

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0673.02 Clare Haffner x6137

HOUSE BILL 25-1241

HOUSE SPONSORSHIP

Marshall and Garcia,

SENATE SPONSORSHIP

Cutter and Kipp,

House Committees

Energy & Environment
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIRING PUBLIC ACCESSIBILITY OF STATIONARY**
102 **SOURCE EMISSIONS RECORDS.**

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://leg.colorado.gov>.)

Under current law, the air quality control commission is tasked with developing an effective air quality control program (program), including adopting rules necessary to carry out the program.

The bill requires a person that owns, leases, operates, controls, or supervises (owner or operator) a building, structure, facility, or installation that emits or may emit an air pollutant (stationary source) to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

maintain records that will help the public determine whether the owner or operator is in compliance with rules establishing applicable air quality control regulations (records). The bill requires an owner or operator of a stationary source to make the records publicly available and accessible through a link on the owner or operator's public website.

The department of public health and environment is required to include a link on its website directing members of the public to the website of an owner or operator where the records are available.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Congress enacted the "Clean Air Act" in 1963 when electronic
5 and digital business records were nonexistent;

6 (b) Colorado continues to suffer from high levels of air pollution
7 and, in the summer of 2024, exceeded the United States environmental
8 protection agency's ozone limits for 40 days;

9 (c) In May of 2023, the United States environmental protection
10 agency issued a limited disapproval of Colorado's state implementation
11 plan after finding that Colorado's practice of providing emission records
12 to the state only on request did not sufficiently allow practical public
13 access to information necessary to determine compliance with the "Clean
14 Air Act";

15 (d) In July of 2023, Colorado's attorney general filed a petition
16 with the United States court of appeals for the tenth circuit for review of
17 the United States environmental protection agency's disapproval;

18 (e) The case will likely be settled, and Colorado will be allowed
19 to continue its current practice of making air pollution records available
20 to the state upon request, but not making the records accessible to the
21 public;

- 1 (f) Air pollution emissions travel from a polluter's private property
2 into the air of other private property owners and into public spaces;
- 3 (g) People have a right to know what pollutants and discharges are
4 emitted into the air they breathe and onto the property they own;
- 5 (h) Pollution records are now kept in easily accessible electronic
6 and digital formats that were unknown when congress enacted the "Clean
7 Air Act";
- 8 (i) The cost of electronic database storage for records is nominal,
9 ranging from one cent to 20 cents per gigabyte; and
- 10 (j) It is in the public interest and supports the health and welfare
11 of Colorado residents to require that pollution records be both available
12 to the state for inspection and accessible to the public.

13 **SECTION 2.** In Colorado Revised Statutes, **add** 25-7-109.7 as
14 follows:

15 **25-7-109.7. Emissions records - public accessibility - civil**
16 **penalties. (1) Public accessibility of emissions records. (a) BEGINNING**
17 **JANUARY 1, 2027, AN OWNER OR OPERATOR SHALL MAKE ALL EMISSIONS**
18 **RECORDS THAT THE OWNER OR OPERATOR IS REQUIRED BY STATE OR**
19 **FEDERAL LAW TO MAINTAIN PUBLICLY AVAILABLE AND ACCESSIBLE**
20 **THROUGH A LINK ON THE OWNER OR OPERATOR'S PUBLIC WEBSITE. THE**
21 **OWNER OR OPERATOR SHALL MAINTAIN THE RECORDS IN A DIGITAL**
22 **FORMAT THAT IS DOWNLOADABLE.**

23 (b) AN OWNER OR OPERATOR SHALL UPDATE THE RECORDS
24 MAINTAINED ON THE OWNER OR OPERATOR'S PUBLIC WEBSITE PURSUANT
25 TO SUBSECTION (1)(a) OF THIS SECTION FOLLOWING THE SAME SCHEDULE
26 AS THE RECORDS ARE MADE AVAILABLE TO THE STATE; EXCEPT THAT, ANY
27 RECORDS PROVIDED TO THE STATE MORE OFTEN THAN ONCE MONTHLY

1 MAY BE UPLOADED TO THE OWNER OR OPERATOR'S PUBLIC WEBSITE ON A
2 MONTHLY BASIS. FOR RECORDS THAT ARE PROVIDED TO THE STATE ON A
3 QUARTERLY BASIS OR LESS OFTEN, THE OWNER OR OPERATOR SHALL
4 UPDATE SUCH RECORDS ON THE OWNER OR OPERATOR'S PUBLIC WEBSITE
5 ON OR BEFORE THE FIRST DAY OF THE MONTH FOLLOWING WHEN THE
6 RECORDS ARE MADE AVAILABLE TO THE STATE.

7 (c) THE RECORDS MAY BE REDACTED TO PROTECT CONFIDENTIAL
8 BUSINESS INFORMATION.

9 (d) (I) THIS SECTION APPLIES TO RECORDS THAT ARE GENERATED
10 ON OR AFTER DECEMBER 1, 2026.

11 (II) NOTHING IN THIS SECTION REQUIRES AN OWNER OR OPERATOR
12 TO INCLUDE RECORDS THAT WERE GENERATED BEFORE DECEMBER 1,
13 2026, ON THE OWNER OR OPERATOR'S PUBLIC WEBSITE.

14 (2) **Civil penalties.** CIVIL PENALTIES ASSESSED AND COLLECTED
15 FOR VIOLATIONS OF THIS SECTION PURSUANT TO SECTION 25-7-122 MUST
16 BE CREDITED TO THE AIR QUALITY ENTERPRISE CASH FUND CREATED IN
17 SECTION 25-7-103.5 (4).

18 **SECTION 3.** In Colorado Revised Statutes, 25-7-122, **amend**
19 (1)(b) introductory portion as follows:

20 **25-7-122. Civil penalties - rules - definitions.** (1) Upon
21 application of the division, the division may collect penalties as
22 determined under this article 7 by instituting an action in the district court
23 for the district in which the air pollution source affected is located, in
24 accordance with the following provisions:

25 (b) Any person who violates any requirement or prohibition of a
26 final order of the division or commission, an applicable emission control
27 regulation of the commission, the state implementation plan, a

1 construction permit, any provision for the prevention of significant
2 deterioration under part 2 of this article 7, any provision related to
3 attainment under part 3 of this article 7, or any provision of or
4 commission rule adopted pursuant to section 25-7-105, 25-7-106,
5 25-7-106.3, 25-7-108, 25-7-109, 25-7-109.5, **25-7-109.7**, 25-7-111,
6 25-7-112, 25-7-113, 25-7-114.2, 25-7-114.5, 25-7-118, 25-7-141,
7 25-7-146, 25-7-206, 25-7-403, 25-7-404, 25-7-405, 25-7-407, 42-4-403,
8 42-4-404, 42-4-405, 42-4-406, 42-4-407, 42-4-409, 42-4-410, or
9 42-4-414 is subject to a civil penalty of not more than forty-seven
10 thousand three hundred fifty-seven dollars per day for each day of the
11 violation; except that:

12 **SECTION 4.** In Colorado Revised Statutes, 25-7-103.5, **amend**
13 (1) introductory portion, (1)(f), (4)(a), and (4)(c)(III) as follows:

14 **25-7-103.5. Air quality enterprise - legislative declaration -**
15 **fund - definitions - gifts, grants, or donations - rules - report - repeal.**

16 (1) **Legislative declaration.** The general assembly ~~hereby~~ finds and
17 declares that:

18 (f) Effective engagement with local communities often requires
19 trusted third-party data and verification regarding emissions and
20 environmental performance, AND MAKING EMISSIONS DATA AVAILABLE
21 AND ACCESSIBLE TO THE PUBLIC INCREASES TRUST AMONG, AND
22 EFFECTIVE ENGAGEMENT WITH, LOCAL COMMUNITIES;

23 (4) **Fund - enterprise fees and other revenue.** (a) There is
24 ~~hereby~~ created in the state treasury the air quality enterprise cash fund.
25 The fund consists of money credited to the fund pursuant to this
26 subsection (4), payments for other purposes as authorized under
27 subsection (3)(c)(VIII) of this section, CIVIL PENALTIES CREDITED TO THE

1 FUND PURSUANT TO SECTION 25-7-109.7, and any other money that the
2 general assembly may appropriate or transfer to the fund. The state
3 treasurer shall credit all interest and income derived from the deposit and
4 investment of money in the fund to the fund.

5 (c) Money in the fund is continuously appropriated to the
6 enterprise to accomplish the purposes set forth in subsection (3)(c) of this
7 section, including to:

8 (III) Provide PUBLICLY AVAILABLE AND ACCESSIBLE, high-quality,
9 independent, and trusted data regarding pollutant emissions from
10 stationary sources and concentrations to reduce waste of valuable
11 products and resource streams, enhance cost-effective regulatory
12 compliance, ALLOW FOR COMMUNITY ENGAGEMENT AND TRANSPARENCY
13 REGARDING POLLUTANT EMISSIONS AND STATIONARY SOURCE PROCESSES,
14 and support corporate environmental, social, and governance objectives;

15 **SECTION 5. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly; except
18 that, if a referendum petition is filed pursuant to section 1 (3) of article V
19 of the state constitution against this act or an item, section, or part of this
20 act within such period, then the act, item, section, or part will not take
21 effect unless approved by the people at the general election to be held in
22 November 2026 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.