

**FINAL
FISCAL NOTE**

Drafting Number: LLS 12-0122

Date: July 23, 2012

Prime Sponsor(s): Rep. Vigil
Sen. Schwartz

Bill Status: Signed into Law

Fiscal Analyst: Alex Schatz (303-866-4375)

TITLE: CONCERNING THE EXEMPTION OF DRINKING WATER TREATMENT FACILITIES FROM THE REQUIREMENT TO OBTAIN A CERTIFICATE OF DESIGNATION.

Summary of Legislation

This bill was recommended by the *Water Resources Review Committee* during the 2011 interim.

Under current law, a drinking water treatment facility that impounds or disposes of its own waste on the facility property must apply for a certificate of designation from the county or other local land use authority. The Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (HMWMD), regulates both waste impoundments and solid waste disposal under current regulations. This bill eliminates the requirement that drinking water treatment facilities seek or maintain a certificate of designation for these on-site waste disposal activities.

The bill was signed into law by the Governor on March 22, 2012, and takes effect August 8, 2012, assuming no referendum petition is filed.

Assessment

This bill codifies current practice, resulting in no change to the cost or revenue of any state or local agency. The bill responds to a recent finding by the office of Attorney General, holding that the customary practice of municipalities, who rely on HMWMD rules to regulate on-site disposal at drinking water treatment facilities, is not consistent with the scope of statute requiring local review of a certificate of designation.

By maintaining current practice concerning the regulation of on-site disposal at drinking water treatment facilities, the bill is assessed as having no fiscal impact.

Departments Contacted

Local Affairs
Law

Natural Resources

Public Health and Environment