

CHAPTER 273

HEALTH

SENATE BILL 94-180

BY SENATORS Wattenberg, Ament, Bishop, Casey, Lacy, Meiklejohn, Norton, R. Powers, Rizzuto, Schroeder, Tebedo, and Traylor; also REPRESENTATIVES Dyer and Chlouber.

AN ACT

CONCERNING SCIENTIFIC METHODOLOGIES AND STANDARDS TO BE APPLIED WHEN EVALUATING CONTRIBUTIONS TO AIR QUALITY VISIBILITY IMPAIRMENTS.

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

SECTION 1. Part 2 of article 7 of title 25, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

25-7-211. Visibility impairment attribution studies. ANY VISIBILITY IMPAIRMENT REASONABLE ATTRIBUTION STUDY PERTAINING TO CLASS I AREAS SHALL BE SUBJECT TO BALANCED PEER REVIEW BY A PANEL INCLUDING SCIENTISTS WITH APPROPRIATE EXPERTISE WHO DO NOT HAVE ANY SUBSTANTIVE INVOLVEMENT WITH ANY PARTY, SHALL BE SITE-SPECIFIC WITH RESPECT TO ANY SUSPECTED SOURCE OF IMPAIRMENT AND TO ANY IMPACTED AREA, SHALL BE CONDUCTED UNDER THE OVERSIGHT OF THE DIVISION, INCLUDING BUT NOT LIMITED TO DETERMINATION OF DEADLINES FOR SUCH STUDY, AND SHALL UTILIZE STUDY DESIGN AND DATA COLLECTION AND ANALYTICAL TECHNIQUES, INCLUDING, BUT NOT LIMITED TO, CONTEMPORANEOUS AMBIENT AIR QUALITY, VISIBILITY, AND METEOROLOGICAL SAMPLING THAT ALLOWS CORRELATION OF THE DATA RELEVANT TO ANY SUCH STUDY. WITH THE EXCEPTION OF EMISSIONS FROM AGRICULTURAL ACTIVITIES WHICH ARE EXEMPTED UNDER SECTION 25-7-109 (8), RELEVANT DATA SHALL INCLUDE A REASONABLE ASSESSMENT OF THE CONTRIBUTIONS OF EMISSIONS FROM REASONABLY IDENTIFIABLE SOURCES, INCLUDING NATURAL SOURCES, WITHIN THE STATE AND REGION. ANY REMEDY SELECTION MUST INCLUDE RELEVANT ECONOMIC IMPACT DATA. IN ORDER TO MINIMIZE DELAY IN THE PROCESS, THE STUDY SHALL PROCEED AS EXPEDITIOUSLY AS SOUND SCIENCE WILL ALLOW. THE COST OF ANY SUCH STUDY SHALL NOT BE REQUIRED TO BE PAID BY THE DEPARTMENT OF HEALTH.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 31, 1994