

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 18-0638.01 Jennifer Berman x3286

HOUSE BILL 18-1199

HOUSE SPONSORSHIP

Catlin, Covarrubias, Arndt, Becker J.

SENATE SPONSORSHIP

Coram,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PROCESS FOR THE GROUND WATER COMMISSION TO**
102 **USE FOR APPROVING AQUIFER STORAGE-AND-RECOVERY PLANS,**
103 **AND, IN CONNECTION THEREWITH, REQUIRING THAT THE**
104 **GROUND WATER COMMISSION PROMULGATE RULES GOVERNING**
105 **ITS IMPLEMENTATION OF THE PROCESS.**

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 authorizes a person to apply to the ground water commission (commission) for approval of an aquifer

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.

storage-and-recovery plan and requires the commission to promulgate rules governing the application process and the requirements that an aquifer storage-and-recovery plan must meet to be approved.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 37-90-107.6 as
3 follows:

4 **37-90-107.6. Aquifer storage-and-recovery plans - publication**
5 **- objection - hearing - rules.** IF A PERSON SEEKS TO OBTAIN AN
6 APPROVAL OF AN AQUIFER STORAGE-AND-RECOVERY PLAN WITHIN THE
7 BOUNDARIES OF A DESIGNATED GROUNDWATER BASIN, THE PERSON MUST
8 APPLY TO THE COMMISSION IN A FORM AND MANNER DETERMINED BY THE
9 COMMISSION BY RULE. WHEN SUBMITTING THE APPLICATION TO THE
10 COMMISSION, THE APPLICANT MUST ALSO SUBMIT A SUMMARY OF THE
11 APPLICATION TO THE COMMISSION FOR PUBLICATION. IF THE COMMISSION
12 DETERMINES THAT THE APPLICATION IS COMPLETE, THE APPLICATION
13 SHALL BE PUBLISHED PURSUANT TO SECTION 37-90-112 WITHIN SIXTY
14 DAYS AFTER THE FILING OF THE COMPLETED APPLICATION. IF AN
15 OBJECTION TO THE APPLICATION IS FILED, THE COMMISSION SHALL HOLD
16 A HEARING ON THE APPLICATION PURSUANT TO SECTION 37-90-113. THE
17 COMMISSION SHALL APPROVE AN AQUIFER STORAGE-AND-RECOVERY PLAN
18 IF THE COMMISSION DETERMINES THAT THE AQUIFER
19 STORAGE-AND-RECOVERY PLAN MEETS THE REQUIREMENTS OF THIS
20 ARTICLE 90 AND RULES ADOPTED BY THE COMMISSION. AN AQUIFER
21 STORAGE-AND-RECOVERY PLAN SHALL NOT BE USED AS A VEHICLE FOR
22 AVOIDING LIMITATIONS ON EXISTING WELLS, INCLUDING BUT NOT LIMITED
23 TO RESTRICTIONS ON CHANGE OF WELL LOCATION. THEREFORE, BEFORE
24 APPROVING ANY AQUIFER STORAGE-AND-RECOVERY PLAN THAT INCLUDES

1 EXISTING WELLS, THE COMMISSION SHALL REQUIRE INDEPENDENT
2 COMPLIANCE WITH ALL RULES GOVERNING THOSE EXISTING WELLS IN
3 ADDITION TO COMPLIANCE WITH ANY GUIDELINE OR RULES GOVERNING
4 AQUIFER STORAGE-AND-RECOVERY PLANS.

5 **SECTION 2. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part will not take effect
12 unless approved by the people at the general election to be held in
13 November 2018 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.