

CHAPTER 273

HEALTH AND ENVIRONMENT

HOUSE BILL 20-1215

BY REPRESENTATIVE(S) Valdez A. and Froelich, Arndt, Buentello, Duran, Kipp, Roberts, Woodrow, Titone, Valdez D.,
Becker;
also SENATOR(S) Foote, Fields, Hansen, Story, Todd.

AN ACT

CONCERNING THE CONTINUATION OF THE WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION BOARD, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE 2019 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES AND MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 24-34-104, **repeal** (19)(a)(IV); and **add** (32) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (19) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2020:

(IV) ~~The water and wastewater facility operators certification board created in section 25-9-103, C.R.S.;~~

(32) (a) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, ARE SCHEDULED FOR REPEAL ON SEPTEMBER 1, 2031:

(III) THE WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION BOARD CREATED IN SECTION 25-9-103.

(b) THIS SUBSECTION (32) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2033.

SECTION 2. In Colorado Revised Statutes, 25-9-103, **amend** (3) and (4) as follows:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

25-9-103. Water and wastewater facility operators certification board - composition - repeal of article. (3) (a) ~~Except as otherwise provided in paragraph (b) of this subsection (3);~~ Appointments OF MEMBERS TO THE BOARD are for terms of four years.

(b) ~~The board shall be reconstituted as of July 1, 2004. The governor shall make initial appointments or reappointments to the reconstituted board so that two voting members' terms expire in 2005, two voting members' terms expire in 2006, two voting members' terms expire in 2007, and three voting members' terms expire in 2008.~~

(4) ~~This article ARTICLE 9 is repealed, effective September 1, 2020. Prior to 2031. BEFORE the repeal, the water and wastewater facility operators certification board shall be reviewed as provided for in~~ IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

SECTION 3. In Colorado Revised Statutes, 25-9-102, **amend** the introductory portion, (4.5), and (4.7) as follows:

25-9-102. Definitions. As used in this ~~article~~ ARTICLE 9, unless the context otherwise requires:

(4.5) "Domestic wastewater treatment facility" means any facility or group of units used for the treatment of domestic wastewater or for the reduction and handling of solids and gases removed from such wastes, whether or not the facility or group of units is discharging into state waters. "Domestic wastewater treatment facility" specifically excludes on-site wastewater treatment systems WITH A DESIGN CAPACITY OF TWO THOUSAND GALLONS OR LESS PER DAY, UNLESS THE SYSTEM DISCHARGES DIRECTLY TO SURFACE WATER.

(4.7) "Industrial wastewater treatment facility" means any facility or group of units used for the pretreatment, treatment, or handling of industrial waters, wastewater, reuse water, and wastes that are discharged into state waters. "Industrial wastewater treatment facility" includes facilities that clean up contaminated groundwater or spills ~~except that such term does not include facilities designed to operate for less than one year or facilities with in-situ discharge~~ AND EXCLUDES CONSTRUCTION DEWATERING ACTIVITIES THAT UTILIZE ONLY PASSIVE TREATMENT AND OCCUR FOR LESS THAN ONE YEAR.

SECTION 4. In Colorado Revised Statutes, 25-9-108, **amend** (1) as follows:

25-9-108. Fees - rules - fund created. (1) (a) Each application for certification shall be accompanied by a fee in the amount of fifteen dollars that is not refundable. The board shall adopt rules that set program fees in addition to the nonrefundable application fee in accordance with ~~the provisions of article 4 of title 24, C.R.S.; and such~~ THE FEES SHALL MUST reflect the actual costs of administering the program as set forth in section 25-9-104 (1).

(b) THE WATER AND WASTEWATER FACILITY OPERATORS FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY CREATED IN THE STATE TREASURY. THE

FUND CONSISTS OF MONEY CREDITED TO THE FUND PURSUANT TO THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE BOARD MAY EXPEND MONEY FROM THE FUND FOR THE ADMINISTRATION OF THIS ARTICLE 9.

(c) ~~Such~~ THE fees may be collected and retained by a nonprofit corporation selected and appointed by the board pursuant to section ~~25-9-104(1)~~ 25-9-104.2 to pay for its actual costs to administer the program as approved by the board through duly adopted rules. However, any such nonprofit corporation shall remit TO THE STATE TREASURER a portion of the fee in the amount of five dollars for each new and renewal certificate. ~~to be issued to the department of the treasury pursuant to the provisions of section 24-36-103, C.R.S.~~ THE STATE TREASURER SHALL CREDIT THE MONEY TO THE FUND PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION.

(d) With the approval of the board, all ~~moneys~~ MONEY may be paid to the nonprofit corporation and, except for the five dollars for new and renewal certifications, may be retained by the nonprofit corporation to defray program expenses. Alternatively, if certification and renewal fees are received directly by the board, all ~~moneys~~ MONEY shall be deposited with the ~~department of the treasury pursuant to the provisions of section 24-36-103, C.R.S.~~ STATE TREASURER PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION.

SECTION 5. Appropriation. For the 2020-21 state fiscal year, \$24,815 is appropriated to the department of public health and environment for use by the drinking water program in the water quality control division. This appropriation is from the water and wastewater facility operators fund created in section 25-9-108 (1)(b), C.R.S. To implement this act, the program may use this appropriation for operating expenses.

SECTION 6. Applicability. This act applies to conduct occurring on or after the effective date of this act.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: July 11, 2020