An Act

SENATE BILL 00-033

BY SENATORS Dennis, Chlouber, Congrove, Lamborn, Musgrave, Owen, Sullivant, and Wattenberg;
also REPRESENTATIVES Hoppe, Alexander, Coleman, Gotlieb, Johnson, Kaufman, Miller, Mitchell, Taylor, and Young.

CONCERNING EXEMPTIONS UNDER THE FEDERAL "SAFE DRINKING WATER ACT".

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

SECTION 1. The introductory portion to 25-1-107 (1) (x) (VII) and 25-1-107 (1) (x) (VII) (D) and (1) (x.2), Colorado Revised Statutes, are amended, and the said 25-1-107 (1) (x) (VII) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

25-1-107. Powers and duties of the department - repeal. (1) The department has, in addition to all other powers and duties imposed upon it by law, the following powers and duties:

(x) (VII) Except as otherwise provided in the federal "Safe Drinking Water Act", the provisions of this section shall apply to each public water system in this state; EXCEPT THAT the provisions of this section shall not apply to a public water system that:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(D) Is not a carrier that conveys passengers in interstate commerce; OR

(E) PROHIBITS, THROUGH ORDINANCE, RESOLUTION, OR OTHER ENFORCEABLE ENACTMENT, THE USE OF ITS SYSTEM, OR CONNECTIONS THERETO, FOR THE DELIVERY OF WATER TO THE PUBLIC FOR HUMAN CONSUMPTION, EXCEPT TO THE EXTENT THAT SUCH USER IS A PUBLIC WATER SYSTEM SUBJECT TO THE PROVISIONS OF THIS SECTION.

(x.2) (I) ~~To not require the undertaking of a survey, certification, or any other federal reporting requirements for public water systems subject to the federal "Safe Drinking Water Act" when those water systems qualify for exclusions from the definition of a public water system under the federal "Safe Drinking Water Act"~~ TO EXEMPT A WATER SUPPLIER FROM ANY FURTHER DOCUMENTATION REQUIREMENTS FOR PURPOSES OF ESTABLISHING THAT IT DOES NOT MEET THE DEFINITION OF A PUBLIC WATER SYSTEM AND IS NOT SUBJECT TO THE REQUIREMENTS OF THE FEDERAL "SAFE DRINKING WATER ACT", WHERE SUCH WATER SUPPLIER HAS PROVIDED TO THE DEPARTMENT EVIDENCE OF THE FOLLOWING:

(A) AN ORDINANCE, RESOLUTION, CONTRACTUAL PROVISION, OR OTHER SIMILARLY ENFORCEABLE ENACTMENT THAT PROHIBITS CONNECTION TO THE SYSTEM FOR THE PURPOSE OF OBTAINING WATER FOR HUMAN CONSUMPTION; AND

(B) EITHER AN ANNUAL VISUAL INSPECTION OF THE WATER SUPPLY SYSTEM FOR THE PURPOSE OF DETERMINING THE PRESENCE OF ANY UNAUTHORIZED CONNECTIONS TO THE WATER SUPPLY SYSTEM, OR AN ANNUAL WRITTEN SURVEY OF THOSE INDIVIDUALS OR ENTITIES WITH WHOM THE SUPPLIER HAS A CONTRACTUAL RELATIONSHIP GOVERNING THE USES TO WHICH SUCH WATER IS PLACED BY THE CONTRACTING PARTIES.

(II) NOTHING IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (x.2) SHALL BE CONSTRUED TO ELIMINATE FROM THE PROVISIONS OF THE FEDERAL "SAFE DRINKING WATER ACT" ANY EXCLUSION THAT MAY OTHERWISE BE AVAILABLE UNDER FEDERAL LAW OR REGULATION.

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

Ray Powers PRESIDENT OF THE SENATE	Russell George SPEAKER OF THE HOUSE OF REPRESENTATIVES
Patricia K. Dicks SECRETARY OF THE SENATE	Judith M. Rodrigue CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES

APPROVED_____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO