

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0396.02 Sarah Lozano x3858

HOUSE BILL 23-1221

HOUSE SPONSORSHIP

Soper and Mauro, Marshall

SENATE SPONSORSHIP

Simpson,

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING DATA STANDARDS FOR THE DETERMINATION OF A TOTAL**
102 **MAXIMUM DAILY LOAD FOR STATE WATERS.**

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>.)

The bill requires the division of administration in the department of public health and environment, on and after January 1, 2024, to use quality-assured data to determine the maximum amount of a pollutant that can be discharged daily into state waters without exceeding applicable water quality standards.

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

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-8-103, **add** (17.3)
3 and (19.5) as follows:

4 **25-8-103. Definitions.** As used in this article 8, unless the context
5 otherwise requires:

6 (17.3) "QUALITY-ASSURED DATA" MEANS SCIENTIFICALLY
7 ACCURATE DATA RELATED TO WATER QUALITY THAT HAS BEEN
8 COLLECTED IN THE LAST FIVE YEARS OR IN THE MOST RECENT PERIOD OF
9 TIME IN WHICH COMPARABLE DATA WAS ANALYZED, WHICHEVER IS LATER,
10 AND THAT COMPLIES WITH:

11 (a) THE COMMISSION'S RULES PURSUANT TO THIS ARTICLE 8,
12 INCLUDING THE COMMISSION'S RULES REGARDING HOW WATER QUALITY
13 DATA IS COLLECTED, ANALYZED, AND ASSESSED; AND

14 (b) FEDERAL AND STATE GUIDANCE ON WATER QUALITY DATA
15 COLLECTION BEST PRACTICES, RELIABLE ANALYTICAL METHODS, AND
16 DATA QUALITY ASSURANCES.

17 (19.5) "TOTAL MAXIMUM DAILY LOAD" MEANS THE CALCULATION
18 OF THE MAXIMUM AMOUNT OF A POLLUTANT THAT CAN BE DISCHARGED
19 DAILY INTO STATE WATERS WITHOUT EXCEEDING AN APPLICABLE WATER
20 QUALITY STANDARD.

21 **SECTION 2.** In Colorado Revised Statutes, 25-8-501, **add** (7) as
22 follows:

23 **25-8-501. Permits required for discharge of pollutants -**
24 **administration - total maximum daily load.** (7) ON AND AFTER
25 JANUARY 1, 2024, IN DETERMINING A TOTAL MAXIMUM DAILY LOAD FOR
26 STATE WATERS, THE DIVISION SHALL USE QUALITY-ASSURED DATA TO

1 ESTABLISH THAT THE TOTAL MAXIMUM DAILY LOAD IS CALCULATED WITH
2 COMPREHENSIVE GEOGRAPHIC AND HYDROGEOLOGIC ACCURACY.

3 **SECTION 3. Act subject to petition - effective date.** This act
4 takes effect January 1, 2024; except that, if a referendum petition is filed
5 pursuant to section 1 (3) of article V of the state constitution against this
6 act or an item, section, or part of this act within the ninety-day period
7 after final adjournment of the general assembly, then the act, item,
8 section, or part will not take effect unless approved by the people at the
9 general election to be held in November 2024 and, in such case, will take
10 effect on the date of the official declaration of the vote thereon by the
11 governor.