

**Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 24-0797.01 Jennifer Berman x3286

**HOUSE BILL 24-1338**

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**HOUSE SPONSORSHIP**

**Rutinel and Velasco,**

**SENATE SPONSORSHIP**

**Michaelson Jenet,**

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**House Committees**  
Energy & Environment

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING MEASURES TO ADVANCE ENVIRONMENTAL JUSTICE BY**  
102 **REDUCING CUMULATIVE IMPACTS OF AIR POLLUTION.**

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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://leg.colorado.gov>.)*

House Bill 21-1266, enacted in 2021, authorized the creation of the environmental justice action task force to develop recommendations for measures to achieve environmental justice in the state. The task force completed its work and published a final report on November 14, 2022, which report included a recommendation for the development of environmental equity and cumulative impact analyses (EECIA) in the

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.*

state.

**Section 2** of the bill creates the office of environmental justice (office) in the department of public health and environment (CDPHE) and **section 1** requires the office to oversee a process to develop at least 2 EECIAs for specific geographic locations in the state. Once an EECIA is developed, various state agencies will be able to rely on the EECIA in conducting cumulative impact analyses regarding potentially polluting activities.

The office must choose as locations for the EECIAs communities that are disproportionately impacted communities, with priority given to communities that have a heightened potential for widespread human exposure to environmental contaminants. After selecting a location for an EECIA, CDPHE must contract with an academic institution or other third party to develop an EECIA. In developing an EECIA, the applicable contractor must perform a scientifically rigorous analysis that includes most of the recommendations made by the environmental justice action task force.

**Section 3** makes a technical change regarding the assessment of civil penalties for air quality law violations.

On or after January 1, 2026, **section 4** authorizes the elected officials of a city, town, county, or city and county (local governing body) to request that the air quality control commission (commission) impose limits on any new or increased operational emissions of certain health-related air pollutants that would affect individuals located in the geographic region governed by the local governing body. To obtain approval of such a request, the local governing body must demonstrate to the commission's satisfaction that:

- The geographic region over which the local governing body has jurisdiction is cumulatively impacted by pollution; and
- An agency of the local government governed by the local governing body has a process to review exemption requests from the limits on any new or increased operational emissions.

An approved request for limits expires after 5 years and the local governing body must renew its request to further continue the limits. The commission may rescind its approval of the limits if the commission determines that the local governing body is not complying with its own processes regarding the limits.

On or before January 1, 2025, the division of administration (division) in CDPHE is required under **section 5** to hire a petroleum refinery regulation expert to examine whether a specific petroleum refinery rule should be adopted by the commission and examine other regulatory or nonregulatory measures performed.

**Section 5** requires a petroleum refinery in the state to comply with

certain monitoring requirements to provide real-time emissions monitoring data to the division.

**Section 5** also requires the division to establish a rapid response inspection team to respond quickly to air quality complaints received. Once the team is established, the team is required to develop processes and best practices for quickly responding to such complaints and to engage in outreach to communities regarding events and conditions that lead to excess air pollution emissions in communities.

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

2           **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**  
3 **with amendments,** 25-1-133 as follows:

4           **25-1-133. Environmental equity and cumulative impact**  
5 **analyses - selection of contractor - required components of analyses**  
6 **- selection of locations - requirements for contractors - definitions.**

7 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
8 REQUIRES:

9           (a) "COLORADO ENVIROSCREEN TOOL" HAS THE MEANING SET  
10 FORTH IN SECTION 24-4-109 (5)(a)(II).

11           (b) "CONTRACTOR" MEANS AN ACADEMIC INSTITUTION OR OTHER  
12 PARTY WITH WHICH THE DEPARTMENT CONTRACTS TO DEVELOP AN  
13 EECIA.

14           (c) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE  
15 MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

16           (d) "ENVIRONMENTAL EQUITY AND CUMULATIVE IMPACT  
17 ANALYSIS" OR "EECIA" MEANS A CUMULATIVE IMPACT ANALYSIS FOR A  
18 SPECIFIC GEOGRAPHIC AREA OF THE STATE DEVELOPED IN ACCORDANCE  
19 WITH THIS SECTION.

20           (e) "EPA'S CUMULATIVE IMPACT ANALYSIS RECOMMENDATIONS"  
21 MEANS THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S

1 "CUMULATIVE IMPACTS RESEARCH: RECOMMENDATIONS FOR EPA'S  
2 OFFICE OF RESEARCH AND DEVELOPMENT", PUBLISHED ON SEPTEMBER 30,  
3 2022.

4 (f) "FINAL REPORT OF THE TASK FORCE" MEANS THE "FINAL  
5 REPORT OF RECOMMENDATIONS" PUBLISHED BY THE TASK FORCE ON  
6 NOVEMBER 14, 2022.

7 (g) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY  
8 CITY, TOWN, CITY AND COUNTY, OR COUNTY.

9 (h) "OFFICE OF ENVIRONMENTAL JUSTICE" OR "OFFICE" MEANS THE  
10 OFFICE OF ENVIRONMENTAL JUSTICE CREATED IN SECTION 25-1-133.5  
11 (1)(a).

12 (i) "TASK FORCE" MEANS THE ENVIRONMENTAL JUSTICE ACTION  
13 TASK FORCE CREATED BY THE GENERAL ASSEMBLY IN 2021 THROUGH THE  
14 ENACTMENT OF HOUSE BILL 21-1266.

15 (2) THE DEPARTMENT SHALL SELECT ONE OR MORE CONTRACTORS  
16 TO DEVELOP TWO OR MORE ENVIRONMENTAL EQUITY AND CUMULATIVE  
17 IMPACT ANALYSES FOR THE STATE. EACH EECIA:

18 (a) MUST COVER A GEOGRAPHIC AREA OF THE STATE THAT  
19 INCLUDES A GROUP OF MOSTLY CONTIGUOUS CENSUS BLOCK GROUPS AND  
20 OTHER SURROUNDING AREAS THAT MEET THE DEFINITION OF  
21 DISPROPORTIONATELY IMPACTED COMMUNITIES;

22 (b) MAY BE CONDUCTED FOR A COMMUNITY LOCATED ON THE UTE  
23 MOUNTAIN UTE OR SOUTHERN UTE INDIAN RESERVATION ONLY IF  
24 REQUESTED BY THE GOVERNING BODY OF THE AFFECTED TRIBE AND  
25 FOLLOWING CONSULTATION WITH AND APPROVAL BY THE GOVERNING  
26 BODY;

27 (c) ONCE DEVELOPED, MAY BE USED BY ANY STATE AGENCY FOR

1 THE PURPOSE OF ANALYZING CUMULATIVE IMPACTS;

2 (d) MUST PERFORM A SCIENTIFICALLY RIGOROUS ANALYSIS THAT  
3 INCLUDES MOST OF THE COMPONENTS RECOMMENDED IN THE FINAL  
4 REPORT OF THE TASK FORCE, AS REFLECTED ON PAGES THIRTEEN THROUGH  
5 FIFTEEN OF THE FINAL REPORT OF THE TASK FORCE; AND

6 (e) SHOULD IDENTIFY KEY PROBLEMS AND INDICATORS OF  
7 CUMULATIVE IMPACTS, BUT SHOULD NOT RECOMMEND SPECIFIC  
8 SOLUTIONS FOR THOSE KEY PROBLEMS AND INDICATORS.

9 (3) (a) THE OFFICE OF ENVIRONMENTAL JUSTICE SHALL SELECT  
10 LOCATIONS FOR THE ENVIRONMENTAL EQUITY AND CUMULATIVE IMPACT  
11 ANALYSES AND OVERSEE THE DEPARTMENT'S SELECTION OF A  
12 CONTRACTOR PURSUANT TO SUBSECTION (2) OF THIS SECTION.

13 (b) BY A DEADLINE DETERMINED BY THE OFFICE AND POSTED  
14 CONSPICUOUSLY ON THE DEPARTMENT'S WEBSITE, A LOCAL GOVERNMENT,  
15 A GROUP OF LOCAL GOVERNMENTS, AN ELECTED OFFICIAL, THE  
16 GOVERNING BODY OF AN AFFECTED TRIBE FOR ANY REQUEST WITHIN THE  
17 BOUNDARIES OF THE UTE MOUNTAIN UTE OR SOUTHERN UTE INDIAN  
18 RESERVATION, A NONPROFIT ORGANIZATION, OR ANY OTHER INTERESTED  
19 PERSON MAY SUBMIT A FORMAL WRITTEN REQUEST TO THE OFFICE TO  
20 SELECT A LOCATION FOR AN EECIA. IN SELECTING THE LOCATIONS FOR  
21 THE EECIAS, THE OFFICE SHALL:

22 (I) PRIORITIZE LOCATIONS THAT:

23 (A) ARE MOST IMPACTED BY ENVIRONMENTAL CONTAMINANTS;

24 (B) HAVE THE POTENTIAL FOR WIDESPREAD HUMAN EXPOSURE TO  
25 THE ENVIRONMENTAL CONTAMINANTS; AND

26 (C) INCLUDE A GREATER PROPORTION OF INDIVIDUALS WITH  
27 HEIGHTENED VULNERABILITY TO THE ENVIRONMENTAL CONTAMINANTS;

1 (II) USE THE COLORADO ENVIROSCREEN TOOL TO HELP PRIORITIZE  
2 LOCATIONS WITH DISPROPORTIONATE ENVIRONMENTAL HEALTH BURDENS;  
3 AND

4 (III) SEEK INPUT FROM VARIOUS GROUPS OF INTERESTED  
5 STAKEHOLDERS IN THE SELECTION PROCESS.

6 (c) IN SELECTING THE CONTRACTOR FOR AN EECIA LOCATION  
7 SELECTED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION, THE OFFICE  
8 SHALL:

9 (I) BE TRANSPARENT WITH REGARD TO ANY SELECTION CRITERIA  
10 USED IN THE SELECTION PROCESS;

11 (II) ENGAGE STAKEHOLDERS FOR FEEDBACK ON HOW TO DESIGN  
12 THE SELECTION PROCESS; AND

13 (III) FOR AN EECIA STUDYING ANY LANDS WITHIN THE  
14 BOUNDARIES OF THE UTE MOUNTAIN UTE OR SOUTHERN UTE INDIAN  
15 RESERVATION, CONSULT WITH THE GOVERNING BODY OF THE AFFECTED  
16 TRIBE AND SELECT A CONTRACTOR ONLY WITH THE GOVERNING BODY'S  
17 CONSENT.

18 (4) (a) IN DEVELOPING THE ENVIRONMENTAL EQUITY AND  
19 CUMULATIVE IMPACT ANALYSES, A CONTRACTOR SELECTED PURSUANT TO  
20 SUBSECTION (2) OF THIS SECTION SHALL, WITH INPUT FROM INTERESTED  
21 STAKEHOLDERS, SET TIMELINES AND MILESTONES FOR COMPLETION OF AN  
22 EECIA AND SUBMIT THE PROPOSED TIMELINES AND MILESTONES TO THE  
23 OFFICE FOR REVIEW AND APPROVAL.

24 (b) THE OFFICE SHALL POST IN A CONSPICUOUS LOCATION ON THE  
25 DEPARTMENT'S PUBLIC-FACING WEBSITE THE APPROVED TIMELINES AND  
26 MILESTONES FOR EACH CONTRACTOR TO COMPLETE AN EECIA AND  
27 PERIODICALLY POST UPDATES ON WHETHER EACH CONTRACTOR HAS MET

1 THE TIMELINES AND MILESTONES.

2 (5) A CONTRACTOR SELECTED PURSUANT TO SUBSECTION (3)(c) OF  
3 THIS SECTION SHALL:

4 (a) WITH OVERSIGHT FROM THE OFFICE, REVIEW EXISTING  
5 CUMULATIVE IMPACT ANALYSIS FRAMEWORKS SUCH AS THE EPA'S  
6 CUMULATIVE IMPACT ANALYSIS RECOMMENDATIONS OR FRAMEWORKS  
7 FROM OTHER STATES OR JURISDICTIONS;

8 (b) ESTABLISH A PROCESS FOR INTERESTED STAKEHOLDERS TO  
9 SUBMIT INPUT REGARDING AN EECIA AND FOR THE CONTRACTOR TO  
10 REVIEW ANY INPUT SUBMITTED; AND

11 (c) EXTENSIVELY ENGAGE INTERESTED STAKEHOLDERS AND THE  
12 OFFICE THROUGHOUT THE EECIA DEVELOPMENT PROCESS.

13 (6) THE DEPARTMENT MAY SOLICIT, ACCEPT, AND EXPEND GIFTS,  
14 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES TO HELP  
15 FINANCE THE DEVELOPMENT OF ENVIRONMENTAL EQUITY AND  
16 CUMULATIVE IMPACT ANALYSES PURSUANT TO THIS SECTION.

17 **SECTION 2.** In Colorado Revised Statutes, **add** 25-1-133.5 as  
18 follows:

19 **25-1-133.5. Office of environmental justice - created - powers**  
20 **and duties - definitions.** (1) (a) THERE IS CREATED IN THE DEPARTMENT  
21 THE OFFICE OF ENVIRONMENTAL JUSTICE, THE HEAD OF WHICH IS THE  
22 DIRECTOR OF THE OFFICE, WHO SHALL BE APPOINTED BY THE EXECUTIVE  
23 DIRECTOR OF THE DEPARTMENT AND MAY EMPLOY STAFF AS NECESSARY  
24 TO CARRY OUT THE POWERS AND DUTIES OF THE OFFICE. THE OFFICE IS A  
25 **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105, AND EXERCISES ITS  
26 POWERS AND PERFORMS ITS DUTIES AND FUNCTIONS UNDER THE  
27 DEPARTMENT.

1 (b) IN CARRYING OUT ITS POWERS AND DUTIES, THE OFFICE MAY  
2 COLLABORATE WITH THE ENVIRONMENTAL JUSTICE OMBUDSPERSON  
3 APPOINTED PURSUANT TO SECTION 25-1-134 (1)(b), THE ENVIRONMENTAL  
4 JUSTICE ADVISORY BOARD CREATED IN SECTION 25-1-134 (2)(a),  
5 DISPROPORTIONATELY IMPACTED COMMUNITIES, LOCAL GOVERNMENTS,  
6 OTHER STATE AGENCIES, THE FEDERAL GOVERNMENT, AND OTHER  
7 INTERESTED PARTIES.

8 (2) THE OFFICE SHALL:

9 (a) INCREASE STATE GOVERNMENT ENGAGEMENT WITH AND  
10 RESPONSIVENESS TO DISPROPORTIONATELY IMPACTED COMMUNITIES;

11 (b) DEVELOP AND MANAGE THE DEPARTMENT'S ENVIRONMENTAL  
12 JUSTICE GOALS, METRICS, AND OBJECTIVES;

13 (c) WORK WITH THE ENVIRONMENTAL DIVISIONS WITHIN THE  
14 DEPARTMENT, THE ENVIRONMENTAL JUSTICE OMBUDSPERSON, AND THE  
15 ENVIRONMENTAL JUSTICE ADVISORY BOARD TO IMPLEMENT STATUTORY  
16 ENVIRONMENTAL JUSTICE MANDATES, INCLUDING BENCHMARKS AND  
17 TARGETS SET FORTH IN THE "ENVIRONMENTAL JUSTICE ACT", AS ENACTED  
18 IN 2021 BY HOUSE BILL 21-1266;

19 (d) WORK WITH THE DIVISION OF ADMINISTRATION TO IMPLEMENT  
20 PART 10 OF ARTICLE 8 OF THIS TITLE 25 CONCERNING MOBILE HOME WATER  
21 QUALITY BY LEADING COMMUNITY ENGAGEMENT EFFORTS WITH MOBILE  
22 HOME PARK RESIDENTS;

23 (e) COORDINATE ENVIRONMENTAL JUSTICE WORK WITHIN THE  
24 DEPARTMENT AND WITH OTHER STATE AGENCIES AS WELL AS FEDERAL,  
25 LOCAL, AND TRIBAL GOVERNMENT PARTNERS;

26 (f) ADVANCE THE DEPARTMENT'S LANGUAGE JUSTICE GOALS BY  
27 PROVIDING TRANSLATION AND INTERPRETATION SERVICES FOR THE



1 DEPARTMENT'S ENVIRONMENTAL DIVISIONS; AND

2 (g) IDENTIFY DISPROPORTIONATELY IMPACTED COMMUNITIES  
3 BASED ON THE BEST-AVAILABLE DATA AND SPATIAL ANALYSIS  
4 TECHNOLOGY, INCLUDING THE COLORADO ENVIROSCREEN TOOL.

5 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
6 REQUIRES:

7 (a) "COLORADO ENVIROSCREEN TOOL" HAS THE MEANING SET  
8 FORTH IN SECTION 24-4-109 (5)(a)(II).

9 (b) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE  
10 MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

11 (c) "OFFICE" MEANS THE OFFICE OF ENVIRONMENTAL JUSTICE  
12 CREATED IN SUBSECTION (1)(a) OF THIS SECTION.

13 **SECTION 3.** In Colorado Revised Statutes, 25-7-123.1, **amend**  
14 (1)(b) as follows:

15 **25-7-123.1. Statute of limitations - penalty assessment -**  
16 **criteria.** (1) (b) Without expanding the statute of limitations contained  
17 in subsection (1)(a) of this section, any action commenced ~~including~~ FOR  
18 the assessment of civil penalties, pursuant to this article 7, except those  
19 commenced pursuant to section 25-7-122 (1)(d) or 25-7-122.1 (1)(c), that  
20 is not commenced within eighteen months after the date upon which the  
21 division discovers the alleged violation is time barred. For purposes of  
22 this section, the division discovers the alleged violation when it learns of  
23 the alleged violation or should have learned of the alleged violation by the  
24 exercise of reasonable diligence, including by receipt of actual or  
25 constructive notice.

26 **SECTION 4.** In Colorado Revised Statutes, 25-7-128, **add** (9) as  
27 follows:

1           **25-7-128. Local government - authority - penalty - limits on**  
2           **new or increased operational emissions of health-related air**  
3           **pollutants - exemptions - rules - definitions.** (9) (a) AS USED IN THIS

4           SUBSECTION (9), UNLESS THE CONTEXT OTHERWISE REQUIRES:

5           (I) (A) "HEALTH-RELATED AIR POLLUTANTS" MEANS A GROUP OF  
6           AIR POLLUTANTS THAT AFFECT PUBLIC HEALTH.

7           (B) "HEALTH-RELATED AIR POLLUTANTS" INCLUDES PM<sub>2.5</sub>, THE  
8           COVERED AIR TOXICS LISTED IN SECTION 25-7-141 (2)(b)(I), AND OXIDES  
9           OF NITROGEN.

10          (II) "LOCAL GOVERNING BODY" MEANS THE ELECTED OFFICIALS  
11          GOVERNING A HOME RULE OR STATUTORY CITY, TOWN, COUNTY, OR CITY  
12          AND COUNTY.

13          (III) "NEW OR INCREASED OPERATIONAL EMISSIONS" MEANS, FOR  
14          OPERATIONAL EMISSIONS OF HEALTH-RELATED AIR POLLUTANTS AT A  
15          PERMITTED STATIONARY SOURCE, NEW TYPES OR INCREASES OF EMISSIONS  
16          OF HEALTH-RELATED AIR POLLUTANTS FROM THE STATIONARY SOURCE.

17          (IV) "PM<sub>2.5</sub>" MEANS PARTICULATE MATTER WITH A DIAMETER OF  
18          LESS THAN TWO AND ONE-HALF MICROMETERS.

19          (b) ON OR AFTER JANUARY 1, 2026, AND IN COMPLIANCE WITH  
20          SUBSECTION (9)(c) OF THIS SECTION, A LOCAL GOVERNING BODY MAY  
21          REQUEST THAT THE COMMISSION IMPOSE LIMITS ON ANY NEW OR  
22          INCREASED OPERATIONAL EMISSIONS THAT WOULD AFFECT INDIVIDUALS  
23          LOCATED WITHIN THE GEOGRAPHIC REGION OVER WHICH THE LOCAL  
24          GOVERNING BODY HAS JURISDICTION. A LOCAL GOVERNING BODY SHALL  
25          NOT REQUEST THAT THE COMMISSION IMPOSE LIMITS ON ANY NEW OR  
26          INCREASED OPERATIONAL EMISSIONS OUTSIDE OF THE LOCAL GOVERNING  
27          BODY'S JURISDICTION, INCLUDING ON TRIBAL LANDS.

1 (c) FOR THE COMMISSION TO IMPOSE LIMITS ON NEW OR INCREASED  
2 OPERATIONAL EMISSIONS AS REQUESTED BY A LOCAL GOVERNING BODY  
3 PURSUANT TO SUBSECTION (9)(b) OF THIS SECTION, THE LOCAL GOVERNING  
4 BODY MUST DEMONSTRATE TO THE COMMISSION'S SATISFACTION THAT:

5 (I) AN AGENCY OF THE LOCAL GOVERNMENT GOVERNED BY THE  
6 LOCAL GOVERNING BODY HAS A REVIEW PROCESS IN PLACE FOR REVIEWING  
7 A STATIONARY SOURCE'S REQUEST FOR AN EXEMPTION FROM THE LIMITS  
8 ON NEW OR INCREASED OPERATIONAL EMISSIONS. THE LOCAL  
9 GOVERNMENT AGENCY MAY APPROVE A STATIONARY SOURCE'S REQUEST  
10 FOR AN EXEMPTION FROM THE LIMITS FOR ECONOMIC REASONS OR FOR ANY  
11 OTHER REASON FOR WHICH THE LOCAL GOVERNMENT DETERMINES THERE  
12 IS JUSTIFICATION FOR AN EXEMPTION. IF THE COMMISSION APPROVES A  
13 LOCAL GOVERNING BODY'S REQUEST PURSUANT TO THIS SUBSECTION (9):

14 (A) ANY FUTURE DETERMINATION OF THE INCLUSION OR  
15 EXCLUSION OF ANY EXEMPTIONS WITHIN THE LOCAL GOVERNING BODY'S  
16 JURISDICTION SHALL BE MADE ON A CASE-BY-CASE BASIS AT THE SOLE  
17 DISCRETION OF THE LOCAL GOVERNING BODY OR THE LOCAL GOVERNMENT  
18 AGENCY; AND

19 (B) THE COMMISSION SHALL REQUIRE THAT THE LOCAL  
20 GOVERNING BODY HAVE IN PLACE A PATHWAY TO LATER APPROVE THE  
21 NEW OR INCREASED OPERATIONAL EMISSIONS FROM THE STATIONARY  
22 SOURCE IF THE STATIONARY SOURCE COMPLIES WITH REQUIREMENTS THAT  
23 THE LOCAL GOVERNING BODY ESTABLISHES.

24 (II) THE GEOGRAPHIC REGION OVER WHICH THE LOCAL GOVERNING  
25 BODY HAS JURISDICTION IS CUMULATIVELY IMPACTED BY POLLUTION. THE  
26 COMMISSION SHALL ADOPT RULES TO ESTABLISH A STRAIGHTFORWARD  
27 PROCESS FOR A LOCAL GOVERNING BODY TO DEMONSTRATE SUFFICIENT

1 CUMULATIVE IMPACTS PURSUANT TO THIS SUBSECTION (9)(c)(II).  
2 (III) ANY OTHER LOCAL GOVERNING BODY THAT HAS JURISDICTION  
3 OVER ALL OR A PORTION OF THE GEOGRAPHIC REGION OVER WHICH THE  
4 LOCAL GOVERNING BODY HAS JURISDICTION AGREES WITH THE REQUEST  
5 FOR LIMITS ON ANY NEW OR INCREASED OPERATIONAL EMISSIONS.  
6 (d) ANY LIMITS ON NEW OR INCREASED OPERATIONAL EMISSIONS  
7 THAT THE COMMISSION IMPOSES PURSUANT TO THIS SUBSECTION (9) DO  
8 NOT AFFECT A STATIONARY SOURCE THAT PROPOSES NEW OR INCREASED  
9 OPERATIONAL EMISSIONS IF THE NEW OR INCREASED OPERATIONAL  
10 EMISSIONS:  
11 (I) ARE REQUIRED FOR THE STATIONARY SOURCE TO MAINTAIN  
12 COMPLIANCE WITH STATE OR FEDERAL LAW;  
13 (II) ARE NECESSARY FOR AN EXPANSION OF RENEWABLE ENERGY  
14 IN COLORADO;  
15 (III) ARE REQUIRED FOR THE DEVELOPMENT OF AFFORDABLE  
16 HOUSING; OR  
17 (IV) ARE FROM A STATIONARY SOURCE THAT IS A PUBLICLY  
18 OWNED DOMESTIC WASTEWATER TREATMENT WORKS, AS DEFINED IN  
19 SECTION 25-8-103 (5).  
20 (e) THE COMMISSION MAY RESCIND ITS APPROVAL OF A LOCAL  
21 GOVERNING BODY'S REQUEST FOR LIMITS ON NEW OR INCREASED  
22 OPERATIONAL EMISSIONS PURSUANT TO THIS SUBSECTION (9) IF THE  
23 COMMISSION DETERMINES THAT THE LOCAL GOVERNING BODY FAILED TO  
24 COMPLY WITH THE REVIEW, EXEMPTION, PATHWAY TO APPROVAL, OR  
25 APPEALS PROCESSES THAT THE COMMISSION APPROVED AS PART OF THE  
26 LOCAL GOVERNING BODY'S REQUEST FOR LIMITS.  
27 (f) APPROVAL OF A LOCAL GOVERNING BODY'S REQUEST FOR

1 LIMITS ON NEW OR INCREASED OPERATIONAL EMISSIONS EXPIRES AFTER  
2 FIVE YEARS. THE LOCAL GOVERNING BODY MUST RENEW ITS REQUEST FOR  
3 LIMITS IN ACCORDANCE WITH THIS SUBSECTION (9) BEFORE THE  
4 EXPIRATION OF THE APPROVED REQUEST.

5 (g) NOTHING IN THIS SUBSECTION (9):

6 (I) SHALL BE USED TO REGULATE IN ANY RESPECT THE OPERATIONS  
7 OF THE UTE MOUNTAIN UTE TRIBE OR ENTITIES OPERATING WITHIN THE  
8 TRIBE'S RESERVATION, INCLUDING THIRD PARTIES OPERATING ON TRIBAL  
9 LANDS WITHIN THE RESERVATION BOUNDARIES;

10 (II) AFFECTS THE AUTHORITY OF THE UTE MOUNTAIN UTE TRIBE  
11 TO DETERMINE ENVIRONMENTAL STANDARDS, INCLUDING AIR AND WATER  
12 QUALITY STANDARDS, WITHIN ITS RESERVATION BOUNDARIES;

13 (III) AFFECTS THE AUTHORITY OF THE SOUTHERN UTE INDIAN  
14 TRIBE TO REGULATE AIR QUALITY AS SET FORTH IN SECTION 24-62-101; OR

15 (IV) AFFECTS THE AUTHORITY OF THE SOUTHERN UTE INDIAN  
16 TRIBE TO REGULATE WATER QUALITY WITHIN ITS RESERVATION  
17 BOUNDARIES TO THE EXTENT THE TRIBE HAS JURISDICTION AND THE  
18 REGULATION IS APPROVED BY THE FEDERAL ENVIRONMENTAL PROTECTION  
19 AGENCY.

20 **SECTION 5.** In Colorado Revised Statutes, **add** 25-7-146 and  
21 25-7-147 as follows:

22 **25-7-146. Petroleum refinery pollution - assessment -**  
23 **monitoring data - rules - definitions.** (1) (a) ON OR BEFORE JANUARY  
24 1, 2025, THE DIVISION SHALL HIRE AN EXPERT REGARDING AIR POLLUTION  
25 CONTROL REGULATIONS FOR PETROLEUM REFINERIES. THE PETROLEUM  
26 REFINERY REGULATION EXPERT SHALL:

27 (I) ASSESS THE FEASIBILITY, COSTS, AND BENEFITS FOR THE

1 DIVISION TO PROPOSE TO THE COMMISSION A RULE ESTABLISHING A  
2 PETROLEUM REFINERY CONTROL REGULATION; AND

3 (II) ASSESS OTHER REGULATORY AND NONREGULATORY  
4 MEASURES.

5 (b) AS PART OF THE ASSESSMENTS REQUIRED PURSUANT TO  
6 SUBSECTION (1)(a) OF THIS SECTION, THE PETROLEUM REFINERY  
7 REGULATION EXPERT SHALL:

8 (I) EVALUATE THE IMPACT THAT PETROLEUM REFINERIES HAVE ON  
9 AIR QUALITY IN THE STATE, INCLUDING AN EVALUATION OF CRITERIA AIR  
10 POLLUTANTS LISTED PURSUANT TO THE FEDERAL ACT AND HAZARDOUS AIR  
11 POLLUTANTS;

12 (II) INVESTIGATE THE REGULATORY FRAMEWORK GOVERNING  
13 PETROLEUM REFINERIES IN OTHER STATES AND AT THE FEDERAL LEVEL;

14 (III) IDENTIFY BEST PRACTICES AND TECHNOLOGIES FOR  
15 MINIMIZING EMISSIONS FROM PETROLEUM REFINERIES; AND

16 (IV) DETERMINE ACTIONS NEEDED TO REDUCE EMISSIONS,  
17 INCLUDING THE POTENTIAL FOR DEVELOPING A SPECIFIC PETROLEUM  
18 REFINERY RULE. IF THE DIVISION DEEMS IT APPROPRIATE, THE DIVISION  
19 SHALL PROPOSE A RULE SPECIFICALLY BASED ON THE EXPERT'S  
20 ASSESSMENT ON OR BEFORE JULY 1, 2026.

21 (c) NOTWITHSTANDING THE TIMELINE SET FORTH IN SUBSECTION  
22 (1)(b)(IV) OF THIS SECTION, THE COMMISSION MAY ADOPT, AND THE  
23 DIVISION MAY PROPOSE, A RULE ESTABLISHING A PETROLEUM REFINERY  
24 CONTROL REGULATION AT ANY TIME.

25 (2) (a) ON AND AFTER JANUARY 1, 2025, A PETROLEUM REFINERY  
26 IN THE STATE SHALL DISSEMINATE TO THE DIVISION, IN REAL TIME  
27 THROUGH AN APPLICATION PROGRAMMING INTERFACE, PUSH DATA

1 GATHERED THROUGH:

2 (I) CONTINUOUS EMISSION MONITORING SYSTEMS AND  
3 CONTINUOUS MONITORING SYSTEMS REQUIRED UNDER STATE OR FEDERAL  
4 LAW;

5 (II) FENCELINE MONITORING SYSTEMS AS REQUIRED UNDER  
6 SECTION 25-7-141 (5);

7 (III) COMMUNITY-BASED MONITORING REQUIRED UNDER SECTION  
8 25-7-141 (6); AND

9 (IV) COMPLIANCE WITH A STATE-ISSUED COMPLIANCE ORDER.

10 (b) THE DATA DISSEMINATED TO THE DIVISION PURSUANT TO  
11 SUBSECTION (2)(a) OF THIS SECTION MUST BE PROVIDED THROUGH THE  
12 PUSH IN A ONE-MINUTE AVERAGED RESOLUTION.

13 (c) THE DIVISION SHALL DETERMINE THE FORMAT BY WHICH A  
14 PETROLEUM REFINERY MUST TRANSMIT THE DATA TO THE DIVISION.

15 (3) (a) ON OR BEFORE DECEMBER 31, 2024, A PETROLEUM  
16 REFINERY SHALL UPGRADE AT LEAST SIX COMMUNITY-BASED MONITORING  
17 SYSTEMS TO MONITOR, AT A MINIMUM, FOR:

18 (I) BENZENE;

19 (II) TOLUENE;

20 (III) ETHYLBENZENE;

21 (IV) XYLENE;

22 (V) CARBON MONOXIDE;

23 (VI) NITROGEN DIOXIDE;

24 (VII) PM<sub>2.5</sub>;

25 (VIII) HYDROGEN SULFIDE;

26 (IX) SULFUR DIOXIDE;

27 (X) TOTAL VOLATILE ORGANIC COMPOUNDS;

- 1 (XI) TEMPERATURE;
- 2 (XII) RELATIVE HUMIDITY;
- 3 (XIII) WIND SPEED; AND
- 4 (XIV) WIND DIRECTION.

5 (b) THE COMMUNITY-BASED MONITORING SYSTEMS UPGRADED  
6 PURSUANT TO THIS SUBSECTION (3) MUST BE INSTALLED, CERTIFIED, AND  
7 OPERATED IN ACCORDANCE WITH A PLAN DEVELOPED BY THE DIVISION.

8 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
9 REQUIRES:

10 (a) "APPLICATION PROGRAMMING INTERFACE" MEANS A SET OF  
11 RULES, PROTOCOLS, AND TOOLS THAT:

12 (I) ENABLE THE INTERACTION AND COMMUNICATION BETWEEN  
13 SOFTWARE APPLICATIONS;

14 (II) SERVE AS AN INTERMEDIARY THAT FACILITATES THE  
15 EXCHANGE OF DATA, REQUESTS, AND COMMANDS BETWEEN DISTINCT  
16 SOFTWARE SYSTEMS, ALLOWING THE DISTINCT SOFTWARE SYSTEMS TO  
17 WORK TOGETHER SEAMLESSLY; AND

18 (III) ENABLE THE DEVELOPMENT OF INTERCONNECTED AND  
19 INTEROPERABLE APPLICATIONS.

20 (b) "COMMUNITY-BASED MONITORING" HAS THE MEANING SET  
21 FORTH IN SECTION 25-7-141 (2)(a).

22 (c) "CONTINUOUS EMISSIONS MONITORING SYSTEM" MEANS THE  
23 EQUIPMENT:

24 (I) REQUIRED TO MEET THE DATA ACQUISITION AND AVAILABILITY  
25 REQUIREMENTS SET FORTH IN A CONSTRUCTION PERMIT OR A RENEWABLE  
26 OPERATING PERMIT OR AS SET FORTH IN FEDERAL LAW; AND

27 (II) THAT IS USED TO SAMPLE; CONDITION, IF APPLICABLE;



1 ANALYZE; AND PROVIDE A RECORD OF EMISSIONS ON A CONTINUOUS BASIS.

2 (d) "CONTINUOUS MONITORING SYSTEM" MEANS A SET OF  
3 INSTRUMENTS AND EQUIPMENT THAT IS DESIGNED TO CONTINUOUSLY  
4 MEASURE AND RECORD VARIOUS PARAMETERS THAT MAY AFFECT  
5 EMISSIONS OF AIR POLLUTANTS IN REAL TIME AND IS REQUIRED UNDER A  
6 CONSTRUCTION PERMIT, A RENEWABLE OPERATING PERMIT, OR FEDERAL  
7 LAW.

8 (e) "FENCELINE MONITORING" HAS THE MEANING SET FORTH IN  
9 SECTION 25-7-141 (2)(e).

10 (f) "PETROLEUM REFINERY" MEANS A STATIONARY SOURCE  
11 COVERED BY THE NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM  
12 CODE 324110, AS ESTABLISHED BY THE FEDERAL OFFICE OF MANAGEMENT  
13 AND BUDGET.

14 (g) "PM<sub>2.5</sub>" MEANS PARTICULATE MATTER WITH A DIAMETER OF  
15 LESS THAN TWO AND ONE-HALF MICROMETERS.

16 (h) "PUSH" MEANS, IN THE CONTEXT OF AN APPLICATION  
17 PROGRAMMING INTERFACE, A MECHANISM BY WHICH A SERVER OR DATA  
18 SOURCE PROACTIVELY SENDS INFORMATION OR UPDATES TO THE DIVISION  
19 WITHOUT THE DIVISION EXPLICITLY REQUESTING THE INFORMATION.

20 (i) "REAL TIME" MEANS THE INSTANTANEOUS OR  
21 NEAR-INSTANTANEOUS PROVISION OF DATA, WITHOUT A DELAY OF MORE  
22 THAN FIFTEEN MINUTES, TO ENSURE THAT DATA IS CONVEYED PROMPTLY  
23 AND WITHOUT UNDUE LATENCY.

24 **25-7-147. Rapid response inspection team.** (1) THE DIVISION  
25 SHALL ESTABLISH A RAPID RESPONSE INSPECTION TEAM TO RESPOND  
26 QUICKLY TO AIR QUALITY COMPLAINTS FILED WITH THE DIVISION. THE  
27 DIVISION SHALL HIRE AND DEVELOP A TEAM TO SERVE AS THE RAPID

1 RESPONSE INSPECTION TEAM.

2 (2) THE RAPID RESPONSE INSPECTION TEAM SHALL DEVELOP  
3 PROCESSES AND BEST PRACTICES FOR QUICKLY RESPONDING TO AIR  
4 QUALITY COMPLAINTS FILED AND FOR GIVING PRIORITY TO AIR QUALITY  
5 COMPLAINTS RELATED TO ADVERSE EFFECTS IN DISPROPORTIONATELY  
6 IMPACTED COMMUNITIES OF THE STATE. THE RAPID RESPONSE TEAM SHALL  
7 ALSO DEVELOP AND IMPLEMENT OUTREACH EFFORTS TO EDUCATE AND  
8 ENGAGE WITH COMMUNITIES ABOUT EVENTS AND CONDITIONS THAT LEAD  
9 TO EXCESS EMISSIONS WITHIN THE COMMUNITIES.

10 (3) THE RAPID RESPONSE INSPECTION TEAM SHALL NOT RESPOND  
11 TO ANY ISSUE ARISING WITHIN THE BOUNDARIES OF THE SOUTHERN UTE  
12 INDIAN OR UTE MOUNTAIN UTE RESERVATION ABSENT THE EXPRESS  
13 CONSENT OF THE GOVERNING BODY OF THE AFFECTED TRIBE. THE RAPID  
14 RESPONSE INSPECTION TEAM SHALL REFER ANY COMPLAINT WITHIN THE  
15 JURISDICTION OF THE SOUTHERN UTE INDIAN OR UTE MOUNTAIN UTE  
16 TRIBE TO THE ENVIRONMENTAL PROGRAMS DEPARTMENT OF THE  
17 RELEVANT TRIBE AND MAY RESPOND TO THE COMPLAINT ONLY WITH THE  
18 EXPRESS CONSENT OF THE GOVERNING BODY OF THE AFFECTED TRIBE.

19 **SECTION 6.** In Colorado Revised Statutes, 24-4-109, **amend**  
20 (2)(b) introductory portion and (2)(b)(I) as follows:

21 **24-4-109. State engagement of disproportionately impacted**  
22 **communities - definitions.** (2) **Definitions.** (b) As used in this section  
23 and sections ~~25-1-133~~, 25-1-134 and 25-7-105 (1)(e), unless the context  
24 otherwise requires:

25 (I) "Agency" means the air quality control commission created in  
26 section 25-7-104 and, as used in this section and ~~sections 25-1-133 and~~  
27 ~~25-1-134~~ SECTION 25-1-134, the water quality control commission created

1 in section 25-8-201 (1)(a). The portions of this subsection (2)(b)(I) that  
2 apply to the water quality control commission are effective on July 1,  
3 2023, except for the portions requiring the water quality control  
4 commission to effectuate the requirements of subsections (3)(b)(I),  
5 (3)(b)(II), (3)(b)(IV), and (3)(b)(V) of this section, which apply to any  
6 rule-making proceedings of the commission concerning the classifications  
7 and numeric standards for the South Platte river basin, Laramie river  
8 basin, Republican river basin, and Smoky Hill river basin that occur after  
9 June 8, 2022.

10 **SECTION 7. Safety clause.** The general assembly finds,  
11 determines, and declares that this act is necessary for the immediate  
12 preservation of the public peace, health, or safety or for appropriations for  
13 the support and maintenance of the departments of the state and state  
14 institutions.