

CHAPTER 144

HEALTH AND ENVIRONMENT

HOUSE BILL 11-1291

BY REPRESENTATIVE(S) McNulty, Court, Ferrandino, Fields, Fischer, Hamner, Hullinghorst, Labuda, Lee, Riesberg, Schafer S., Solano, Stephens, Summers, Todd;
also SENATOR(S) Morse, Bacon, Boyd, Foster, Guzman, Heath, Hudak, Jahn, Newell, Nicholson, Schwartz, Shaffer B., Williams S.

AN ACT

CONCERNING LEGISLATIVE APPROVAL OF THE REGIONAL HAZE ELEMENT OF THE STATE IMPLEMENTATION PLAN, AND, IN CONNECTION THEREWITH, POSTPONING THE AUTOMATIC EXPIRATION OF THE PORTION OF THE PLAN THAT CONSISTS OF RULES.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) A hearing regarding the changes to the state implementation plan contained in the January 14, 2011, report from the air quality control commission to the general assembly was requested pursuant to section 25-7-133 (2) (b), Colorado Revised Statutes; and

(b) For any additions or changes to the state implementation plan to be federally enforceable, the automatic expiration under the "State Administrative Procedure Act" of rules that are contained in the state implementation plan must be postponed by the general assembly.

(2) It is the intent of the general assembly to approve the additions and changes to the state implementation plan described in the January 14, 2011, report from the air quality control commission to allow for submission of the plan to the federal environmental protection agency for federal enforceability by approving the additions and changes to the plan and postponing the automatic expiration of the rules contained in the plan.

SECTION 2. 25-7-133.5 (2), Colorado Revised Statutes, is amended BY THE

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

ADDITION OF A NEW PARAGRAPH to read:

25-7-133.5. Approval or rescission of specific revisions to state implementation plan (SIP) after 1996. (2) Pursuant to section 25-7-133, the following revisions to the state implementation plan (SIP), which were adopted by the air quality control commission on the dates indicated and received by the legislative council for review, are approved for incorporation into the state implementation plan:

(bb) (I) THE "COLORADO VISIBILITY AND REGIONAL HAZE STATE IMPLEMENTATION PLAN FOR THE TWELVE MANDATORY CLASS I FEDERAL AREAS IN COLORADO", ADOPTED BY THE AIR QUALITY CONTROL COMMISSION ON JANUARY 7, 2011.

(II) THE AUTOMATIC EXPIRATION OF THE RULES CONTAINED IN THE PLAN SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (bb) THAT WERE ADOPTED ON JANUARY 7, 2011, AND THAT ARE THEREFORE SCHEDULED FOR EXPIRATION ON MAY 15, 2012, IS POSTPONED, EFFECTIVE MAY 15, 2011.

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, and safety.

Approved: May 4, 2011