

CHAPTER 274

HEALTH

SENATE BILL 93-182

BY SENATORS Mutzebaugh, Norton, and Traylor;
also REPRESENTATIVES Moellenberg, Acquafresca, Chlouber, Eisenach, Entz, George, Taylor, and Wright.

AN ACT

CONCERNING THE REGULATION OF BIOSOLIDS UNDER THE "COLORADO WATER QUALITY CONTROL ACT".

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

SECTION 1. 25-8-103, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

(1.4) "BIOSOLIDS" MEANS THE ACCUMULATED RESIDUAL PRODUCT RESULTING FROM A DOMESTIC WASTEWATER TREATMENT WORKS OR OTHER DOMESTIC SOURCES. "BIOSOLIDS" DOES NOT INCLUDE GRIT OR SCREENINGS FROM A WASTEWATER TREATMENT WORKS OR COMMERCIAL AND INDUSTRIAL SEPTAGE OR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS AS REGULATED BY ARTICLE 10 OF THIS TITLE.

SECTION 2. 25-8-205 (1), Colorado Revised Statutes, 1989 Repl. Vol., is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25-8-205. Control regulations. (1) The commission may promulgate control regulations for the following purposes:

(e) TO DESCRIBE REQUIREMENTS, PROHIBITIONS, STANDARDS, AND CONCENTRATION LIMITATIONS ON THE USE AND DISPOSAL OF BIOSOLIDS TO PROTECT PUBLIC HEALTH AND TO PREVENT THE DISCHARGE OF POLLUTANTS INTO STATE WATERS, EXCEPT AS AUTHORIZED BY PERMIT. THE COMMISSION REQUIREMENTS DESCRIBED PURSUANT TO THIS PARAGRAPH (e) SHALL BE NO MORE RESTRICTIVE THAN

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

THE REQUIREMENTS ADOPTED FOR SOLID WASTES DISPOSAL SITES AND FACILITIES PURSUANT TO PART 1 OF ARTICLE 20 OF TITLE 30, C.R.S., EXCEPT AS NECESSARY TO BE CONSISTENT WITH SECTION 405 OF THE FEDERAL ACT. FEES SHALL BE ESTABLISHED AS SET FORTH IN SECTION 30-20-110.5, C.R.S., AND THE COMMISSION SHALL HAVE NO AUTHORITY TO LEVY ADDITIONAL OR DUPLICATIVE FEES.

SECTION 3. 25-8-501 (1) and (2), Colorado Revised Statutes, 1989 Repl. Vol., are amended to read:

25-8-501. Permits required for discharge of pollutants - administration.

(1) No person shall discharge any pollutant into any state water from a point source without first having obtained a permit from the division for such discharge, and no person shall discharge into a ditch or man-made conveyance for the purpose of evading the requirement to obtain a permit under this article. NO PERSON COVERED BY THIS ARTICLE SHALL USE OR DISPOSE OF BIOSOLIDS, EXCEPT AS AUTHORIZED BY REGULATIONS THAT SHALL NOT BE MORE RESTRICTIVE THAN THE REQUIREMENTS ADOPTED FOR SOLID WASTES DISPOSAL SITES AND FACILITIES PURSUANT TO PART 1 OF ARTICLE 20 OF TITLE 30, C.R.S., EXCEPT AS NECESSARY TO BE CONSISTENT WITH SECTION 405 OF THE FEDERAL ACT. EXISTING AUTHORIZATION FOR THE USE OR DISPOSAL OF BIOSOLIDS SHALL CONTINUE UNTIL PERMITS ARE ISSUED IN ACCORDANCE WITH THIS PART 5. Each application for a permit duly filed under the federal act shall be deemed to be a permit application filed under this article, and each permit issued pursuant to the federal act shall be deemed to be a temporary permit issued under this article which shall expire upon expiration of the federal permit.

(2) The division shall examine applications for and may issue, suspend, revoke, modify, deny, and otherwise administer permits for the discharge of pollutants into state waters AND FOR THE USE AND DISPOSAL OF BIOSOLIDS. Such administration shall be in accordance with the provisions of this article and regulations promulgated by the commission. Until modified pursuant to this article, final permits shall be governed by their existing limitations.

SECTION 4. Part 5 of article 8 of title 25, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

25-8-509. Permit conditions concerning use and disposal of biosolids. THE DIVISION IS AUTHORIZED TO IMPOSE, AS CONDITIONS TO THE ISSUANCE OF PERMITS, REQUIREMENTS, PROHIBITIONS, STANDARDS, AND CONCENTRATION LIMITATIONS ON THE USE AND DISPOSAL OF BIOSOLIDS IN ACCORDANCE WITH THE REGULATIONS PROMULGATED BY THE COMMISSION PURSUANT TO SECTION 25-8-205 (1) (e). THE REQUIREMENTS, PROHIBITIONS, STANDARDS, AND CONCENTRATION LIMITATIONS IMPOSED BY THE DIVISION SHALL NOT BE MORE RESTRICTIVE THAN THE REQUIREMENTS ADOPTED FOR THE SOLID WASTES DISPOSAL SITES AND FACILITIES PURSUANT TO PART 1 OF ARTICLE 20 OF TITLE 30, C.R.S., EXCEPT AS NECESSARY TO BE CONSISTENT WITH SECTION 405 OF THE FEDERAL ACT.

SECTION 5. Effective date. This act shall take effect July 1, 1993.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 6, 1993