HOUSE BILL 18-1199

BY REPRESENTATIVE(S) Catlin and McLachlan, Covarrubias, Arndt, Becker J., Becker K., Buckner, Coleman, Danielson, Esgar, Exum, Garnett, Hamner, Hansen, Herod, Jackson, Kennedy, Lee, Liston, Lontine, Melton, Michaelson Jenet, Rankin, Roberts, Rosenthal, Salazar, Sias, Singer, Valdez, Young, Duran; also SENATOR(S) Coram, Cooke, Crowder, Donovan, Fenberg, Jahn, Kerr, Merrifield, Priola, Sonnenberg, Tate.

CONCERNING A PROCESS FOR THE GROUND WATER COMMISSION TO USE FOR APPROVING AQUIFER STORAGE-AND-RECOVERY PLANS, AND, IN CONNECTION THEREWITH, REQUIRING THAT THE GROUND WATER COMMISSION PROMULGATE RULES GOVERNING ITS IMPLEMENTATION OF THE PROCESS.

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

SECTION 1. In Colorado Revised Statutes, add 37-90-107.6 as follows:

37-90-107.6. Aquifer storage-and-recovery plans - publication - objection - hearing - rules. If a person seeks to obtain an approval of an aquifer storage-and-recovery plan within the boundaries of a designated groundwater basin, the person must apply to the
COMMISSION IN A FORM AND MANNER DETERMINED BY THE COMMISSION BY
RULE. WHEN SUBMITTING THE APPLICATION TO THE COMMISSION, THE
APPLICANT MUST ALSO SUBMIT A SUMMARY OF THE APPLICATION TO THE
COMMISSION FOR PUBLICATION. IF THE COMMISSION DETERMINES THAT THE
APPLICATION IS COMPLETE, THE APPLICATION SHALL BE PUBLISHED
PURSUANT TO SECTION 37-90-112 WITHIN SIXTY DAYS AFTER THE FILING OF
THE COMPLETED APPLICATION. IF AN OBJECTION TO THE APPLICATION IS
FILED, THE COMMISSION SHALL HOLD A HEARING ON THE APPLICATION
PURSUANT TO SECTION 37-90-113. THE COMMISSION SHALL APPROVE AN
AQUIFER STORAGE-AND-RECOVERY PLAN IF THE COMMISSION DETERMINES
THAT THE AQUIFER STORAGE-AND-RECOVERY PLAN MEETS THE
REQUIREMENTS OF THIS ARTICLE 90 AND RULES ADOPTED BY THE
COMMISSION. AN AQUIFER STORAGE-AND-RECOVERY PLAN SHALL NOT BE
USED AS A VEHICLE FOR AVOIDING LIMITATIONS ON EXISTING WELLS,
INCLUDING BUT NOT LIMITED TO RESTRICTIONS ON CHANGE OF WELL
LOCATION. THEREFORE, BEFORE APPROVING ANY AQUIFER
STORAGE-AND-RECOVERY PLAN THAT INCLUDES EXISTING WELLS, THE
COMMISSION SHALL REQUIRE INDEPENDENT COMPLIANCE WITH ALL RULES
GOVERNING THOSE EXISTING WELLS IN ADDITION TO COMPLIANCE WITH ANY
GUIDELINE OR RULES GOVERNING AQUIFER STORAGE-AND-RECOVERY PLANS.

SECTION 2. Act subject to petition - effective date. This act
takes effect at 12:01 a.m. on the day following the expiration of the
ninety-day period after final adjournment of the general assembly (August
8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
referendum petition is filed pursuant to section 1 (3) of article V of the state
constitution against this act or an item, section, or part: of this act within
such period, then the act, item, section, or part will not take effect unless
approved by the people at the general election to be held in November 2018
and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Marilyn Edds
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED 1:46 PM 4/9/18

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO

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