

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 20-0507.01 Thomas Morris x4218

**HOUSE BILL 20-1215**

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**HOUSE SPONSORSHIP**

**Valdez A. and Froelich,**

**SENATE SPONSORSHIP**

**Foote,**

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**House Committees**

Energy & Environment  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE CONTINUATION OF THE WATER AND WASTEWATER**  
102 **FACILITY OPERATORS CERTIFICATION BOARD, AND, IN**  
103 **CONNECTION THEREWITH, IMPLEMENTING THE**  
104 **RECOMMENDATIONS CONTAINED IN THE 2019 SUNSET REPORT**  
105 **BY THE DEPARTMENT OF REGULATORY AGENCIES AND MAKING**  
106 **AN APPROPRIATION.**

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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/>.)*

**Sunset Process - House Energy and Environment Committee.**

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

HOUSE  
Amended 2nd Reading  
February 21, 2020

The bill implements the recommendations of the department of regulatory agencies' sunset review of the water and wastewater facility operators certification board by:

- ! Extending the repeal date of the board until September 1, 2031 (**sections 1 and 2** of the bill);
- ! Amending the definition of "domestic wastewater treatment facility" to exclude only those small on-site wastewater treatment systems with a design capacity of 2,000 gallons or less per day, unless the system discharges directly to surface water (**section 3**);
- ! Repealing the exclusion of facilities designed to operate for less than one year and facilities with in-situ discharges from the definition of "industrial wastewater treatment facilities" (**section 3**);
- ! Creating a water and wastewater facility operators fund for fees that the board receives directly and uses for the exclusive use of the regulatory program (**section 4**); and
- ! Repealing an obsolete provision of law relating to a reorganization of the board on July 1, 2004 (**section 2**).

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

2           **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**  
3 (19)(a)(IV); and **add** (32) as follows:

4           **24-34-104. General assembly review of regulatory agencies**  
5 **and functions for repeal, continuation, or reestablishment - legislative**  
6 **declaration - repeal.** (19) (a) The following agencies, functions, or both,  
7 are scheduled for repeal on September 1, 2020:

8           ~~(IV) The water and wastewater facility operators certification~~  
9 ~~board created in section 25-9-103, C.R.S.;~~

10           (32) (a) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, ARE  
11 SCHEDULED FOR REPEAL ON SEPTEMBER 1, 2031:

12           (I) THE WATER AND WASTEWATER FACILITY OPERATORS  
13 CERTIFICATION BOARD CREATED IN SECTION 25-9-103.

14           (b) THIS SUBSECTION (32) IS REPEALED, EFFECTIVE SEPTEMBER 1,

1 2033.

2 **SECTION 2.** In Colorado Revised Statutes, 25-9-103, **amend** (3)  
3 and (4) as follows:

4 **25-9-103. Water and wastewater facility operators**  
5 **certification board - composition - repeal of article.** (3) (a) Except as  
6 otherwise provided in paragraph (b) of this subsection (3), Appointments  
7 OF MEMBERS TO THE BOARD are for terms of four years.

8 (b) ~~The board shall be reconstituted as of July 1, 2004. The~~  
9 ~~governor shall make initial appointments or reappointments to the~~  
10 ~~reconstituted board so that two voting members' terms expire in 2005, two~~  
11 ~~voting members' terms expire in 2006, two voting members' terms expire~~  
12 ~~in 2007, and three voting members' terms expire in 2008.~~

13 (4) This ~~article~~ ARTICLE 9 is repealed, effective September 1,  
14 2020. Prior to 2031. BEFORE the repeal, the water and wastewater facility  
15 operators certification board ~~shall be reviewed as provided for in~~ IS  
16 SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

17 **SECTION 3.** In Colorado Revised Statutes, 25-9-102, **amend** the  
18 introductory portion, (4.5), and (4.7) as follows:

19 **25-9-102. Definitions.** As used in this ~~article~~ ARTICLE 9, unless  
20 the context otherwise requires:

21 (4.5) "Domestic wastewater treatment facility" means any facility  
22 or group of units used for the treatment of domestic wastewater or for the  
23 reduction and handling of solids and gases removed from such wastes,  
24 whether or not the facility or group of units is discharging into state  
25 waters. "Domestic wastewater treatment facility" specifically excludes  
26 on-site wastewater treatment systems WITH A DESIGN CAPACITY OF TWO  
27 THOUSAND GALLONS OR LESS PER DAY, UNLESS THE SYSTEM DISCHARGES

1 DIRECTLY TO SURFACE WATER.

2 (4.7) "Industrial wastewater treatment facility" means any facility  
3 or group of units used for the pretreatment, treatment, or handling of  
4 industrial waters, wastewater, reuse water, and wastes that are discharged  
5 into state waters. "Industrial wastewater treatment facility" includes  
6 facilities that clean up contaminated groundwater or spills. ~~except that~~  
7 ~~such term does not include facilities designed to operate for less than one~~  
8 ~~year or facilities with in-situ discharge.~~

9 **SECTION 4.** In Colorado Revised Statutes, 25-9-108, **amend** (1)  
10 as follows:

11 **25-9-108. Fees - rules - fund created.** (1) (a) Each application  
12 for certification shall be accompanied by a fee in the amount of fifteen  
13 dollars that is not refundable. The board shall adopt rules that set program  
14 fees in addition to the nonrefundable application fee in accordance with  
15 ~~the provisions of~~ article 4 of title 24, ~~C.R.S.~~, and ~~such~~ THE fees shall  
16 MUST reflect the actual costs of administering the program as set forth in  
17 section 25-9-104 (1).

18 (b) THE WATER AND WASTEWATER FACILITY OPERATORS FUND,  
19 REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY CREATED IN THE  
20 STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE FUND  
21 PURSUANT TO THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL  
22 ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE  
23 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE  
24 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. SUBJECT  
25 TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE BOARD MAY  
26 EXPEND MONEY FROM THE FUND FOR THE ADMINISTRATION OF THIS  
27 ARTICLE 9.

1           (c) ~~Such~~ THE fees may be collected and retained by a nonprofit  
2 corporation selected and appointed by the board pursuant to section  
3 ~~25-9-104 (1)~~ 25-9-104.2 to pay for its actual costs to administer the  
4 program as approved by the board through duly adopted rules. However,  
5 any such nonprofit corporation shall remit TO THE STATE TREASURER a  
6 portion of the fee in the amount of five dollars for each new and renewal  
7 certificate. ~~to be issued to the department of the treasury pursuant to the~~  
8 ~~provisions of section 24-36-103, C.R.S.~~ THE STATE TREASURER SHALL  
9 CREDIT THE MONEY TO THE FUND PURSUANT TO SUBSECTION (1)(b) OF  
10 THIS SECTION.

11           (d) With the approval of the board, all ~~moneys~~ MONEY may be  
12 paid to the nonprofit corporation and, except for the five dollars for new  
13 and renewal certifications, may be retained by the nonprofit corporation  
14 to defray program expenses. Alternatively, if certification and renewal  
15 fees are received directly by the board, all ~~moneys~~ MONEY shall be  
16 deposited with the ~~department of the treasury pursuant to the provisions~~  
17 ~~of section 24-36-103, C.R.S.~~ STATE TREASURER PURSUANT TO  
18 SUBSECTION (1)(b) OF THIS SECTION.

19           **SECTION 5. Appropriation.** For the 2020-21 state fiscal year,  
20 \$24,815 is appropriated to the department of public health and  
21 environment for use by the drinking water program in the water quality  
22 control division. This appropriation is from the water and wastewater  
23 facility operators fund created in section 25-9-108 (1)(b), C.R.S. To  
24 implement this act, the program may use this appropriation for operating  
25 expenses.

26           **SECTION 6. Act subject to petition - effective date -**  
27 **applicability.** (1) This act takes effect September 1, 2020; except that,

1 if a referendum petition is filed pursuant to section 1 (3) of article V of  
2 the state constitution against this act or an item, section, or part of this act  
3 within the ninety-day period after final adjournment of the general  
4 assembly, then the act, item, section, or part will not take effect unless  
5 approved by the people at the general election to be held in November  
6 2020 and, in such case, will take effect on the date of the official  
7 declaration of the vote thereon by the governor.

8 (2) This act applies to conduct occurring on or after the applicable  
9 effective date of this act.