

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0673.02 Clare Haffner x6137

HOUSE BILL 25-1241

HOUSE SPONSORSHIP

Marshall and Garcia,

SENATE SPONSORSHIP

Cutter and Kipp,

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIRING PUBLIC ACCESSIBILITY OF STATIONARY**
102 **SOURCE EMISSIONS RECORDS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, the air quality control commission is tasked with developing an effective air quality control program (program), including adopting rules necessary to carry out the program.

The bill requires a person that owns, leases, operates, controls, or supervises (owner or operator) a building, structure, facility, or installation that emits or may emit an air pollutant (stationary source) to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

maintain records that will help the public determine whether the owner or operator is in compliance with rules establishing applicable air quality control regulations (records). The bill requires an owner or operator of a stationary source to make the records publicly available and accessible through a link on the owner or operator's public website.

The department of public health and environment is required to include a link on its website directing members of the public to the website of an owner or operator where the records are available.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Congress enacted the "Clean Air Act" in 1963 when electronic
5 and digital business records were nonexistent;

6 (b) Colorado continues to suffer from high levels of air pollution
7 and, in the summer of 2024, exceeded the United States environmental
8 protection agency's ozone limits for 40 days;

9 (c) In May of 2023, the United States environmental protection
10 agency issued a limited disapproval of Colorado's state implementation
11 plan after finding that Colorado's practice of providing emission records
12 to the state only on request did not sufficiently allow practical public
13 access to information necessary to determine compliance with the "Clean
14 Air Act";

15 (d) In July of 2023, Colorado's attorney general filed a petition
16 with the United States court of appeals for the tenth circuit for review of
17 the United States environmental protection agency's disapproval;

18 (e) The case will likely be settled, and Colorado will be allowed
19 to continue its current practice of making air pollution records available
20 to the state upon request, but not making the records accessible to the
21 public;

- 1 (f) Air pollution emissions travel from a polluter's private property
2 into the air of other private property owners and into public spaces;
- 3 (g) People have a right to know what pollutants and discharges are
4 emitted into the air they breathe and onto the property they own;
- 5 (h) Pollution records are now kept in easily accessible electronic
6 and digital formats that were unknown when congress enacted the "Clean
7 Air Act";
- 8 (i) The cost of electronic database storage for records is nominal,
9 ranging from one cent to 20 cents per gigabyte; and
- 10 (j) It is in the public interest and supports the health and welfare
11 of Colorado residents to require that pollution records be both available
12 to the state for inspection and accessible to the public.

13 **SECTION 2.** In Colorado Revised Statutes, **add 25-7-109.7** as
14 follows:

15 **25-7-109.7. Emissions records - public accessibility - rules.**

16 (1) **Rules.** THE COMMISSION SHALL ADOPT RULES THAT ARE NECESSARY
17 TO IMPLEMENT THIS SECTION.

18 (2) **Record-keeping.** AN OWNER OR OPERATOR SHALL MAINTAIN
19 RECORDS OF:

20 (a) INFORMATION ON THE NATURE AND AMOUNT OF EMISSIONS
21 RELEASED FROM THE OWNER OR OPERATOR'S STATIONARY SOURCE; AND

22 (b) OTHER INFORMATION THAT THE COMMISSION DETERMINES IS
23 NECESSARY TO ENABLE THE PUBLIC TO DETERMINE WHETHER THE
24 STATIONARY SOURCE IS IN COMPLIANCE WITH APPLICABLE EMISSION
25 CONTROL REGULATIONS ADOPTED BY THE COMMISSION PURSUANT TO
26 SECTION 25-7-109.

27 (3) **Public accessibility of records.** (a) AN OWNER OR OPERATOR

1 SHALL MAKE THE RECORDS DESCRIBED IN SUBSECTION (2) OF THIS SECTION
2 PUBLICLY AVAILABLE AND ACCESSIBLE THROUGH A LINK ON THE OWNER
3 OR OPERATOR'S PUBLIC WEBSITE. THE OWNER OR OPERATOR SHALL
4 MAINTAIN THE RECORDS IN A DIGITAL FORMAT THAT IS DOWNLOADABLE.

5 (b) AN OWNER OR OPERATOR SHALL UPDATE THE RECORDS
6 MAINTAINED ON THE OWNER OR OPERATOR'S PUBLIC WEBSITE PURSUANT
7 TO SUBSECTION (3)(a) OF THIS SECTION ON A MONTHLY BASIS.

8 (c) THE RECORDS MAY BE REDACTED TO PROTECT CONFIDENTIAL
9 BUSINESS INFORMATION.

10 (d) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
11 SHALL INCLUDE A LINK ON ITS WEBSITE THAT DIRECTS A MEMBER OF THE
12 PUBLIC TO THE PUBLIC WEBSITE OF AN OWNER OR OPERATOR WHERE THE
13 RECORDS ARE AVAILABLE.

14 **SECTION 3.** In Colorado Revised Statutes, 25-7-122, **amend**
15 (1)(b) introductory portion as follows:

16 **25-7-122. Civil penalties - rules - definitions.** (1) Upon
17 application of the division, the division may collect penalties as
18 determined under this article 7 by instituting an action in the district court
19 for the district in which the air pollution source affected is located, in
20 accordance with the following provisions:

21 (b) Any person who violates any requirement or prohibition of a
22 final order of the division or commission, an applicable emission control
23 regulation of the commission, the state implementation plan, a
24 construction permit, any provision for the prevention of significant
25 deterioration under part 2 of this article 7, any provision related to
26 attainment under part 3 of this article 7, or any provision of or
27 commission rule adopted pursuant to section 25-7-105, 25-7-106,

1 25-7-106.3, 25-7-108, 25-7-109, 25-7-109.5, **25-7-109.7**, 25-7-111,
2 25-7-112, 25-7-113, 25-7-114.2, 25-7-114.5, 25-7-118, 25-7-141,
3 25-7-146, 25-7-206, 25-7-403, 25-7-404, 25-7-405, 25-7-407, 42-4-403,
4 42-4-404, 42-4-405, 42-4-406, 42-4-407, 42-4-409, 42-4-410, or
5 42-4-414 is subject to a civil penalty of not more than forty-seven
6 thousand three hundred fifty-seven dollars per day for each day of the
7 violation; except that:

8 **SECTION 4. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly; except
11 that, if a referendum petition is filed pursuant to section 1 (3) of article V
12 of the state constitution against this act or an item, section, or part of this
13 act within such period, then the act, item, section, or part will not take
14 effect unless approved by the people at the general election to be held in
15 November 2026 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.