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:

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

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

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

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

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

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

(I) FOR HYDROGEN CYANIDE, TEN THOUSAND POUNDS;
(II) FOR HYDROGEN SULFIDE, FIVE THOUSAND POUNDS; AND
(III) FOR BENZENE, ONE THOUSAND POUNDS.

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

(d) "INCIDENT" MEANS THE EMISSION BY A COVERED FACILITY OF AN AIR POLLUTANT AT A RATE OR QUANTITY THAT EXCEEDS ALLOWABLE EMISSIONS AS A RESULT OF ANTICIPATED OR UNANTICIPATED
CIRCUMSTANCES, INCLUDING A MALFUNCTION, START-UP, SHUTDOWN, UPSET, OR EMERGENCY.

(2) EACH COVERED FACILITY SHALL:
(a) CONDUCT OUTREACH TO REPRESENTATIVES OF THE COMMUNITY SURROUNDING THE COVERED FACILITY TO DISCUSS COMMUNICATIONS REGARDING THE OCCURRENCE OF AN INCIDENT, INCLUDING:
   (I) METHODS BY WHICH THE COVERED FACILITY CAN DISSEMINATE INFORMATION TO THE COMMUNITY AND METHODS BY WHICH COMMUNITY MEMBERS CAN CONTACT THE COVERED FACILITY REGARDING AN INCIDENT; AND
   (II) PROVISIONS FOR COMMUNICATIONS IN SPANISH;
(b) USE AN EMERGENCY NOTIFICATION SERVICE THROUGH WHICH THE COVERED FACILITY WILL COMMUNICATE WITH, AND MAKE DATA AVAILABLE TO, THE COMMUNITY SURROUNDING THE COVERED FACILITY REGARDING THE OCCURRENCE OF AN INCIDENT;
(c) IMPLEMENT THE EMERGENCY NOTIFICATION SERVICE WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION; AND
(d) PAY ALL COSTS ASSOCIATED WITH ITS USE OF THE EMERGENCY NOTIFICATION SERVICE.

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

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

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