

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

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 09-0729.01 Thomas Morris

**SENATE BILL 09-119**

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**SENATE SPONSORSHIP**

**Harvey,**

**HOUSE SPONSORSHIP**

**McNulty,**

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**Senate Committees**

Agriculture and Natural Resources

**House Committees**

Agriculture, Livestock, & Natural Resources

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**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.**

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**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.

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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.*

HOUSE  
Am ended 2nd Reading  
April 2, 2009

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

5 **25-8-609. Criminal pollution - penalties.** (2) Prosecution under  
6 ~~paragraphs (a) and (d)~~ PARAGRAPH (a) of subsection (1) of this section  
7 shall be commenced only upon complaint filed by the division OR A  
8 PEACE OFFICER.

9 (3) Any person who commits criminal pollution of state waters  
10 shall be fined, for each day the violation occurs, as follows:

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

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

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

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

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

26 **SECTION 2. Act subject to petition - effective date -**  
27 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day

1 following the expiration of the ninety-day period after final adjournment  
2 of the general assembly that is allowed for submitting a referendum  
3 petition pursuant to article V, section 1 (3) of the state constitution,  
4 (August 4, 2009, if adjournment sine die is on May 6, 2009); except that,  
5 if a referendum petition is filed against this act or an item, section, or part  
6 of this act within such period, then the act, item, section, or part, if  
7 approved by the people, shall take effect on the date of the official  
8 declaration of the vote thereon by proclamation of the governor.

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