

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Agriculture & Natural Resources.

SB24-127 be amended as follows:

1 Amend printed bill, page 15, strike lines 24 through 26 and substitute  
2 "ENTITIES, INCLUDING THE DEPARTMENT OF AGRICULTURE CREATED IN  
3 SECTION 24-1-123; THE DIVISION OF RECLAMATION, MINING, AND SAFETY  
4 CREATED IN SECTION 34-20-103; THE DIVISION OF PARKS AND WILDLIFE  
5 CREATED IN SECTION 33-9-104; THE DIVISION OF WATER RESOURCES  
6 DESCRIBED IN SECTION 24-33-104 (1)(e); THE WATER CONSERVATION  
7 BOARD CREATED IN SECTION 37-60-102; THE WATER QUALITY CONTROL  
8 COMMISSION CREATED IN SECTION 25-8-201; THE WATER QUALITY  
9 CONTROL DIVISION WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND  
10 ENVIRONMENT; THE FEDERAL GOVERNMENT; OTHER STATES; AND GROUPS,  
11 POLITICAL SUBDIVISIONS, AND INDUSTRIES AFFECTED BY THIS ARTICLE 21  
12 AND THE POLICIES OR RULES OF THE COMMISSION IN ORDER TO  
13 STREAMLINE PERMITTING, PROMOTE EFFICIENCY, AND MINIMIZE THE  
14 REGULATORY BURDEN OF THE DREDGE-AND-FILL PERMIT PROGRAM;"

15 Page 18, line 22, after "(d)" insert "**Rules criteria restricted.**".

16 Page 18, after line 26 insert:

17 "(e) **Compliance certification required.** AN APPLICANT FOR AN  
18 INDIVIDUAL PERMIT SHALL PROVIDE THE DIVISION A CERTIFICATION FROM  
19 THE WATER QUALITY CONTROL DIVISION THAT THE DISCHARGE AND  
20 OPERATION OF THE PROJECT WILL COMPLY WITH WATER QUALITY  
21 STANDARDS AND ANTIDEGRADATION REQUIREMENTS PROMULGATED BY  
22 THE WATER QUALITY CONTROL COMMISSION. THE DIVISION SHALL NOT  
23 GRANT AN INDIVIDUAL PERMIT UNTIL THE DIVISION OBTAINS THE  
24 CERTIFICATION REQUIRED BY THIS SUBSECTION (1)(e); EXCEPT THAT THE  
25 REQUIREMENTS OF THIS SUBSECTION (1)(e) ARE WAIVED IF THE WATER  
26 QUALITY CONTROL DIVISION FAILS OR REFUSES TO ACT ON A REQUEST FOR  
27 CERTIFICATION WITHIN A REASONABLE PERIOD OF TIME, WHICH SHALL NOT  
28 EXCEED ONE YEAR AFTER RECEIPT OF THE REQUEST."

29 Page 21, line 10, strike "PRACTICES;" and substitute "PRACTICES. AS USED  
30 IN THIS SUBSECTION (2)(b)(XV), "UPLAND SOIL AND WATER  
31 CONSERVATION PRACTICES" MEANS ANY DISCHARGE OF DREDGED OR FILL  
32 MATERIAL TO STATE WATERS INCIDENTAL TO SOIL AND WATER  
33 CONSERVATION PRACTICES FOR THE PURPOSE OF IMPROVING,  
34 MAINTAINING, OR RESTORING UPLANDS, INCLUDING RANGELAND  
35 MANAGEMENT PRACTICES, EROSION CONTROL PRACTICES, AND  
36 VEGETATION MANAGEMENT PRACTICES;"

37 Page 22, line 22, after "PERMIT;" add "OR".

1 Page 22, strike lines 25 through 27 and substitute "THREE-HUNDREDTHS  
2 OF AN ACRE OF STREAM."

3 Page 23, strike line 1.

4 Page 24, after line 23 insert:

5 "(e) ADVISE, CONSULT WITH, AND COOPERATE WITH OTHER  
6 ENTITIES, INCLUDING THE DEPARTMENT OF AGRICULTURE CREATED IN  
7 SECTION 24-1-123; THE DIVISION OF RECLAMATION, MINING, AND SAFETY  
8 CREATED IN SECTION 34-20-103; THE DIVISION OF PARKS AND WILDLIFE  
9 CREATED IN SECTION 33-9-104; THE DIVISION OF WATER RESOURCES  
10 DESCRIBED IN SECTION 24-33-104 (1)(e); THE WATER CONSERVATION  
11 BOARD CREATED IN SECTION 37-60-102; THE WATER QUALITY CONTROL  
12 COMMISSION CREATED IN SECTION 25-8-201; THE WATER QUALITY  
13 CONTROL DIVISION WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND  
14 ENVIRONMENT; THE FEDERAL GOVERNMENT; OTHER STATES; AND GROUPS,  
15 POLITICAL SUBDIVISIONS, AND INDUSTRIES AFFECTED BY THIS ARTICLE 21  
16 AND THE POLICIES OR RULES OF THE COMMISSION IN ORDER TO  
17 STREAMLINE PERMITTING, PROMOTE EFFICIENCY, AND MINIMIZE THE  
18 REGULATORY BURDEN OF THE DREDGE-AND-FILL PERMIT PROGRAM;"

19 Reletter succeeding paragraph accordingly.

20 Page 27, strike lines 12 through 14 and substitute:

21 "SECTION 4. In Colorado Revised Statutes, 25-8-202, **amend**  
22 (1) introductory portion, (1)(i.5), (7) introductory portion, and (7)(b)(I) as  
23 follows:

24 **25-8-202. Duties of commission - rules.** (1) The commission  
25 shall develop and maintain a comprehensive and effective program for  
26 prevention, control, and abatement of water pollution ~~and~~ for water  
27 quality protection throughout the entire state and to ensure provision of  
28 continuously safe drinking water by public water systems, and, in  
29 connection therewith, shall:

30 (i.5) Promulgate rules ~~and regulations~~ to govern the division's  
31 certification activities pursuant to section 401 of the federal act AND  
32 SECTION 36-21-106 (1)(d). THE REQUIREMENTS FOR CERTIFICATION  
33 DESCRIBED IN SECTION 36-21-106 (1) MUST BE IDENTICAL TO THE  
34 REQUIREMENTS FOR CERTIFICATION PURSUANT TO SECTION 401 OF THE  
35 FEDERAL ACT.

36 (7) The commission and".

37 Page 28, after line 5 insert:

38 "SECTION 5. In Colorado Revised Statutes, 25-8-302, **amend**  
39 (1)(f) as follows:

40 **25-8-302. Duties of division.** (1) The division shall:

1 (f) Review and certify, conditionally certify, or deny requests for  
2 certifications under ~~the provisions of~~ section 401 of the federal act,  
3 SECTION 36-21-106 (1), and this ~~article~~ ARTICLE 8, known as "401  
4 certificates". Conditions attached to the division's certification ~~shall~~ MUST  
5 only implement rules ~~which~~ THAT the commission has made applicable  
6 to 401 certifications. THE DIVISION SHALL CERTIFY general or nationwide  
7 permits under section 404 of the federal act ~~shall be certified~~ for use in  
8 Colorado without the imposition of any additional state conditions.  
9 Appeals by an affected entity of a final 401 certification decision of the  
10 division shall be heard in accordance with section 24-4-105 ~~C.R.S.~~, of the  
11 "State Administrative Procedure Act".

12 Renumber succeeding sections accordingly.

\*\* \*\*\* \*\* \*\*\* \*\*