



Legislative
Council Staff

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HB 20-1265

FINAL FISCAL NOTE

Drafting Number:	LLS 20-0069	Date:	August 17, 2020
Prime Sponsors:	Rep. Benavidez; Valdez A. Sen. Gonzales; Moreno	Bill Status:	Signed into Law
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Bill Topic: **INCREASE PUBLIC PROTECTION AIR TOXICS EMISSIONS**

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill establishes the duties of certain stationary sources in the event of an incident where the emission of an air pollutant in excess of an allowable rate or quantity occurs. It may increase workload and revenue for some local governments.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the enacted bill.

Summary of Legislation

This bill establishes the duties of covered facilities in the event of an incident where the emission of an air pollutant in excess of an allowable rate or quantity occurs. A stationary source is considered a covered facility based on release amounts shown in Table 1.

Table 1
Release Amounts to be Considered a Covered Facility Under HB 20-1265

Covered Air Toxic	Release Amount
Hydrogen Cyanide	10,000 lbs.
Hydrogen Sulfide	5,000 lbs.
Benzene	1,000 lbs.

Covered facilities are required to:

- conduct community outreach about communications in case of an incident, including provisions for communications in Spanish;
- use the reverse 911 emergency notification service to communicate with, and make data available to, the community surrounding the covered facility when an incident occurs;

- implement the emergency notification service within six months after the bill's effective date; and
- pay all costs associated with its use of the emergency notification service.

Background

Based on the 2018 U.S. Environmental Protection Agency's Toxics Release Inventory, three stationary sources in Colorado reported at least one air toxic at or above the thresholds in the bill to qualify as covered facilities. These are:

- Goodrich Carbon Operations - Pueblo (Benzene)
- Sinclair Terminal - Henderson (Benzene)
- Suncor Refinery - Commerce City (Hydrogen Cyanide, Hydrogen Sulfide, Benzene)

Local Government

The bill may increase revenue to the local jurisdictions that provide emergency notification services. This amount has not been estimated. Local jurisdictions may also be involved in the development of emergency notification plans for covered facilities.

Effective Date

The bill was signed into law by the Governor and took effect on July 2, 2020.

State and Local Government Contacts

Public Health and Environment