

CHAPTER 460

HEALTH AND ENVIRONMENT

HOUSE BILL 22-1322

BY REPRESENTATIVE(S) Benavidez and Valdez A., Bernett, Boesenecker, Caraveo, Cutter, Daugherty, Duran, Exum, Froelich, Herod, Hooton, Jodeh, Kipp, Lindsay, Lontine, Michaelson Jenet, Sirota, Titone, Weissman, Woodrow;
also SENATOR(S) Moreno and Gonzales, Buckner, Hansen, Jaquez Lewis, Lee, Pettersen, Rodriguez, Story, Winter, Fenberg.

AN ACT

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

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

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

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

(I) "Agency" means the air quality control commission created in section 25-7-104 AND, AS USED IN THIS SECTION AND SECTIONS 25-1-133 AND 25-1-134, THE WATER QUALITY CONTROL COMMISSION CREATED IN SECTION 25-8-201 (1)(a). THE PORTIONS OF THIS SUBSECTION (2)(b)(I) THAT APPLY TO THE WATER QUALITY CONTROL COMMISSION ARE EFFECTIVE ON JULY 1, 2023, EXCEPT FOR THE PORTIONS REQUIRING THE WATER QUALITY CONTROL COMMISSION TO EFFECTUATE THE REQUIREMENTS OF SUBSECTIONS (3)(b)(I), (3)(b)(II), (3)(b)(IV), AND (3)(b)(V) OF THIS SECTION, WHICH APPLY TO ANY RULE-MAKING PROCEEDINGS OF THE COMMISSION CONCERNING THE CLASSIFICATIONS AND NUMERIC STANDARDS FOR THE SOUTH PLATTE RIVER BASIN, LARAMIE RIVER BASIN, REPUBLICAN RIVER BASIN, AND SMOKY HILL RIVER BASIN THAT OCCUR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (2)(b)(I), AS AMENDED.

SECTION 2. In Colorado Revised Statutes, 25-8-209, **amend** (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.

25-8-209. Water quality designations. (4) Use-protected waters.

(a) Use-protected waters ~~shall be~~ ARE those waters with existing quality that is not better than necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water.

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

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

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

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

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

SECTION 5. 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: June 8, 2022