

SB073 L.002

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Veterans, & Military Affairs.

SB13-073 be amended as follows:

1 Amend printed bill, page 2, line 5, after "**requirements.**" insert "(1)".

2 Page 2, strike lines 9 and 10 and substitute "SHALL:".

3 Page 2, after line 10, insert:

4 (a) PREPARE A STATEMENT OF BASIS AND PURPOSE EXPLAINING
5 THE NEED FOR THE PROPOSED REQUIREMENTS;

6 (b) PRESENT EVIDENCE SUPPORTING THE NEED FOR THE PROPOSED
7 REQUIREMENTS, INCLUDING INFORMATION REGARDING POLLUTANT
8 POTENTIAL AND AVAILABLE CONTROLS, INCIDENTS OF ENVIRONMENTAL
9 DAMAGE, AND PERMIT VIOLATIONS;

10 (c) BEFORE IMPLEMENTING THE PROPOSED REQUIREMENTS,
11 PROVIDE PUBLIC NOTICE OF, AND CONSIDER COMMENTS RECEIVED FROM
12 AFFECTED PARTIES ABOUT, THE PROPOSED REQUIREMENTS; AND

13 (d) UPON REQUEST BY AN AFFECTED PARTY, CONSIDER AND GIVE
14 DUE WEIGHT TO A COST-BENEFIT ANALYSIS:

15 (I) RECEIVED BY THE DIVISION DURING THE COMMENT PHASE SET
16 FORTH IN PARAGRAPH (c) OF THIS SUBSECTION (1);

17 (II) CONCERNING ONE OR MORE PROPOSED REQUIREMENTS THAT
18 ARE NOT ALREADY REQUIRED BY FEDERAL OR STATE STATUTE OR RULE;

19 (III) PREPARED BY A THIRD PARTY CHOSEN FROM AN APPROVED
20 LIST OF ANALYSTS, AS DEVELOPED BY THE DIVISION IN CONSULTATION
21 WITH REPRESENTATIVES OF THE INDUSTRIES THAT ARE SUBJECT TO
22 GENERAL PERMITTING; AND

23 (IV) PAID FOR BY THE AFFECTED PARTY.

24 (2) NOTHING IN SUBSECTION (1) OF THIS SECTION CONFERS
25 RULE-MAKING AUTHORITY ON THE DIVISION.

26 (3) A PARTY MAY APPEAL A GENERAL PERMIT ISSUED UNDER
27 SECTION 25-8-502 (1) (b) (I) (G) PURSUANT TO THE APPEALS PROCESS SET
28 FORTH IN SECTION 24-4-105, C.R.S."

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