Amend reengrossed bill, page 34, after line 13 insert:

"SECTION 7. In Colorado Revised Statutes, 25-7-114.5, amend (7)(b) and (16) as follows:

25-7-114.5. Application review - public participation.
(7)(b) Failure of the division or commission, as the case may be, to grant or deny the permit application or permit renewal application within the time prescribed shall be treated as a final permit action for purposes of obtaining judicial review in the district court in which the source is located, to require that action be taken on such application by the commission or division, as appropriate, without additional delay. NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY, JUDICIAL REVIEW OF THE DIVISION’S FAILURE TO GRANT OR DENY A RENEWABLE OPERATING PERMIT REQUIRED BY TITLE V OF THE FEDERAL ACT IS AVAILABLE UNTIL THE DIVISION GRANTS OR DENIES THE PERMIT.

(16) (a) If the division experiences a backlog in processing air quality permit applications caused by an occasional need that is seasonal, irregular, or fluctuating in nature, and the department determines or reasonably expects that, as a result, permits would not be issued within statutory time frames, the division shall make available to sources that are not subject to permitting under part C of the federal act the option to have the PERMIT APPLICATION, THE AIR QUALITY MODELING, OR BOTH that is submitted with the applicant's air permit application reviewed for acceptance as demonstrating compliance by a contract consultant selected by the division in lieu of the review being conducted by division staff. THE DIVISION MAY ALSO ENTER INTO CONTRACTS TO SUPPORT THE DIVISION’S AIR QUALITY PERMIT PROGRAMS, INCLUDING THE DIVISION’S GENERAL PERMIT PROGRAM, AND MODELING TO SUPPORT THE AIR QUALITY PERMIT PROGRAMS.

(b) The division shall select and contract with QUALIFIED nongovernmental air quality consulting engineers, modeling experts, or both to perform PERMIT APPLICATION REVIEWS, air quality modeling reviews, and air quality modeling or other work to support the division's air quality permit modeling. The division is not subject to the requirements of the "Procurement Code", articles 101 to 112 of title 24, C.R.S., in selecting and contracting with the consultants, modeling experts, or both. The division shall review and exclude from consideration as a contract air quality modeling consultant any contractors with a conflict of interest regarding air quality permit applications or modeling. Applicants that choose consultant review of their air quality..."
PERMIT APPLICATIONS OR modeling are responsible for both the consultant's costs associated with the air modeling review as well as the division's costs associated with the review and determination of the air permit application, to be paid to the division. The division shall transfer the money to the state treasurer, who shall credit it to the stationary sources control fund created in section 25-7-114.7 (2)(b)(I).

(c) The division shall use the results of the modeling conducted pursuant to paragraph (b) of this subsection (16) of this section for purposes of the division's permit program and application analysis."

Renumber succeeding sections accordingly.

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