

FORTY-SIXTH LEGISLATURE
FIRST SESSION, 2003

February 21, 2003

Mr. Speaker:

Your ENERGY AND NATURAL RESOURCES COMMITTEE, to whom has been referred

HOUSE BILL 655

has had it under consideration and reports same WITHOUT RECOMMENDATION amended as follows:

1. On page 8, between lines 12 and 13, insert the following new subsections to read:

"G. The department shall provide notice and an opportunity for public comment for a permit issued pursuant to the Air Quality Control Act. The department shall provide thirty days for public comment. The department may hold a hearing regarding a draft permit, a proposal to suspend, reopen, revoke or terminate a permit or for any reason it deems appropriate and shall hold the hearing in the event of significant public interest. The department shall give notice of a public hearing at least thirty days before the hearing. Within thirty days of submission of an application for a permit pursuant to the Air Quality Control Act, the applicant shall provide notice to the general public in a form prescribed by the department and by the following methods:

(1) certified mail to an owner of record as indicated by the most recent property tax schedule of a property located:

(a) within one hundred feet of the source or proposed source if the source or proposed source is or will be located in a class A or H class county or in a municipality with a population of more than two hundred thousand five hundred persons; or

(b) within one-half mile of the source or proposed source if the source or proposed source is not located or is not proposed to be located in a class A or H class county or in a municipality with a population of more than two hundred thousand five hundred persons;

(2) certified mail to a municipality and a county where the source or proposed source is or will be located;

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(3) certified mail to a municipality, county and Indian tribe, chapter or pueblo that has a boundary located within ten miles of the source or proposed source;

(4) publication in English and, as appropriate, in Spanish in a classified or legal advertisements section of a newspaper of general circulation in the county where the source or proposed source is or will be located and in a different section of the same newspaper calculated to give effective public notice; and

(5) posting at a minimum of four publicly accessible and conspicuous places, including the entrance to the property on which the source or proposed source is located.

H. Following the provision of public notice of the application and proposed approval or disapproval of an application for a permit required pursuant to the Air Quality Control Act, there shall be a period of at least thirty days during which written comments may be submitted to the department. The department shall consider all comments. Requests for a hearing shall be in writing and shall set forth reasons why review should occur. The department shall hold a hearing if the secretary determines that significant public interest exists. The department shall notify the applicant and every person requesting a hearing of whether the department will hold a hearing and shall provide a written explanation for that decision.

I. If the department conducts a hearing pursuant to this section, the department shall provide at least thirty days' notice before the hearing to the general public in a form prescribed by the department and by the following methods:

(1) certified mail to an owner of record as indicated by the most recent property tax schedule of a property located:

(a) within one hundred feet of the source or proposed source if the source or proposed source is or will be located in a class A or H class county or in a municipality with a population of more than two hundred thousand five hundred persons; or

(b) within one-half mile of the source or proposed source if the source or proposed source is not located or is not proposed to be located in a class A or H class county or

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in a municipality with a population of more than two hundred thousand five hundred persons;

(2) certified mail to a municipality and a county where the source or proposed source is or will be located;

(3) certified mail to a municipality, county and Indian tribe, chapter or pueblo that has a boundary located within ten miles of the source or proposed source;

(4) publication in English, and as appropriate, in Spanish in a classified or legal advertisements section of a newspaper of general circulation in the county where the source or proposed source is or will be located and in a different section of the same newspaper calculated to give effective public notice; and

(5) posting at a minimum of four publicly accessible and conspicuous places, including the entrance to the property on which the source or proposed source is located."

2. Reletter the succeeding subsections accordingly.

3. On page 8, line 14, strike "department or the".

4. On page 8, line 15, strike "department or the".,

and thence referred to the JUDICIARY COMMITTEE.

Respectfully submitted,

James Roger Madalena, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

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The roll call vote was 11 For 0 Against

Yes: 11

Excused: None

Absent: None

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