

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 09-0729.01 Thomas Morris

SENATE BILL 09-119

SENATE SPONSORSHIP

Harvey,

HOUSE SPONSORSHIP

McNulty,

Senate Committees
Agriculture and Natural Resources

House Committees

A BILL FOR AN ACT

101 **CONCERNING A CLARIFICATION OF THE ENFORCEMENT OF WATER**
102 **QUALITY LAWS RELATING TO THE DISCHARGE OF CERTAIN**
103 **HAZARDOUS POLLUTANTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Clarifies that nothing in the "Colorado Water Quality Control Act" inhibits the ability to enforce civil or criminal penalties for the discharge of hazardous substances or hazardous wastes into state waters or domestic wastewater treatment works.

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.

SENATE
3rd Reading Unam ended
February 19, 2009

SENATE
2nd Reading Unam ended
February 17, 2009

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

2 **SECTION 1.** 25-8-609 (3) (d), Colorado Revised Statutes, is
3 amended, and the said 25-8-609 is further amended BY THE ADDITION
4 OF THE FOLLOWING NEW SUBSECTIONS, to read:

5 **25-8-609. Criminal pollution - penalties.** (3) Any person who
6 commits criminal pollution of state waters shall be fined, for each day the
7 violation occurs, as follows:

8 ~~(d) Any criminal penalty collected under this section shall be~~
9 ~~credited to the general fund.~~

10 (4) ANY CRIMINAL PENALTY COLLECTED UNDER THIS SECTION
11 SHALL BE CREDITED TO THE GENERAL FUND.

12 (5) NO PROVISION OF THIS ARTICLE SHALL BE INTERPRETED TO
13 SUPERSEDE, LIMIT, ABROGATE, OR IMPAIR THE ABILITY TO ENFORCE:

14 (a) CIVIL OR CRIMINAL PENALTIES PURSUANT TO ARTICLE 22 OF
15 TITLE 29, C.R.S., IF THE POLLUTANT DISCHARGED INTO STATE WATERS OR
16 DOMESTIC WASTEWATER TREATMENT WORKS IS A "HAZARDOUS
17 SUBSTANCE" AS DEFINED IN SECTION 29-22-101, C.R.S.; OR

18 (b) CIVIL PENALTIES PURSUANT TO SECTION 25-15-309 OR
19 CRIMINAL PENALTIES PURSUANT TO SECTION 25-15-310 IF THE POLLUTANT
20 DISCHARGED INTO STATE WATERS OR DOMESTIC WASTEWATER
21 TREATMENT WORKS IS A "HAZARDOUS WASTE" AS DEFINED IN SECTION
22 25-15-101.

23 **SECTION 2. Act subject to petition - effective date -**
24 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
25 following the expiration of the ninety-day period after final adjournment
26 of the general assembly that is allowed for submitting a referendum
27 petition pursuant to article V, section 1 (3) of the state constitution,

1 (August 4, 2009, if adjournment sine die is on May 6, 2009); except that,
2 if a referendum petition is filed against this act or an item, section, or part
3 of this act within such period, then the act, item, section, or part, if
4 approved by the people, shall take effect on the date of the official
5 declaration of the vote thereon by proclamation of the governor.

6 (2) The provisions of this act shall apply to discharge enforcement
7 actions pending or initiated on or after the applicable effective date of this
8 act.