

CHAPTER 113

HEALTH AND ENVIRONMENT

HOUSE BILL 08-1073

BY REPRESENTATIVE(S) Massey, McFadyen, and Soper;
also SENATOR(S) Shaffer.

AN ACT

**CONCERNING THE EXEMPTION OF CERTAIN INDUSTRIAL WASTEWATER TREATMENT FACILITIES FROM
THE REQUIREMENT TO OPERATE UNDER THE SUPERVISION OF A CERTIFIED OPERATOR.**

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

SECTION 1. 25-9-104 (4), Colorado Revised Statutes, is amended to read:

25-9-104. Duties of the board - rules. (4) The board shall maintain for each water and wastewater facility a minimum class of certified operators required for its supervision; EXCEPT THAT THE BOARD MAY EXEMPT CERTAIN INDUSTRIAL WASTEWATER TREATMENT FACILITIES OR CLASSES OF FACILITIES FROM THE REQUIREMENT TO OPERATE UNDER THE SUPERVISION OF A CERTIFIED OPERATOR, BASED UPON A DETERMINATION THAT SUCH AN EXEMPTION IS NOT INCONSISTENT WITH THE GOAL OF ASSURING ADEQUATE OPERATION OF WATER AND WASTEWATER FACILITIES TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT. IN DETERMINING WHETHER TO PROVIDE SUCH AN EXEMPTION, THE BOARD MAY CONSIDER CRITERIA INCLUDING, BUT NOT LIMITED TO:

- (a) DISCHARGES OF LIMITED DURATION;
- (b) THE SENSITIVITY OF THE RECEIVING WATERS;
- (c) THE LEVEL OF TOXIC POLLUTANTS IN THE DISCHARGE; AND
- (d) SITUATIONS WHERE CHEMICAL, MECHANICAL, OR BIOLOGICAL TREATMENT TECHNIQUES ARE NOT REQUIRED TO MEET PERMIT LIMITS, INCLUDING, BUT NOT LIMITED TO, SEDIMENTATION PONDS AT MINING OPERATIONS FOR CONSTRUCTION MATERIALS, AS THAT TERM IS DEFINED IN SECTION 34-32.5-103 (3), C.R.S.

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

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 10, 2008