

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0194.01 Thomas Morris x4218

SENATE BILL 12-017

SENATE SPONSORSHIP

King S.,

HOUSE SPONSORSHIP

(None),

Senate Committees

Agriculture, Natural Resources, and Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING THE ADOPTION OF WATER QUALITY CONTROL RULES
102 REGARDING NUTRIENTS, AND, IN CONNECTION THEREWITH,
103 PROHIBITING THE WATER QUALITY CONTROL COMMISSION
104 FROM ADOPTING NUMERIC CRITERIA FOR A WATER CONTROL
105 STANDARD OR CONTROL REGULATION REGARDING NITROGEN OR
106 PHOSPHORUS.

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://www.leg.state.co.us/billsummaries>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

The bill prohibits the water quality control commission from adopting numeric criteria for a water control standard or control regulation regarding nitrogen or phosphorus.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-8-204, **amend** (1)
3 as follows:

4 **25-8-204. Water quality standards - rules.** (1) THE COMMISSION
5 SHALL, BY RULE, PROMULGATE water quality standards ~~shall be~~
6 ~~promulgated by the commission by regulations which~~ THAT describe
7 water characteristics or the extent of specifically identified pollutants for
8 state waters; EXCEPT THAT THE COMMISSION SHALL NOT ADOPT NUMERIC
9 CRITERIA FOR A WATER CONTROL STANDARD REGARDING NITROGEN OR
10 PHOSPHORUS.

11 **SECTION 2.** In Colorado Revised Statutes, 25-8-205, **amend** (5)
12 as follows:

13 **25-8-205. Control regulations.** (5) The commission shall not
14 adopt control regulations that:

15 (a) Require agricultural nonpoint source dischargers to utilize
16 treatment techniques that require additional consumptive or evaporative
17 use ~~which~~ THAT would cause material injury to water rights. With regard
18 to nonpoint source water pollution control related to agricultural
19 practices, the commission and division shall pursue incentive, grant, and
20 cooperative programs in preference to the promulgation of control
21 regulations. When interested water conservation districts, water
22 conservancy districts, and conservation districts recommend nonpoint
23 source control activities related to agricultural practices to the division
24 and commission, the division and commission, after consultation with

1 such districts, shall give substantial weight to the recommendations of
2 ~~such~~ THE districts into the approved program. Except as provided by
3 section 25-8-205.5, THE COMMISSION SHALL PROMULGATE control
4 regulations related to agricultural practices ~~shall be promulgated~~ only if
5 THE COMMISSION DETERMINES THAT incentive, grant, and cooperative
6 programs are ~~determined by the commission to be~~ inadequate and ~~such~~
7 THE regulations are necessary to meet state law or the federal act. This
8 subsection (5) does not allocate wasteloads or relieve any source from
9 participation in wasteload allocations determined necessary under any
10 duly promulgated regulations established by the ~~water quality control~~
11 commission under this section.

12 (b) CONTAIN NUMERIC CRITERIA FOR NITROGEN OR PHOSPHORUS.

13 **SECTION 3. 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, and safety.