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, 2021, page 1, after line 2 insert:

"Page 4 of the bill, line 24, after "THAT" insert "ENCOMPASSES THE COVERED FACILITY AND".".

2. Amend printed bill, page 5, after line 20 insert:

"(j) "NOTIFICATION THRESHOLD" MEANS ACUTE EXPOSURE LEVELS WITH AN AVERAGING TIME OF ONE HOUR AS ESTABLISHED BY THE DIVISION PURSUANT TO SUBSECTION (5)(a)(III) OF THIS SECTION.".

3. Reletter succeeding paragraphs accordingly.

4. Page 2 of the report, after line 1 insert:

"Page 7 of the bill, line 6, strike "ANY INTERESTED PERSON," and substitute "AN INTERESTED PERSON BASED ON DATA EVIDENCING POTENTIAL EXPOSURE TO A POLLUTANT AT LEVELS POSING A SIGNIFICANT RISK TO HUMAN HEALTH,".".

5. Page 2 of the report, line 6, strike "FACILITIES; AND". and substitute "FACILITIES;".

6. Page 2 of the report, strike line 8 and substitute ""FACILITIES BY RULE;"
AND
(c) IF THE COMMISSION ADJUSTS THE LIST OF COVERED AIR TOXICS OR COVERED FACILITIES, ADJUST BY RULE THE ANNUAL AMOUNT THAT THE DIVISION MAY ANNUALLY SPEND TO CONDUCT THE COMMUNITY-BASED MONITORING REQUIRED BY SUBSECTION (7)(a) OF THIS SECTION.".

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

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

Page 8 of the bill, after line 2 insert:

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

Page 8 of the bill, after line 16 insert:

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

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

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

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

Page 2 of the report, after line 9 insert:

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

Page 2 of the report, after line 27 insert:
"Page 11 of the bill, line 25, after the semicolon add "AND").".

Page 3 of the report, line 1, strike "PLAN; AND"." and substitute "PLAN.".".

Page 3 of the report, strike line 2 and substitute:

"Page 12 of the bill, strike lines 1 through 3.

Page 12 of the bill, strike lines 13 through 25.

Renumber succeeding subsections accordingly.".

Page 13 of the bill, line 4, after the period add "THE DIVISION MAY EXPEND UP TO EIGHT HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO PURCHASE AND EQUIP A MOBILE AIR-QUALITY MONITORING VAN DEDICATED FOR USE IN THE NORTHERN METROPOLITAN DENVER AREA TO CONDUCT COMMUNITY-BASED MONITORING PURSUANT TO THIS SUBSECTION (7).".

Page 3 of the report, before line 3 insert:

"Page 13 of the bill, after line 4 insert:

"(b) SUBJECT TO SUBSECTION (3)(c) OF THIS SECTION, THE DIVISION SHALL NOT SPEND MORE THAN ONE MILLION DOLLARS ANNUALLY TO CONDUCT THE COMMUNITY-BASED MONITORING REQUIRED BY SUBSECTION (7)(a) OF THIS SECTION.".

Reletter succeeding paragraphs accordingly.".

Page 3 of the report, strike lines 7 through 9 and substitute:

"(c) COVERED FACILITIES SHALL PAY THE DIVISION FOR THE COVERED FACILITY'S ANNUAL PRO RATA SHARE OF THE DIRECT AND INDIRECT COSTS OF CONDUCTING COMMUNITY-BASED MONITORING, WHICH MONEY SHALL BE CREDITED TO THE STATIONARY SOURCES CONTROL FUND CREATED IN SECTION 25-7-114.7 (2)(b)(I). PAYMENT WILL BE RECEIVED IN ADVANCE OF PERFORMING COMMUNITY-BASED MONITORING UNLESS THE DIVISION EXPRESSLY AUTHORIZES REIMBURSEMENT.".".

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