

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 23, 2023
Date

Committee on Energy & Environment.

After consideration on the merits, the Committee recommends the following:

HB23-1221 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1.** In Colorado Revised Statutes, 25-8-103, **add**
4 (19.5) as follows:

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

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

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

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

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

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

26 (r) ON OR BEFORE JANUARY 1, 2025, AFTER SOLICITING INPUT
27 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."

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