

## CHAPTER 240

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**HEALTH AND ENVIRONMENT**

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**HOUSE BILL 96-1197**

BY REPRESENTATIVES Owen, Paschall, Adkins, Agler, Lamborn, Martin, Moellenberg, Pankey, Prinzler, Schwarz, and Musgrave;  
also SENATOR Schroeder.

**AN ACT**

**CONCERNING REVIEW OF ENVIRONMENTAL REGULATIONS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** 25-1-108 (1) (g), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is repealed as follows:

**25-1-108. Powers and duties of the state board of health.** (1) In addition to all other powers and duties conferred and imposed upon the state board of health by the provisions of this part 1, the board has the following specific powers and duties:

(g) ~~To carry out the following duties:~~

~~(1) The chairman of the board shall form an advisory committee to address multi-media environmental integration issues. Such advisory committee shall consist of members of the board, the water quality control commission, the air quality control commission, and the hazardous waste commission and the executive director of the department. Such advisory committee shall:~~

~~(A) Identify multi-media environmental issues of concern;~~

~~(B) Anticipate areas of potential overlap, duplication, and inconsistency among the various programs and develop recommendations to minimize regulatory inefficiencies;~~

~~(C) Review and consider opportunities to streamline and improve regulatory systems and to make recommendations thereon to the board, the commissions, and the~~

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

department; and

~~(D) Review progress of the department in addressing multi-media integration issues.~~

~~(H) The board shall facilitate resolution of conflicting provisions among the rules of the board, the water quality control commission, the air quality control commission, and the hazardous waste commission.~~

~~(H) The board shall convene at least one joint meeting of the board, the commissions, and the department each year to address the purposes of this paragraph (g) and to receive public comment regarding environmental quality in the state.~~

**SECTION 2.** The introductory portions to 25-7-110.5 (1) and (3) and 25-7-110.5 (4) (d) and (5) (a), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended, and the said 25-7-110.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**25-7-110.5. Required analysis of proposed air quality rules - repeal.** (1) In addition to the requirements of section 25-7-110.8, whenever the commission proposes a rule, ~~with respect to stationary sources~~, the technical secretary of the commission shall provide to the public upon request at cost, at the time the notice for public rule-making is published, a proposed rule-making packet containing:

(1.5) AS USED IN THIS SECTION, "RULE" INCLUDES AN AMENDMENT TO AN EXISTING RULE.

(3) Whenever the commission proposes a rule, ~~with respect to stationary sources~~, the technical secretary of the commission, in cooperation with the proponent of the rule, shall provide a memorandum of notice containing:

(4) (d) Cumulative economic analyses of all air pollution control measures ~~on stationary sources~~ shall be performed by the office of regulatory reform in coordination with the division after public comment and review. The cumulative economic analyses shall be performed every five years beginning in the year 2000.

(5) (a) Whenever the commission proposes any rule ~~with respect to stationary sources that is not required by the federal act~~, exceeds the requirements of the federal act or differs from the federal act or rules thereunder, the commission shall make available in writing a copy of any such proposed rule and a detailed, footnoted explanation of the differences between the rule and the federal requirements.

**SECTION 3.** The introductory portion to 25-7-110.8 (1), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended, and the said 25-7-110.8 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**25-7-110.8. Additional requirements for commission to act under section 25-7-110.5.** (1) In issuing any final rule ~~with respect to any stationary source~~ intended to reduce air pollution, except for any rule ~~which~~ THAT adopts by reference applicable federal rules, if the commission has no discretion under state law not to

adopt the rules or to adopt any alternative rule, the commission shall make a determination that:

(1.5) AS USED IN THIS SECTION, "RULE" INCLUDES AN AMENDMENT TO AN EXISTING RULE.

**SECTION 4. 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: June 1, 1996