
- 20 Page 5, strike line 8 and substitute:
21 "(e) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
22 REQUIRES:
23 (I) "PERFLUOROALKYL AND".
- 24 Page 5, lines 9 and 10, strike "FIREFIGHTING AGENTS AND EQUIPMENT"
25 and substitute "CLASS B FIREFIGHTING FOAM, AS DEFINED IN SECTION
26 25-5-1302 (2)".
- 27 Page 5, after line 11 insert:
28 "(II) "USES OR STORES" MEANS ACTUAL AND INTENTIONAL
29 OWNERSHIP OR CONTROL OF PERFLUOROALKYL AND POLYFLUOROALKYL
30 SUBSTANCES. "USES OR STORES" DOES NOT MEAN THE INTERCEPTION OR
31 ACCUMULATION OF PERFLUOROALKYL AND POLYFLUOROALKYL

1 SUBSTANCES IN WATER TREATMENT FACILITIES AND DOMESTIC
2 WASTEWATER FACILITIES.

3 **SECTION 3.** In Colorado Revised Statutes, **add 25-5-1309** as
4 follows:

5 **25-5-1309. Restriction on the use of certain firefighting foam**
6 **at certain airports - definitions.** (1) BEGINNING JANUARY 1, 2023, THE
7 USE OF CLASS B FIREFIGHTING FOAM THAT CONTAINS INTENTIONALLY
8 ADDED PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES SHALL BE
9 PROHIBITED AT STRUCTURES USED FOR THE STORAGE OR MAINTENANCE OF
10 AIRCRAFT WHERE THE STRUCTURE IS LOCATED IN AN AIRPORT THAT:

11 (a) HAS BEEN CERTIFIED BY THE FEDERAL AVIATION
12 ADMINISTRATION IN ACCORDANCE WITH 14 CFR 139; AND

13 (b) IS WITHIN THE STATE OF COLORADO.

14 (2) AS USED IN THIS SECTION, "CLASS B FIREFIGHTING FOAM" AND
15 "PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES" HAVE THE
16 SAME MEANING AS THEY ARE DEFINED IN SECTION 25-5-1302."

17 Renumber succeeding section accordingly.

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