

CHAPTER 218

HEALTH AND ENVIRONMENT

HOUSE BILL 20-1265

BY REPRESENTATIVE(S) Benavidez and Valdez A., Caraveo, Duran, Froelich, Gonzales-Gutierrez, Hooton, Jaquez Lewis, Kipp, Melton, Mullica, Sirota, Titone, Cutter, Arndt, Bird, Buentello, Coleman, Exum, Herod, Jackson, Kennedy, Lontine, Singer, Snyder, Tipper, Weissman, Woodrow;
also SENATOR(S) Gonzales and Moreno, Fenberg, Donovan, Fields, Foote, Ginal, Lee, Pettersen, Story, Winter, Zenzinger, Garcia.

AN ACT**CONCERNING INCREASED PUBLIC PROTECTIONS FROM EMISSIONS OF AIR TOXICS.**

Be it enacted by the General Assembly of the State of Colorado:

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).

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(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.

Approved: July 2, 2020