

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0745.01 Sarah Lozano x3858

HOUSE BILL 22-1322

HOUSE SPONSORSHIP

Benavidez and Valdez A.,

SENATE SPONSORSHIP

(None),

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT
101 **CONCERNING THE REGULATION OF WATER QUALITY IN THE STATE.**

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:

- Requires the water quality control commission (commission) to conduct outreach and gather input from disproportionately impacted communities regarding the commission's rule-making proceedings, licensing proceedings, and adjudicatory hearings (**section 1** of the bill);
- Requires the commission to utilize the criteria promulgated

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.

- by rule by the commission in designating waters as use-protected (**section 2**); and
- Creates a 5-year statute of limitations for bringing actions alleging violations of the "Colorado Water Quality Control Act" (act) or any rules or orders under the act (**section 3**).

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-4-109, **amend**
3 (2)(b)(I) as follows:

4 **24-4-109. State engagement of disproportionately impacted**
5 **communities - definitions - repeal.** (2) **Definitions.** (b) As used in this
6 section and sections 25-1-133, 25-1-134, and 25-7-105 (1)(e), unless the
7 context otherwise requires:

8 (I) "Agency" means the air quality control commission created in
9 section 25-7-104 AND, AS USED IN THIS SECTION AND SECTIONS 25-1-133
10 AND 25-1-134, THE WATER QUALITY CONTROL COMMISSION CREATED IN
11 SECTION 25-8-201 (1)(a).

12 **SECTION 2.** In Colorado Revised Statutes, 25-8-209, **amend** (4)
13 as follows:

14 **25-8-209. Water quality designations.** (4) **Use-protected**
15 **waters.** (a) Use-protected waters ~~shall be~~ ARE those waters with existing
16 quality that is not better than necessary to support propagation of fish,
17 shellfish, and wildlife and recreation in and on the water.

18 (b) THE COMMISSION SHALL UTILIZE THE CRITERIA PROMULGATED
19 BY RULE PURSUANT TO SUBSECTION (2) OF THIS SECTION IN DESIGNATING
20 WATERS AS USE-PROTECTED.

21 (c) The quality of waters designated as use-protected may be
22 altered if that quality provided for in applicable water quality
23 classifications and standards is maintained.

1 **SECTION 3.** In Colorado Revised Statutes, **add** 25-8-613 as
2 follows:

3 **25-8-613. Limitation on actions.** AN ACTION OR OTHER
4 PROCEEDING ALLEGING A VIOLATION OF THIS ARTICLE 8 OR OF ANY RULE
5 OF THE COMMISSION OR ORDER OF THE DIVISION MUST BE COMMENCED
6 WITHIN FIVE YEARS AFTER THE DATE OF THE ALLEGED VIOLATION.

7 **SECTION 4. Applicability.** Section 3 of this act applies to
8 actions or other proceedings alleging a violation of article 8 of title 25,
9 Colorado Revised Statutes, or of any rule of the water quality control
10 commission or order of the division of administration in the department
11 of public health and environment, which action or other proceeding is
12 commenced on or after the effective date of this act.

13 **SECTION 5. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, or safety.