

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CLARIFICATION OF THE WATER QUALITY CONTROL**
102 **COMMISSION'S AUTHORITY, AND, IN CONNECTION THEREWITH,**
103 **EXTENDING THE STATUTE OF LIMITATIONS FOR VIOLATIONS**
104 **UNDER THE "COLORADO WATER QUALITY CONTROL ACT".**

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

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.

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 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). THE PORTIONS OF THIS SUBSECTION (2)(b)(I)
12 THAT APPLY TO THE WATER QUALITY CONTROL COMMISSION ARE
13 EFFECTIVE ON JULY 1, 2023, EXCEPT FOR THE PORTIONS REQUIRING THE
14 WATER QUALITY CONTROL COMMISSION TO EFFECTUATE THE
15 REQUIREMENTS OF SUBSECTIONS (3)(b)(I), (3)(b)(II), (3)(b)(IV), and
16 (3)(b)(V) OF THIS SECTION, WHICH APPLY TO ANY RULE-MAKING
17 PROCEEDINGS OF THE COMMISSION CONCERNING THE CLASSIFICATIONS
18 AND NUMERIC STANDARDS FOR THE SOUTH PLATTE RIVER BASIN, LARAMIE
19 RIVER BASIN, REPUBLICAN RIVER BASIN, AND SMOKY HILL RIVER BASIN
20 THAT OCCUR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (2)(b)(I),

1 AS AMENDED.

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

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

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

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

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

16 25-8-613. **Limitation on actions.** AN ACTION OR OTHER
17 PROCEEDING BROUGHT BY THE DIVISION PURSUANT TO THIS PART 6
18 ALLEGING A VIOLATION OF THIS ARTICLE 8 OR OF ANY RULE OF THE
19 COMMISSION OR ORDER OF THE DIVISION MUST BE COMMENCED WITHIN
20 FIVE YEARS AFTER THE DATE WHEN THE ALLEGED VIOLATION IS
21 DISCOVERED OR SHOULD HAVE BEEN DISCOVERED BY THE EXERCISE OF
22 REASONABLE DILIGENCE.

23 SECTION 4. **Applicability.** Section 3 of this act applies to
24 actions or other proceedings alleging a violation of article 8 of title 25,
25 Colorado Revised Statutes, or of any rule of the water quality control
26 commission or order of the division of administration in the department
27 of public health and environment, which action or other proceeding is

1 commenced on or after the effective date of this act.

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