

CHAPTER 223

HEALTH AND ENVIRONMENT

SENATE BILL 09-119

BY SENATOR(S) Harvey, Boyd, Brophy, Cadman, Gibbs, Groff, Hodge, Kopp, Newell, Penry, Schultheis, Schwartz, Shaffer B., Tochtrop, Williams;
also REPRESENTATIVE(S) McNulty, Curry, Fischer, Kerr J., Todd.

AN ACT

CONCERNING A CLARIFICATION OF THE ENFORCEMENT OF WATER QUALITY LAWS RELATING TO THE DISCHARGE OF CERTAIN HAZARDOUS POLLUTANTS.

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

SECTION 1. 25-8-609 (2) and (3) (d), Colorado Revised Statutes, are amended, and the said 25-8-609 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

25-8-609. Criminal pollution - penalties. (2) Prosecution under paragraphs (a) and (d) PARAGRAPH (a) of subsection (1) of this section shall be commenced only upon complaint filed by the division OR A PEACE OFFICER.

(3) Any person who commits criminal pollution of state waters shall be fined, for each day the violation occurs, as follows:

~~(d) Any criminal penalty collected under this section shall be credited to the general fund.~~

(4) ANY CRIMINAL PENALTY COLLECTED UNDER THIS SECTION SHALL BE CREDITED TO THE GENERAL FUND.

(5) NO PROVISION OF THIS ARTICLE SHALL BE INTERPRETED TO SUPERSEDE, LIMIT, ABROGATE, OR IMPAIR THE ABILITY TO ENFORCE:

(a) CIVIL OR CRIMINAL PENALTIES PURSUANT TO ARTICLE 22 OF TITLE 29, C.R.S., IF THE POLLUTANT DISCHARGED INTO STATE WATERS OR DOMESTIC WASTEWATER TREATMENT WORKS IS A "HAZARDOUS SUBSTANCE" AS DEFINED IN SECTION

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

29-22-101, C.R.S.; OR

(b) CIVIL PENALTIES PURSUANT TO SECTION 25-15-309 OR CRIMINAL PENALTIES PURSUANT TO SECTION 25-15-310 IF THE POLLUTANT DISCHARGED INTO STATE WATERS OR DOMESTIC WASTEWATER TREATMENT WORKS IS A "HAZARDOUS WASTE" AS DEFINED IN SECTION 25-15-101.

SECTION 2. Act subject to petition - effective date - applicability. (1) 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 5, 2009, if adjournment sine die is on May 6, 2009); 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.

(2) The provisions of this act shall apply to discharge enforcement actions pending or initiated on or after the applicable effective date of this act.

Approved: May 4, 2009