

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0396.02 Sarah Lozano x3858

**HOUSE BILL 23-1221**

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**HOUSE SPONSORSHIP**

**Soper and Mauro**, Marshall

**SENATE SPONSORSHIP**

**Simpson**,

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**House Committees**

Energy & Environment  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

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

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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>.)*

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.*

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

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

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

6 (19.5) "TOTAL MAXIMUM DAILY LOAD" MEANS THE CALCULATION  
7 OF THE DAILY MAXIMUM AMOUNT OF A POLLUTANT FROM ALL SOURCES  
8 THAT IS ALLOWED TO ENTER STATE WATERS SO THAT AN APPLICABLE  
9 WATER QUALITY STANDARD IS MET.

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

12 **25-8-202. Duties of commission - rules.** (1) The commission  
13 shall develop and maintain a comprehensive and effective program for  
14 prevention, control, and abatement of water pollution and for water  
15 quality protection throughout the entire state and, to ensure provision of  
16 continuously safe drinking water by public water systems, and, in  
17 connection therewith, shall:

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

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

25 (r) ON OR BEFORE JANUARY 1, 2025, AFTER SOLICITING INPUT  
26 FROM INTERESTED PARTIES, ISSUE WRITTEN GUIDANCE SPECIFIC TO TOTAL

1 MAXIMUM DAILY LOAD DEVELOPMENT THAT ADDRESSES WATER QUALITY  
2 DATA COLLECTION BEST PRACTICES, RELIABLE ANALYTICAL METHODS,  
3 DATA QUALITY ASSURANCE, AND THE APPROPRIATE LEVEL OF GEOGRAPHIC  
4 AND HYDROLOGICAL ACCURACY.

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

7 **25-8-501. Permits required for discharge of pollutants -**  
8 **administration.** (7) ON AND AFTER JANUARY 1, 2026, THE DIVISION  
9 SHALL DETERMINE A TOTAL MAXIMUM DAILY LOAD FOR STATE WATERS AS  
10 DIRECTED BY THE COMMISSION USING CREDIBLE DATA, WHICH INCLUDES:

11 (a) DATA THAT HAS BEEN COLLECTED IN THE LAST FIVE YEARS;  
12 AND

13 (b) HISTORICAL DATA THAT IS RELEVANT FOR ESTABLISHING A  
14 TOTAL MAXIMUM DAILY LOAD.

15 **SECTION 4. Act subject to petition - effective date.** This act  
16 takes effect at 12:01 a.m. on the day following the expiration of the  
17 ninety-day period after final adjournment of the general assembly; except  
18 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
19 of the state constitution against this act or an item, section, or part of this  
20 act within such period, then the act, item, section, or part will not take  
21 effect unless approved by the people at the general election to be held in  
22 November 2024 and, in such case, will take effect on the date of the  
23 official declaration of the vote thereon by the governor.