

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Energy & Environment.

HB23-1221 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 25-8-103, **add**  
4 (19.5) as follows:

5 **25-8-103. Definitions.** As used in this article 8, unless the context  
6 otherwise requires:

7 (19.5) "TOTAL MAXIMUM DAILY LOAD" MEANS THE CALCULATION  
8 OF THE DAILY MAXIMUM AMOUNT OF A POLLUTANT FROM ALL SOURCES  
9 THAT IS ALLOWED TO ENTER STATE WATERS SO THAT AN APPLICABLE  
10 WATER QUALITY STANDARD IS MET.

11 **SECTION 2.** In Colorado Revised Statutes, 25-8-202, **amend**  
12 (1)(p) and (1)(q); and **add** (1)(r) as follows:

13 **25-8-202. Duties of commission - rules.** (1) The commission  
14 shall develop and maintain a comprehensive and effective program for  
15 prevention, control, and abatement of water pollution and for water  
16 quality protection throughout the entire state and, to ensure provision of  
17 continuously safe drinking water by public water systems, and, in  
18 connection therewith, shall:

19 (p) Establish, and revise as necessary, a schedule of nonrefundable  
20 fees to cover the reasonable costs of implementing a program for the  
21 beneficial use of biosolids, in accordance with section 30-20-110.5;  
22 ~~C.R.S.; and~~

23 (q) Hear appeals of penalties imposed pursuant to section  
24 25-1-114.1 (2.5) for a violation of minimum general sanitary standards  
25 and regulations for drinking water; AND

26 (r) ON OR BEFORE JANUARY 1, 2025, AFTER SOLICITING INPUT  
27 FROM INTERESTED PARTIES, ISSUE WRITTEN GUIDANCE SPECIFIC TO TOTAL  
28 MAXIMUM DAILY LOAD DEVELOPMENT THAT ADDRESSES WATER QUALITY  
29 DATA COLLECTION BEST PRACTICES, RELIABLE ANALYTICAL METHODS,  
30 DATA QUALITY ASSURANCE, AND THE APPROPRIATE LEVEL OF GEOGRAPHIC  
31 AND HYDROLOGICAL ACCURACY.

32 **SECTION 3.** In Colorado Revised Statutes, 25-8-501, **add** (7) as  
33 follows:

34 **25-8-501. Permits required for discharge of pollutants -**  
35 **administration.** (7) THE DIVISION SHALL DETERMINE A TOTAL MAXIMUM  
36 DAILY LOAD FOR STATE WATERS AS DIRECTED BY THE COMMISSION USING  
37 CREDIBLE DATA, WHICH INCLUDES:

38 (a) DATA THAT HAS BEEN COLLECTED IN THE LAST FIVE YEARS;  
39 AND

1           (b) HISTORICAL DATA THAT IS RELEVANT FOR ESTABLISHING A  
2 TOTAL MAXIMUM DAILY LOAD.  
3           **SECTION 4. Act subject to petition - effective date.** This act  
4 takes effect at 12:01 a.m. on the day following the expiration of the  
5 ninety-day period after final adjournment of the general assembly; except  
6 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
7 of the state constitution against this act or an item, section, or part of this  
8 act within such period, then the act, item, section, or part will not take  
9 effect unless approved by the people at the general election to be held in  
10 November 2024 and, in such case, will take effect on the date of the  
11 official declaration of the vote thereon by the governor."

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