

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 13-0517.03 Thomas Morris x4218

**SENATE BILL 13-284**

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**SENATE SPONSORSHIP**

**Carroll,**

**HOUSE SPONSORSHIP**

**Hullinghorst,**

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**Senate Committees**

Agriculture, Natural Resources, & Energy  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING STREAMLINING THE ENVIRONMENTAL PERMITTING OF**  
102 **OIL AND GAS DEVELOPMENT THAT MEETS ENHANCED**  
103 **ENVIRONMENTAL PROTECTION STANDARDS, AND, IN**  
104 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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**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>.)*

**Section 1** of the bill requires the division of administration in the department of public health and environment to provide for expedited air

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.*

SENATE  
3rd Reading Unamended  
May 6, 2013

SENATE  
Amended 2nd Reading  
May 3, 2013

quality permitting for oil and gas operations for operators that certify that they will use pollution control technology that meets enhanced environmental and human health protection standards as established either by the division through guidance or by the air quality control commission by rule. **Section 2** allows the division to provide an analogous permitting schedule and enhanced standards for water quality permitting either by the division through guidance or by the water quality control commission by rule.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-7-114.5, **add** (3.5)  
3 as follows:

4 **25-7-114.5. Application review - public participation -**  
5 **expedited review - rules.** (3.5) (a) NOTWITHSTANDING ANY OTHER  
6 PERMIT REVIEW, PUBLIC NOTICE, OR PERMIT DETERMINATION SCHEDULE  
7 ESTABLISHED BY LAW, THE DIVISION SHALL PROVIDE FOR AN EXPEDITED  
8 PERMIT REVIEW, PUBLIC NOTICE, AND PERMIT DETERMINATION SCHEDULE  
9 FOR AN OIL AND GAS OPERATOR THAT CERTIFIES THAT THE EMISSIONS  
10 CONTROL TECHNOLOGY THAT IT WILL USE UNDER THE PERMIT MEETS  
11 ENHANCED ENVIRONMENTAL AND HUMAN HEALTH PROTECTION  
12 STANDARDS. THE DIVISION MAY, IN CONSULTATION WITH THE COLORADO  
13 OIL AND GAS CONSERVATION COMMISSION, DEVELOP THE EXPEDITED  
14 REVIEW AND ENHANCED STANDARDS THROUGH DIVISION GUIDANCE,  
15 INCORPORATION AS PART OF AN EXISTING RULE-MAKING PROCEEDING  
16 RELATED TO OIL AND GAS AIR EMISSION CONTROLS, OR THROUGH A  
17 SEPARATE RULE ADOPTED BY THE COMMISSION. THE DIVISION MAY  
18 CONSIDER THE OIL AND GAS OPERATOR'S COLORADO COMPLIANCE  
19 HISTORY AND PRESENT COMPLIANCE STATUS IN DETERMINING WHETHER  
20 THE OPERATOR QUALIFIES FOR EXPEDITED REVIEW PURSUANT TO THIS  
21 SUBSECTION (3.5).

1 (b) THE FOLLOWING FACILITIES ARE NOT ELIGIBLE FOR THE  
2 EXPEDITED PERMIT REVIEW OF THIS SUBSECTION (3.5):

3 (I) A FACILITY THAT IS SUBJECT TO THE FEDERAL PREVENTION OF  
4 SIGNIFICANT DETERIORATION PERMITTING PROGRAM;

5 (II) A FACILITY THAT IS SUBJECT TO THE FEDERAL  
6 NONATTAINMENT NEW SOURCE REVIEW PERMITTING PROGRAM; AND

7 (III) A SYNTHETIC MINOR SOURCE THAT EMITS OR HAS THE  
8 POTENTIAL TO EMIT AT OR ABOVE EIGHTY PERCENT OF THE FEDERAL TITLE  
9 V MAJOR SOURCE THRESHOLD.

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11 **SECTION 2.** In Colorado Revised Statutes, 25-8-502, **add** (7) as  
12 follows:

13 **25-8-502. Application - definitions - fees - water quality**  
14 **control fund - animal feeding operations fund - public participation**  
15 **- repeal - expedited review - rules.** (7) NOTWITHSTANDING ANY OTHER  
16 PERMIT REVIEW, PUBLIC NOTICE, OR PERMIT DETERMINATION SCHEDULE  
17 ESTABLISHED BY LAW, THE DIVISION MAY PROVIDE FOR AN EXPEDITED  
18 PERMIT REVIEW, PUBLIC NOTICE, AND PERMIT DETERMINATION SCHEDULE  
19 FOR AN OIL AND GAS OPERATOR THAT CERTIFIES THAT THE DISCHARGE  
20 CONTROL TECHNOLOGY THAT IT WILL USE UNDER THE PERMIT MEETS  
21 ENHANCED ENVIRONMENTAL AND HUMAN HEALTH PROTECTION  
22 STANDARDS. THE DIVISION MAY DEVELOP THE EXPEDITED REVIEW AND  
23 ENHANCED STANDARDS THROUGH DIVISION GUIDANCE OR THROUGH A  
24 RULE ADOPTED BY THE COMMISSION IN CONSULTATION WITH THE  
25 COLORADO OIL AND GAS CONSERVATION COMMISSION. THE DIVISION MAY  
26 CONSIDER THE OIL AND GAS OPERATOR'S COLORADO COMPLIANCE  
27 HISTORY AND PRESENT COMPLIANCE STATUS IN DETERMINING WHETHER

1 THE OPERATOR QUALIFIES FOR EXPEDITED REVIEW PURSUANT TO THIS  
2 SUBSECTION (7). == ==

3 **SECTION 3. Appropriation.** In addition to any other  
4 appropriation, there is hereby appropriated, out of any moneys in the  
5 stationary sources control fund created in section 25-7-114.7 (2) (b) (I),  
6 Colorado Revised Statutes, not otherwise appropriated, to the department  
7 of public health and environment, for the fiscal year beginning July 1,  
8 2013, the sum of \$222,291 and 2.9 FTE, or so much thereof as may be  
9 necessary, to be allocated to the air pollution control division, stationary  
10 sources for the implementation of this act as follows:

11 <u>Personal Services</u>	<u>\$205,897 and 2.9 FTE</u>
12 <u>Operating Expenses</u>	<u>\$16,394.</u>

13 **SECTION 4. Applicability.** This act applies to acts occurring on  
14 or after the effective date of this act.

15 **SECTION 5. Safety clause.** The general assembly hereby finds,  
16 determines, and declares that this act is necessary for the immediate  
17 preservation of the public peace, health, and safety.