

HOUSE COMMITTEE OF REFERENCE REPORT

March 25, 2021

Chair of Committee

Date

Committee on Energy & Environment.

After consideration on the merits, the Committee recommends the following:

HB21-1189 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, page 3, lines 14 and 15, strike "ENABLE FACILITIES TO
2 QUICKLY ADDRESS" and substitute "ADVISE FACILITIES OF".

3 Page 4, strike lines 12 through 20 and substitute:

4 "~~(b)~~ (c) "Covered facility" means a stationary source that reported
5 at least one of the following amounts of a covered air toxic in its federal
6 toxics release inventory filing pursuant to 42 U.S.C. sec. 11023 for the
7 year ~~2017 or later~~ IS COVERED BY ONE OF THE FOLLOWING NORTH
8 AMERICAN INDUSTRY CLASSIFICATION SYSTEM CODES ESTABLISHED BY
9 THE FEDERAL OFFICE OF MANAGEMENT AND BUDGET:

10 (I) ~~For hydrogen cyanide, ten thousand pounds~~ 324110,
11 "PETROLEUM REFINERIES";

12 (II) ~~For hydrogen sulfide, five thousand pounds; and~~ 336413,
13 "OTHER AIRCRAFT PARTS AND AUXILIARY EQUIPMENT MANUFACTURING";

14 (III) ~~For benzene, one thousand pounds;~~ 424710, "PETROLEUM
15 BULK STATIONS AND TERMINALS", IF THE SOURCE IS WITHIN AN
16 EIGHT-HOUR OZONE CONTROL AREA AND HAS REPORTED EMISSIONS OF
17 BENZENE IN ITS FEDERAL TOXICS RELEASE INVENTORY FILING PURSUANT
18 TO 42 U.S.C. SEC. 11023 FOR THE YEARS 2017 THROUGH 2019, AS OF JULY
19 1, 2020; OR

20 (IV) ANY OTHER CODE LISTED BY RULE PURSUANT TO SUBSECTION
21 (3) OF THIS SECTION."

22 Page 7, line 1, strike "**emission thresholds**" and substitute "**industry**

1 **codes".**

2 Page 7, lines 7 and 8, strike "EMISSION THRESHOLDS" and substitute
3 "NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM CODES".

4 Page 7, strike lines 10 and 11 and substitute "AIR TOXICS AND WHETHER
5 ANY ADDITIONAL STATIONARY SOURCES SHOULD BE INCLUDED AS
6 COVERED FACILITIES; AND".

7 Page 7, line 13, strike everything after "COVERED" and substitute
8 "FACILITIES."

9 Page 7, strike line 14.

10 Page 9, line 14, after the semicolon add "AND".

11 Page 9, strike lines 18 through 20 and substitute "SECTION."

12 Page 10, lines 4 and 5, strike "WITHIN TWO MONTHS AFTER SUBMISSION TO
13 THE DIVISION." and substitute "BEFORE THE DIVISION ACTS ON THE PLAN."

14 Page 10, line 19, after "SHALL" insert "PROMPTLY POST THE REVISED PLAN
15 ON THE DIVISION'S WEBSITE. IF THE INITIAL PLAN FAILED TO INCLUDE THE
16 REQUIRED ELEMENTS UNDER SUBSECTION (5)(b) OF THIS SECTION, THE
17 DIVISION SHALL".

18 Page 10, line 21, strike "PLAN." and substitute "PLAN, IN WHICH CASE THE
19 DEADLINE IN SUBSECTION (5)(e) OF THIS SECTION IS EXTENDED FOR
20 NINETY DAYS."

21 Page 10, line 22, after "(e)" insert "IF THE DIVISION DETERMINES THAT THE
22 COVERED FACILITY IS EMITTING HAZARDOUS AIR POLLUTANTS IN
23 QUANTITIES THAT MAY POSE A RISK TO PUBLIC HEALTH IN THE RELEVANT
24 AREA, THE DIVISION MAY REQUIRE AS PART OF THE PLAN THE REPORTING
25 OF POLLUTANTS OTHER THAN COVERED AIR TOXICS THAT THE MONITORS
26 ARE REASONABLY CAPABLE OF MEASURING."

27 Page 11, line 26, after "ANY" insert "HAZARDOUS AIR".

28 Page 11, line 27, strike "FENCELINE" and substitute "DIVISION
29 DETERMINED UNDER SUBSECTION (5)(e) OF THIS SECTION MUST BE

- 1 INCLUDED IN THE FENCELINE MONITORING PLAN; AND".
- 2 Page 12, strike line 1.
- 3 Page 13, line 16, strike "PROMPTLY".
- 4 Page 13, line 17, strike everything after "THE" and substitute "PUBLIC".
- 5 Page 13, strike lines 18 and 19.
- 6 Page 14, strike lines 1 through 5 and substitute "PLANS.
- 7 (c) THE COSTS OF CONDUCTING COMMUNITY-BASED MONITORING
- 8 SHALL BE PAID FROM FEES CREDITED TO THE AIR QUALITY ENTERPRISE
- 9 CASH FUND AS AUTHORIZED BY SECTION 25-7-103.5 (4)(b)(I)".

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