

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

March 20, 2024  
Date

Committee on Transportation & Energy.

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

SB24-166 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 3, line 6, strike "(a)".
- 2 Page 3, strike lines 8 through 13 and substitute "IN SECTION 25-7-105
- 3 (1)(e)(XI)(B.5)".
- 4 Page 3, strike lines 15 through 18 and substitute "THREE-YEAR PERIOD,
- 5 HAS COMMITTED FIVE OR MORE VIOLATIONS FROM SEPARATE EVENTS AT
- 6 THE SAME STATIONARY SOURCE".
- 7 Page 4, strike lines 1 through 8.
- 8 Reletter succeeding paragraph accordingly.
- 9 Page 4, line 9, strike "INCLUDES".
- 10 Page 4, strike lines 10 and 11 and substitute "MEANS ANY EXCEEDANCE
- 11 OF THE ALLOWABLE EMISSIONS OF AN AIR POLLUTANT".
- 12 Page 4 of the printed bill, after line 11 insert:
  - 13 "(c) AS USED IN THIS SUBSECTION (19.7), "VIOLATION" DOES NOT
  - 14 INCLUDE A VIOLATION THAT:
  - 15 (I) RESULTS FROM A MALFUNCTION THAT HAS BEEN PROVEN AS AN
  - 16 AFFIRMATIVE DEFENSE PURSUANT TO APPLICABLE COMMISSION RULES;
  - 17 (II) HAS BEEN VOLUNTARILY DISCLOSED IN ACCORDANCE WITH
  - 18 SECTION 25-1-114.5; OR
  - 19 (III) IS DISCLOSED IN AN ENVIRONMENTAL SELF-AUDIT CONDUCTED
  - 20 PURSUANT TO SECTION 25-1-114.6".

- 1 Page 4, lines 17 and 18, strike "VIOLATION OR NONCOMPLIANCE" and  
2 substitute "VIOLATION, AS DEFINED IN SECTION 25-7-103 (19.7)(b),".
- 3 Page 8, lines 11 and 12, strike "COULD HAVE REASONABLY BEEN  
4 DISCOVERED BY A MEMBER OF THE PUBLIC" and substitute "IS PUBLICLY  
5 AVAILABLE".
- 6 Page 9, line 6, after "CLAIMS;" insert "OR".
- 7 Page 9, line 8, strike "COMPLIANCE; OR" and substitute "COMPLIANCE.".
- 8 Page 9, strike line 9.
- 9 Strike "OR NONCOMPLIANCE" on: **Page 4**, lines 19 and 21.

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