

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-1017.01 Thomas Morris

SENATE BILL 11-235

SENATE SPONSORSHIP

Giron,

HOUSE SPONSORSHIP

Pace and Swerdfeger,

Senate Committees

Agriculture, Natural Resources, and Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING METHODS TO REDUCE THE AIR QUALITY PERMIT
102 APPLICATION BACKLOG, AND, IN CONNECTION THEREWITH,
103 AUTHORIZING THE USE OF NONGOVERNMENTAL AIR QUALITY
104 MODELING ENGINEERS FOR PURPOSES OF PERMIT APPLICATION
105 APPROVALS AND PRIORITIZING PERMIT APPLICATIONS BASED ON
106 FACTORS OTHER THAN THE DATE OF FILING.

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://www.leg.state.co.us/billsummaries>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

To reduce the current backlog of air quality permit applications, the bill:

- ! Directs the air quality control commission to adopt a policy by November 1, 2011, to prioritize the division of administration's efforts in processing permit applications based on one or more factors other than the date of filing; and
- ! Directs the division to establish a list of at least 2 approved nongovernmental air quality modeling engineers that an applicant can use to establish its emissions for purposes of the division's permit application analysis. If the list does not include at least 2 modeling engineers on or after June 15, 2011, an applicant may contract with any modeling engineer that is not affiliated with the applicant to establish the applicant's emissions. To be able to use the results of the modeling for purposes of the division's permit application analysis, an applicant must contract with a second modeling engineer that is not affiliated with either the applicant or the first modeling engineer to review the results of the first modeling engineer's work.

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

2 **SECTION 1.** 25-7-114.5, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **25-7-114.5. Application review - public participation.**

5 (16)(a) THE COMMISSION SHALL ADOPT A POLICY BY NOVEMBER 1, 2011,
6 TO PRIORITIZE THE DIVISION'S EFFORTS IN PROCESSING PERMIT
7 APPLICATIONS BASED ON ONE OR MORE FACTORS OTHER THAN THE DATE
8 OF FILING, INCLUDING WORK FLOW EFFICIENCY AND THE ECONOMIC
9 IMPACT OF THE TIMING OF THE DIVISION'S DETERMINATION ON JOBS AND
10 THE LOCAL ECONOMY.

11 (b) (I) BY JUNE 15, 2011, THE DIRECTOR OF THE DIVISION SHALL
12 ESTABLISH A LIST OF AT LEAST TWO APPROVED NONGOVERNMENTAL AIR
13 QUALITY MODELING ENGINEERS WITH WHOM AN APPLICANT MAY
14 CONTRACT, AT THE APPLICANT'S EXPENSE, TO ESTABLISH ITS EMISSIONS

1 FOR PURPOSES OF THE DIVISION'S PERMIT APPLICATION ANALYSIS. THE
2 DIRECTOR IS NOT SUBJECT TO THE REQUIREMENTS OF THE "PROCUREMENT
3 CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., IN ESTABLISHING THE
4 LIST.

5 (II) IF THE LIST DOES NOT INCLUDE AT LEAST TWO MODELING
6 ENGINEERS ON OR AFTER JUNE 15, 2011, AN APPLICANT MAY CONTRACT,
7 AT THE APPLICANT'S EXPENSE, WITH ANY AIR QUALITY MODELING
8 ENGINEER THAT IS NOT AFFILIATED WITH THE APPLICANT TO ESTABLISH
9 THE APPLICANT'S EMISSIONS. TO BE ABLE TO USE THE RESULTS OF THE
10 MODELING FOR PURPOSES OF THE DIVISION'S PERMIT APPLICATION
11 ANALYSIS, AN APPLICANT MUST CONTRACT WITH A SECOND AIR QUALITY
12 MODELING ENGINEER THAT IS NOT AFFILIATED WITH EITHER THE
13 APPLICANT OR THE FIRST MODELING ENGINEER TO REVIEW THE RESULTS OF
14 THE FIRST MODELING ENGINEER'S WORK, AND THE SECOND MODELING
15 ENGINEER'S RESULTS MUST CONFIRM THE RESULTS OBTAINED FROM THE
16 FIRST MODELING ENGINEER.

17 (III) THE DIVISION SHALL USE THE RESULTS OF THE MODELING
18 CONDUCTED PURSUANT TO SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH
19 (b) FOR PURPOSES OF THE DIVISION'S PERMIT APPLICATION ANALYSIS.

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