

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

May 10, 2021

Committee on Finance.

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

HB21-1189 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend the Energy and Environment Committee Report, dated March 25,
- 2 2021, page 1, after line 2 insert:
 - 3 "Page 4 of the bill, line 24, after "THAT" insert "ENCOMPASSES THE
 - 4 COVERED FACILITY AND".
- 5 Amend printed bill, page 5, after line 20 insert:
 - 6 "(j) "NOTIFICATION THRESHOLD" MEANS ACUTE EXPOSURE LEVELS
 - 7 WITH AN AVERAGING TIME OF ONE HOUR AS ESTABLISHED BY THE DIVISION
 - 8 PURSUANT TO SUBSECTION (5)(a)(III) OF THIS SECTION."
- 9 Reletter succeeding paragraphs accordingly.
- 10 Page 2 of the report, after line 1 insert:
 - 11 "Page 7 of the bill, line 6, strike "ANY INTERESTED PERSON," and
 - 12 substitute "AN INTERESTED PERSON BASED ON DATA EVIDENCING
 - 13 POTENTIAL EXPOSURE TO A POLLUTANT AT LEVELS POSING A SIGNIFICANT
 - 14 RISK TO HUMAN HEALTH,".
- 15 Page 2 of the report, line 6, strike "FACILITIES; AND" and substitute
- 16 "FACILITIES;".
- 17 Page 2 of the report, strike line 8 and substitute ""FACILITIES BY RULE;

1 AND

2 (c) IF THE COMMISSION ADJUSTS THE LIST OF COVERED AIR TOXICS
3 OR COVERED FACILITIES, ADJUST BY RULE THE ANNUAL AMOUNT THAT THE
4 DIVISION MAY ANNUALLY SPEND TO CONDUCT THE COMMUNITY-BASED
5 MONITORING REQUIRED BY SUBSECTION (7)(a) OF THIS SECTION."."

6 Page 7 of the bill, line 26, strike "will" and substitute "will, AS SOON AS
7 POSSIBLE,".

8 Page 8 of the bill, line 2, strike "incident;" and substitute "incident OR AN
9 EXCEEDANCE OF A NOTIFICATION THRESHOLD IDENTIFIED BY A FENCELINE
10 MONITORING SYSTEM;".

11 Page 8 of the bill, after line 2 insert:

12 "(b.5) FOR TWO YEARS, MAINTAIN A RECORD OF ALL
13 COMMUNICATIONS MADE THROUGH AN EMERGENCY NOTIFICATION
14 SERVICE, INCLUDING WHETHER ANY OTHER ACTION WAS TAKEN IN
15 RESPONSE TO THE INCIDENT OR EXCEEDANCE OF A NOTIFICATION
16 THRESHOLD, WHICH RECORD MUST BE AVAILABLE TO THE PUBLIC;".

17 Page 8 of the bill, after line 16 insert:

18 "(III) THE DIVISION SHALL ESTABLISH NOTIFICATION THRESHOLDS
19 FOR EACH COVERED AIR TOXIC. IN ESTABLISHING THE NOTIFICATION
20 THRESHOLDS, THE DIVISION SHALL TAKE A PRECAUTIONARY APPROACH TO
21 ASSURE PROTECTION OF PUBLIC HEALTH. THE NOTIFICATION THRESHOLDS:

22 (A) SHALL BE BASED ON SCIENTIFIC RESEARCH THAT IS PUBLICLY
23 AVAILABLE AND PEER-REVIEWED ABOUT THE POTENTIAL HUMAN HEALTH
24 IMPACTS OF SHORT-TERM EXPOSURES TO POLLUTANTS;

25 (B) MAY BE BASED ON ACUTE EXPOSURE LEVELS OR GUIDELINES
26 UTILIZED BY A FEDERAL AGENCY OR ANOTHER STATE; AND

27 (C) SHALL BE INCLUDED IN THE FENCELINE MONITORING PLAN OF
28 EACH COVERED FACILITY.".

29 Page 2 of the report, after line 9 insert:

30 "Page 8 of the bill, line 21, strike "BE AT LEAST AS STRINGENT AS" and
31 substitute "PROVIDE FOR MONITORING CONSISTENT WITH"."

32 Page 2 of the report, after line 27 insert:



- 1 "Page 11 of the bill, line 25, after the semicolon add "AND".".
- 2 Page 3 of the report, line 1, strike "PLAN; AND"." and substitute "PLAN."."
- 3 Page 3 of the report, strike line 2 and substitute:
- 4 "Page 12 of the bill, strike lines 1 through 3.
- 5 Page 12 of the bill, strike lines 13 through 25.
- 6 Renumber succeeding subsections accordingly."
- 7 Page 13 of the bill, line 4, after the period add "THE DIVISION MAY
8 EXPEND UP TO EIGHT HUNDRED THOUSAND DOLLARS FROM THE GENERAL
9 FUND TO PURCHASE AND EQUIP A MOBILE AIR-QUALITY MONITORING VAN
10 DEDICATED FOR USE IN THE NORTHERN METROPOLITAN DENVER AREA TO
11 CONDUCT COMMUNITY-BASED MONITORING PURSUANT TO THIS
12 SUBSECTION (7)".
- 13 Page 3 of the report, before line 3 insert:
- 14 "Page 13 of the bill, after line 4 insert:
- 15 "(b) SUBJECT TO SUBSECTION (3)(c) OF THIS SECTION, THE
16 DIVISION SHALL NOT SPEND MORE THAN ONE MILLION DOLLARS ANNUALLY
17 TO CONDUCT THE COMMUNITY-BASED MONITORING REQUIRED BY
18 SUBSECTION (7)(a) OF THIS SECTION."
- 19 Reletter succeeding paragraphs accordingly."
- 20 Page 3 of the report, strike lines 7 through 9 and substitute:
- 21 "(c) COVERED FACILITIES SHALL PAY THE DIVISION FOR THE
22 COVERED FACILITY'S ANNUAL PRO RATA SHARE OF THE DIRECT AND
23 INDIRECT COSTS OF CONDUCTING COMMUNITY-BASED MONITORING, WHICH
24 MONEY SHALL BE CREDITED TO THE STATIONARY SOURCES CONTROL FUND
25 CREATED IN SECTION 25-7-114.7 (2)(b)(I). PAYMENT WILL BE RECEIVED
26 IN ADVANCE OF PERFORMING COMMUNITY-BASED MONITORING UNLESS
27 THE DIVISION EXPRESSLY AUTHORIZES REIMBURSEMENT."."

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