

CHAPTER 209

HEALTH AND ENVIRONMENT

HOUSE BILL 10-1042

BY REPRESENTATIVE(S) Peniston, Kerr J., Labuda, Merrifield, Schafer S.;
also SENATOR(S) Hodge, Boyd.

AN ACT

CONCERNING ADMINISTRATION OF THE STATIONARY SOURCES AIR QUALITY PERMITTING PROGRAM.

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

SECTION 1. 25-7-105 (5), Colorado Revised Statutes, is amended to read:

25-7-105. Duties of commission - rules. (5) Prior to the hearing required under subsection (4) of this section, the commission shall prepare and make available to the public a report, which shall contain the following specific information:

(a) A description of the pollution problem in each of the polluted areas of the state, described separately for each such area;

(b) To the extent possible, the identification of the sources of air pollution in each separate area of the state, such as motor vehicles, industrial sources, and power-generating facilities;

(c) A list of all alleged violations of emission control regulations ~~which shows~~ SHOWING the status of control procedures in effect with respect to each such alleged violation; AND

(d) STATIONARY INDUSTRIAL SOURCES PERMITTING INFORMATION AS FOLLOWS:

(I) THE TOTAL NUMBER OF PERMITS ISSUED;

(II) THE TOTAL NUMBER OF HOURS BILLED FOR PERMITTING;

(III) THE AVERAGE NUMBER OF HOURS BILLED PER PERMIT; AND

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

(IV) THE NUMBER OF GENERAL PERMITS ISSUED.

SECTION 2. 25-7-114.3 (1) (c) and (1) (d), Colorado Revised Statutes, are amended to read:

25-7-114.3. Operating permits required for emission of pollutants. (1) No person shall operate any of the following sources without first obtaining a renewable operating permit from the division for such source in a manner consistent with the requirements of this article and the federal act:

(c) Any source required to comply with standards of performance for new stationary sources under section 111 of the federal act, UNLESS OTHERWISE EXEMPTED FROM PERMITTING REQUIREMENTS PURSUANT TO FEDERAL RULES ADOPTED IN ACCORDANCE WITH SECTION 502 OF THE FEDERAL ACT;

(d) Any source subject to emission standards or regulations for hazardous air pollutants under section 112 of the federal act, UNLESS OTHERWISE EXEMPTED FROM FEDERAL PERMITTING REQUIREMENTS PURSUANT TO FEDERAL RULES ADOPTED IN ACCORDANCE WITH SECTION 502 OF THE FEDERAL ACT;

SECTION 3. 25-7-114.5 (12) (a) and (14), Colorado Revised Statutes, are amended to read:

25-7-114.5. Application review - public participation. (12) (a) ~~No person shall commence the operation of any project or the conduct of any activity for which a construction permit has been issued without giving at least thirty calendar days' prior notice to the division of the date on which such commencement is to take place~~ A PERMITTED ENTITY SHALL NOTIFY THE DIVISION WITHIN FIFTEEN DAYS AFTER THE COMMENCEMENT OF ANY ACTIVITY FOR WHICH A CONSTRUCTION PERMIT HAS BEEN ISSUED. Within one hundred eighty days after commencement of operation FOR WHICH A CONSTRUCTION PERMIT HAS BEEN ISSUED, the source shall demonstrate to the division compliance with the terms and conditions of the construction permit or the division may, pursuant to rules that are adopted by the commission based upon the results of the study conducted under section 25-7-114.7 (2) (a) (V), inspect the project or activity to determine whether or not the terms and conditions of the construction permit have been properly satisfied. At the end of one hundred eighty days after the commencement of operation, the division must:

(I) Revoke the construction permit; or

(II) Continue the construction permit, if applicable; or

(III) Notify the owner or operator that the source has demonstrated compliance with the construction permit.

(14) ~~The commission shall designate a member of the air pollution control division who shall review and approve all invoices for any permit which required five or more hours professional staff time to process. The commission shall review, on an annual basis, a list of sources and invoices which required five or more hours of professional staff time to process.~~

SECTION 4. 25-7-123 (3) (a), Colorado Revised Statutes, is amended to read:

25-7-123. Open burning - penalties. (3) (a) Any person who violates paragraph (a) of subsection (2) of this section by burning or permitting any burning for noncommercial purposes without first having obtained a permit as required shall be subject to a civil penalty of ~~not more than one~~ UP TO FIVE hundred dollars per day for each day during which such a violation occurs. FOR A SECOND VIOLATION, THE CIVIL PENALTY SHALL BE UP TO ONE THOUSAND DOLLARS PER DAY FOR EACH DAY DURING WHICH SUCH A VIOLATION OCCURS. FOR A THIRD OR SUBSEQUENT VIOLATION, THE CIVIL PENALTY SHALL BE UP TO ONE THOUSAND FIVE HUNDRED DOLLARS PER DAY FOR EACH DAY DURING WHICH SUCH A VIOLATION OCCURS.

SECTION 5. Act subject to petition - specified effective date - applicability.

(1) This act shall take effect September 1, 2010; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

(2) The provisions of this act shall apply to acts occurring on or after the applicable effective date of this act.

Approved: May 6, 2010