



NORTH FRONT RANGE WATER QUALITY PLANNING ASSOCIATION
257 Johnstown Center Dr.; Unit 206
Johnstown, CO 80534
970-587-8872 – <http://www.nfrwqpa.org>

ASSOCIATION MEETING AGENDA

April 28, 2022 @ 2:00 PM

Remote Meeting Only

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

+1 720-739-6745 United States, Denver

Phone Conference ID: 998 959 026#

Notice is given to the North Front Range Water Quality Planning Association (NFRWQPA) members and the general public that the Association will hold its regular association meeting, which is open to the public.

1. **CALL MEETING TO ORDER.**
2. **NOTICE TO MEMBERSHIP MEETING IS RECORDED.**
3. **DETERMINATION OF A QUORUM FROM MEMBERSHIP.** – Attachment #1 (page3).
4. **APPROVAL OF AGENDA.**
5. **DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST.**
6. **PUBLIC COMMENTS.**
7. **APPROVAL OF PAST MINUTES.** – Attachment #2 (page 4-7).
For review and consideration are the March 24, 2022, meeting minutes.
8. **FINANCIAL REPORTS:** – Attachment #3 (page 8-10).
For review and consideration is the March 2022 financial statement.
9. **DISCUSSION ITEM:** Association Meetings; Remote, Hybrid, In-person?
Discuss the future of Association Meetings and the preferred format; Remote, Hybrid, In-person?
10. **DISCUSSION ITEM:** Legislative Updates
 - a) [Suncor Permit Public Comments](#) - Attachment #4 (page 11-14).
 - b) [HB22-1322 Concerning the Regulation of Water Quality in the State](#) - Attachment #5 (page 15-18).
 - c) [HB22-1345 Concerning Measures to Increase Protections from Perfluoroalkyl and Polyfluoroalkyl Chemicals](#) - Attachment #6 (page 19-44).
 - d) [COR900000 Industrial Stormwater General Permit for Non-Extractive Industries.](#)
 - e) [Regulation 22 Water Quality Forum Work Group – Historical Infrastructure](#) - Attachment #7 (page 45-46)

11. OTHER BUSINESS:

- a) Workgroup Update Presentations can be accessed [here](#).

12. ADJOURN

NORTH FRONT RANGE WATER QUALITY PLANNING ASSOCIATION

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Designated Management and Operation Agency Members

	Designation	Primary Contact	Alternate Contact	2022 Dues	
1	Ault, Town of	Management/Operation Agency	Grant Ruff	Dustin Preston	PAID
2	Berthoud, Town of	Management/Operation Agency	Chris Kirk	Wayne Ramey	PAID
3	Boxelder Sanitation District	Management/Operation Agency	Brian Zick	David Lewis	PAID
4	Brighton, Town of	Management/Operation Agency	Kim Schoen		PAID
5	Broomfield, City & County	Management/Operation Agency	Ken Rutt	Dennis Rodriguez	PAID
6	Eaton, Town of	Management/Operation Agency	Greg Brinck	Wesley LaVanchy	PAID
7	Erie, Town of	Management/Operation Agency	Jon Coyle	Bruce Chameroy	PAID
8	Estes Park, Town of	Management Agency	Chris Eshelman	Reuben Bergsten	PAID
9	Estes Park Sanitation District	Operation Agency	James Duell		PAID
10	Evans, City of	Management/Operation Agency	Randy Ready	Todd Hepworth	PAID
11	Fox Acres Community Services	Private Agency	Richard Hopp	Ted Carter	PAID
12	Ft. Collins, City of	Management/Operation Agency	Jason Graham	Bonnie Pierce	PAID
13	Ft. Lupton, City of	Management/Operation Agency	Jon Mays	Chris Cross	PAID
14	Galeton Water & Sanitation District	Operation Agency	William Warren		PAID
15	Greeley, City of	Management/Operation Agency	Jeremy Woolf	Adam Prior	PAID
16	Hudson, Town of	Management/Operation Agency	Jennifer Woods	Interim Manager/Planning Director	PAID
17	Johnstown, Town of	Management/Operation Agency	Ellen Hilbig	Matt LeCerf	PAID
18	Keenesburg, Town of	Management/Operation Agency	Mark Gray		PAID
19	Kersey, Town of	Management/Operation Agency	Christian Morgan		PAID
20	Larimer County	Management Agency	Chris Manley	Keila Flores	PAID
21	LaSalle, Town of	Management/Operation Agency	Barry Schaeffer		PAID
22	Lochbuie, Town of	Management/Operation Agency	Steve Stamey		PAID
23	Longmont, City of	Management/Operation Agency	Mary Paterniti	Annie Noble	PAID
24	Loveland, City of	Management/Operation Agency	Joe Creaghe	Brandon Cayou	PAID
25	Mead, Town of	Management/Operation Agency	Hellen Migchelbrink	Erika Rasmussen	PAID
26	Metro Water Recovery	Operation Agency	Reed Koenig	Katie Koplitz	PAID
27	Milliken, Town of	Management/Operation Agency	Don Stonebrink	Brad Simons	PAID
28	Northglenn, City of	Management/Operation Agency	Manuel Freye	Shelley Stanley	PAID
29	Pierce, Town of	Management/Operation Agency	Pat Larson		PAID
30	Platteville, Town of	Management/Operation Agency	David Brand	Josh Leyba	PAID
	Resource Colorado Water & Sanitation				
31	Metro District		Paul Wilson	Scott Pearson	PAID
32	Severance, Town of	Management/Operation Agency	Nicholas Wharton	Mike Ketterling	PAID
33	South Ft. Collins San. Dist.	Management/Operation Agency	Chris Pletcher	Eric Bailey	PAID
34	St. Vrain Sanitation District	Management/Operation Agency	Rob Fleck	Dave Cross	PAID
35	Timnath, Town of	Management/Operation Agency	Don Taranto		PAID
36	Upper Thompson San. Dist.	Management/Operation Agency	Chris Bieker	Matt Allen	PAID
37	Weld County	Management Agency	Skip Holland	Katie Sall	PAID
38	Wellington, Town of	Management/Operation Agency	Bob Gowing	Mike Flores	PAID
39	Windsor, Town of	Management/Operation Agency	Dennis Markham		PAID
	Associates and Industries				
40	NCWCD	Associate	Curtis Hartenstine	Ester Vincent	PAID
41	Carestream	Industry	John Dinges		
	41 Representative Votes / 10 Representatives required for Quorum (25%)				

rev.3-11-2022

Attachment No. 2



ASSOCIATION MEETING MINUTES

March 24, 2022; 2:00 PM

Remote Meeting

1. **CALL MEETING TO ORDER.**

Mr. Thomas called the meeting to order at 2:01 PM.

2. **NOTICE TO MEMBERSHIP MEETING IS RECORDED.**

Mr. Thomas notified the membership the meeting was recorded.

3. **DETERMINATION OF A QUORUM FROM MEMBERSHIP.**

Attendance:

NFRWQPA – Mr. Thomas, Manager

Executive Committee Officers –

Treasurer – Robert Fleck – St. Vrain S.D.

Officer – Jeremy Woolf – Greeley

Officer – Todd Hepworth – Evans

Officer – Tom Parko – Weld County

Executive Committee Officers Absent –

Chair – Jason Graham – Ft. Collins

Vice-Chair – Brian Zick – Boxelder S.D.

Officer – Chris Bieker – Upper Thompson S.D.

Katie Koplitz – Metro Water Recovery

Katie Sall – Weld County

Kimberly Cowan – Metro Water Recovery

Lauren Light – Weld County

Mary Paterniti – Longmont

Matt Allen – Upper Thompson S.D.

Michael Castillo – Greeley

Robby Porsch – Evans

Shelley Stanley – Northglenn

Membership –

Adam Prior – Greeley

Andrew Fisher – Greeley

Brandon Cayou – Loveland

Dennis Markham – Windsor

Dustin Preston – Ault

John Dinges – Carestream

John Goin – Greeley

John Mays – Fort Lupton

Public –

Andrew Dixon – Kimley-horn

Anna Hermes – NCWCD

Brad Simons – MMI/Keenesburg

Edder Torres Chavez – JBS

Fernando Romo – JBS

Marcus Palkowitsh – MSP Companies

Randy Ficklin – Silver Bluff Companies

– Mr. Thomas announced a quorum.

4. **APPROVAL OF AGENDA.**

Mr. Hepworth motioned to approve the agenda, seconded by Mr. Woolf - Motion carried unanimously.

5. **DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST.**

Mr. Woolf recused himself from agenda items 10 and 11.

6. **PUBLIC COMMENTS.**

No public comments were stated.

7. **APPROVAL OF PAST MINUTES.**

Ms. Stanley moved to approve the meeting minutes from February 24, 2022, seconded by Mr. Woolf. – Motion carried unanimously.

8. FINANCIAL REPORTS.

Mr. Parko moved to approve the February 2022 financial statement, seconded by Mr. Mays. – Motion carried unanimously.

9. DECISION ITEM: Town of Keenesburg Utility Plan Update, 208 Areawide Water Quality Management Plan Amendment, and Site Application for the Summerfield Lift Station.

The Town of Keenesburg submitted a Utility Plan Update, 208 Areawide Water Quality Management Plan Amendment, and Site Application for the Summerfield Lift Station. The final draft of the Town of Keenesburg's Utility Plan Update is available [here](#). The Town of Keenesburg's 208 Areawide Water Quality Management Plan Amendment is available [here](#). The Town of Keenesburg's Site Application for the Summerfield Lift Station is available [here](#). The project received local agency referral approvals from the Town of Hudson, Resource Colorado Water and Sanitation Metro District, Weld County Planning, and the Weld County Department of Environment and Public Health. Mr. Simons with MMI Engineering gave a brief presentation concerning the Keenesburg Summerfield Lift Station. Mr. Mays moved to approve the Town of Keenesburg Utility Plan Update, 208 Areawide Water Quality Management Plan Amendment, and Site Application for the Summerfield Lift Station, seconded by Mr. Hepworth. – Motion carried unanimously.

10. DISCUSSION ITEM: City of Greeley 10th Street Interceptor Site Application.

The City of Greeley submitted a Site Application for the 10th Street Interceptor identified in their current Utility Plan as the 12th Street Sewer Outfall-Phase 1A. The Association's Site Application Policy for Interceptor Sewers applied under Regulation 22.8 allows the manager to certify the application, followed by membership notification for applications that meet the criteria. The Site Application was approved on March 10, 2022. The Site Application is available [here](#).

11. DISCUSSION ITEM: City of Greeley Poudre Trunk Sewer Phase II Site Application.

The City of Greeley submitted a Site Application for the Poudre Trunk Sewer Phase II identified in their current Utility Plan, approved on June 24, 2021. The Site Application was approved on March 17, 2022. The Association's Site Application Policy for Interceptor Sewers applied under Regulation 22.8 allows the manager to certify the application, followed by membership notification for applications that meet the criteria. The Site Application is available [here](#).

12. DISCUSSION ITEM: 2022 – 208 Areawide Water Quality Management Plan Data Call.

Mr. Thomas requested membership to provide the Association with their 2022 [Agency Point Source Data Inventory Sheets](#) to ensure the correct data is being provided for the 2022-208 Areawide Water Quality Management Plan. The Agency Point Source Data Inventory sheets provide general information about the agency, the most recent population and loading projections, and near-term wastewater collection and treatment construction needs. A listing within the Attachments of the agenda illustrated which membership agencies have provided updated information and who has not. The data is requested by March 31, 2022.

13. DISCUSSION ITEM: Nonpoint Watershed Plan – Technical Advisory Committee (TAC).

Mr. Thomas gave an update regarding the Association's call for TAC volunteers for the Nonpoint Watershed Plan. Followed by an update concerning defining the Nonpoint Source Watershed Plan areas of interest utilizing stream segment water quality assessments.

Nonpoint Source TAC Members as of April 4, 2022:

1. Curtis Hartenstine - NCWCD
2. Anna Hermes - NCWCD
3. Shelley Stanley - Northglenn

4. Skip Holland - Weld County
5. Chris Manley - Larimer County
6. Greg Kernohan - Ducks Unlimited-Director
7. Christa Trendle – CDPHE
8. Todd Hepworth - Evans
9. Nina Cudahy - Greeley
10. Misty Hall - Erie

14. OTHER BUSINESS:

- a) Workgroup Update Presentations can be accessed [here](#).

15. ADJOURN

16.

DRAFT

Attachment No. 3

North Front Range Water Quality Planning Association
Financial Balance Sheet Statement - Budget vs. Actual - Cash Basis
As of March 31, 2022 and February 28, 2022

	<u>March 31, 22</u>	<u>Feb 28, 22</u>	<u>\$ Change</u>
ASSETS			
Current Assets			
Checking/Savings			
1100 · Checking NFRWQPA	121,229.87	78,194.98	43,034.89
1250 · Colorado Trust NFRWQPA	545,718.04	545,601.12	116.92
Total Checking/Savings	<u>666,947.91</u>	<u>623,796.10</u>	<u>43,151.81</u>
Other Current Assets			
1500 · Security Deposit	1,353.00	1,353.00	0.00
Total Other Current Assets	<u>1,353.00</u>	<u>1,353.00</u>	<u>0.00</u>
Total Current Assets	<u>668,300.91</u>	<u>625,149.10</u>	<u>43,151.81</u>
TOTAL ASSETS	<u>668,300.91</u>	<u>625,149.10</u>	<u>43,151.81</u>
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
Credit Cards			
2050 · Mark's CC x7640	323.91	948.84	-624.93
Total Credit Cards	<u>323.91</u>	<u>948.84</u>	<u>-624.93</u>
Other Current Liabilities			
2300 · Pension Payable	498.47	498.47	0.00
24000 · Payroll Liabilities			
2406 · Accrued Vacation Payable	1,592.31	1,592.31	0.00
2407 · PERA	1,971.44	1,971.44	0.00
Total 24000 · Payroll Liabilities	<u>3,563.75</u>	<u>3,563.75</u>	<u>0.00</u>
Total Other Current Liabilities	<u>4,062.22</u>	<u>4,062.22</u>	<u>0.00</u>
Total Current Liabilities	<u>4,386.13</u>	<u>5,011.06</u>	<u>-624.93</u>
Total Liabilities	4,386.13	5,011.06	-624.93
Equity			
2810 · Assets Beginning of Year	572,240.82	572,240.82	0.00
32000 · Retained Earnings	-13,380.51	-13,380.51	0.00
Net Income	105,054.47	61,277.73	43,776.74
Total Equity	<u>663,914.78</u>	<u>620,138.04</u>	<u>43,776.74</u>
TOTAL LIABILITIES & EQUITY	<u>668,300.91</u>	<u>625,149.10</u>	<u>43,151.81</u>

No assurance is provided on these financial statements.
The financial statements do not include a statement of cash flows.
Substantially all disclosures required by GAAP omitted.

North Front Range Water Quality Planning Association
Income Statement of Revenue and Expenses - Budget vs. Actual - Cash Basis
For the One-Month and Three-Month Periods Ended March 31, 2022

	<u>March 22</u>	<u>Jan-March 22</u>	<u>Budget</u>	<u>% of Budget</u>
Revenues				
9010 · Membership Dues	57,475.00	149,125.00	159,375.00	93.57
9015 · Nonmember Review Fees	-	-	-	-
9020 · Interest Income	116.92	192.22	250.00	76.89
9030 · CDPH & E	-	-	10,500.00	-
9990 · Miscellaneous	-	-	-	-
Total Revenues	<u>57,591.92</u>	<u>149,317.22</u>	<u>170,125.00</u>	<u>87.77</u>
Expenses				
3100 · Salary	8,005.77	24,017.31	100,000.00	24.02
3101 · Health Insurance Allow.	667.93	2,003.79	8,400.00	23.85
3102 · Dental Allowance	-	-	550.00	-
3103 · Vision Stipend	-	-	200.00	-
3200 · Health Insurance	-	-	12,000.00	-
3220 · Life Insurance	-	-	100.00	-
3300 · Retirement Contributions	173.47	520.41	2,000.00	26.02
3400 · FICA/PERA Manager	1,360.04	4,080.12	20,000.00	20.40
3600 · Workman's Compensation	-	-	425.00	-
5010 · Rent & Utilities	1,326.00	3,978.00	16,250.00	24.48
5100 · Telephone Cellular	75.00	225.00	900.00	25.00
5120 · Interest	-	-	10.00	-
5130 · Internet Service	142.46	432.50	2,000.00	21.63
5140 · IT Support	1,824.00	2,407.40	3,000.00	80.25
5150 · Advertising	-	-	500.00	-
5160 · Insurance	-	-	450.00	-
5200 · Printing	-	-	-	-
5250 · Legal Notices	-	-	-	-
5300 · Office Supplies	30.84	375.03	2,000.00	18.75
5350 · Postage	-	58.00	150.00	38.67
5400 · Dues & Subscriptions	189.49	5,747.51	7,500.00	76.63
5425 · Intergovernmental Assist	-	-	10,000.00	-
5450 · Training	-	-	500.00	-
5500 · Mileage Reimbursement	-	-	2,000.00	-
5510 · Meals & Lodging	20.18	20.18	2,500.00	0.81
5520 · Transportation	-	-	500.00	-
5550 · Conferences	-	-	2,000.00	-
5600 · Accounting	-	397.50	4,500.00	8.83
5650 · Auditing	-	-	6,500.00	-
5700 · Legal	-	-	10,000.00	-
5750 · Bank Charges	-	-	50.00	-
5800 · Capital Recovery	-	-	750.00	-
5850 · Capital Expenditures	-	-	4,500.00	-
5900 · Contingency Website	-	-	-	-
6010 · Contract Services/GIS	-	-	25,000.00	-
6011 · Contract Services Office	-	-	-	-
6020 · Contract Supplies State	-	-	-	-
6025 · Operations Contingency w/	-	-	20,000.00	-
7000 · Miscellaneous Expense	-	-	100.00	-
Total Expenses	<u>13,815.18</u>	<u>44,262.75</u>	<u>265,335.00</u>	<u>16.68</u>
Net Revenues and Expenses	<u><u>43,776.74</u></u>	<u><u>105,054.47</u></u>	<u><u>(95,210.00)</u></u>	<u><u>(110.34)</u></u>

No assurance is provided on these financial statements.
The financial statements do not include a statement of cash flows.
Substantially all disclosures required by GAAP omitted.

Attachment No. 4



CDPS Suncor Permit RESPONSIVE Public Comment Form

Please use this form to submit comments to the division on CDPS permits.

Permit Number:

CO001147 (Suncor)

Date

April 8, 2022

Comment Author/Permittee (if you are commenting on behalf of someone)

Mark Thomas

Email Address

mthomas@nfrwqpa.org

Please put your comments for each part of the permit on a new line. If this is a modification, please limit your comments to the scope of the modification. Once you have completed your comments please email to the permit writer with any supporting documentation.

Committer/Name of Comments You are Responding to	Comment You are Responding To (Cut and Paste)	Your Response
Conservation and Justice Groups Combined Comments and Attachments	The Division should not allow Suncor to discharge any PFAS chemicals into state waters. The Division should, thus, impose in Suncor’s final permit a non-detectable effluent limit for PFAS as a class to adequately protect surrounding communities and surface waters.	It is not appropriate to set a non-detect PFAS limit. The rationale for the Association’s position includes uncertainty regarding PFAS regulatory standard numeric limits and a viable means for treatment for agencies receiving PFAS as passthrough. Whereas generators, or industry producers, of PFAS should be held liable for producing the highest quality effluent discharge for downstream use, knowing non-detect limits are scientifically impracticable. Until current PFAS bills are completed by the EPA and State of Colorado, setting non-detect limits is premature for any dischargers. When, the EPA and state determine their own PFAS limits (Health Advisory Limits), the Division

		<p>may need to revisit its PFAS Policy 20-1, so they agree on the Division’s translation limits and the EPA Health Advisory Limits for dischargers. At this time, the Division may then reassess limits for all dischargers, generators, and passthrough treatment works alike. The Division needs more time to make educated scientific-based decisions regarding PFAS standards as stated by stakeholders during the Policy 20-1 stakeholder process; plus, public-owned wastewater treatment works as passthrough agencies need more time to consider PFAS treatment alternatives and plan for those associated budgetary impacts. At this time, NFRWQPA requests that the WQCC support the Division’s Policy 20-1 as-is and take no action regarding modifying Suncor’s PFAS permit limits.</p>
<p>Conservation and Justice Groups Combined Comments and Attachments</p>	<p>The Division must set more stringent numeric effluent limits for PFAS in Suncor’s final permit. In light of updated data on these PFAS, the Division must impose a non-detectable effluent limit for PFOA/PFOS/PFNA +parents, in accordance with the method detection limits in EPA’s Draft Method 1633. The Division must also impose a 70 ppt daily and 30-day average limit for PFHxS and a 1,050 ppt daily and 30-day average limit for PFBS.</p>	<p>It is not appropriate to set a non-detect PFAS limit. The rationale for the Association’s position includes uncertainty regarding PFAS regulatory standard numeric limits and a viable means for treatment for agencies receiving PFAS as passthrough. Whereas generators, or industry producers, of PFAS should be held liable for producing the highest quality effluent discharge for downstream use, knowing non-detect limits are scientifically impracticable. Until current PFAS bills are completed by the EPA and State of Colorado, setting non-detect limits is premature for any dischargers. When, the EPA and state determine their own PFAS limits (Health Advisory Limits), the Division may need to revisit its PFAS Policy 20-1, so they agree on the Division’s translation limits and the EPA Health Advisory Limits for dischargers. At this time, the Division may then reassess limits for all dischargers, generators, and passthrough treatment works alike. The Division needs more time to make educated scientific-based decisions regarding PFAS standards as stated by stakeholders during the Policy 20-1 stakeholder process; plus, public-owned wastewater treatment works as passthrough agencies need more time to consider PFAS treatment</p>

		alternatives and plan for those associated budgetary impacts. At this time, NFRWQPA requests that the WQCC support the Division's Policy 20-1 as-is and take no action regarding modifying Suncor's PFAS permit limits.

Attachment No. 5

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0745.01 Sarah Lozano x3858

HOUSE BILL 22-1322

HOUSE SPONSORSHIP

Benavidez and Valdez A.,

SENATE SPONSORSHIP

(None),

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF WATER QUALITY IN THE STATE.

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://leg.colorado.gov>.)

The bill:

- Requires the water quality control commission (commission) to conduct outreach and gather input from disproportionately impacted communities regarding the commission's rule-making proceedings, licensing proceedings, and adjudicatory hearings (**section 1** of the bill);
- Requires the commission to utilize the criteria promulgated

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

- by rule by the commission in designating waters as use-protected (**section 2**); and
- Creates a 5-year statute of limitations for bringing actions alleging violations of the "Colorado Water Quality Control Act" (act) or any rules or orders under the act (**section 3**).

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-4-109, **amend**
3 (2)(b)(I) as follows:

4 **24-4-109. State engagement of disproportionately impacted**
5 **communities - definitions - repeal.** (2) **Definitions.** (b) As used in this
6 section and sections 25-1-133, 25-1-134, and 25-7-105 (1)(e), unless the
7 context otherwise requires:

8 (I) "Agency" means the air quality control commission created in
9 section 25-7-104 AND, AS USED IN THIS SECTION AND SECTIONS 25-1-133
10 AND 25-1-134, THE WATER QUALITY CONTROL COMMISSION CREATED IN
11 SECTION 25-8-201 (1)(a).

12 **SECTION 2.** In Colorado Revised Statutes, 25-8-209, **amend** (4)
13 as follows:

14 **25-8-209. Water quality designations.** (4) **Use-protected**
15 **waters.** (a) Use-protected waters ~~shall be~~ ARE those waters with existing
16 quality that is not better than necessary to support propagation of fish,
17 shellfish, and wildlife and recreation in and on the water.

18 (b) THE COMMISSION SHALL UTILIZE THE CRITERIA PROMULGATED
19 BY RULE PURSUANT TO SUBSECTION (2) OF THIS SECTION IN DESIGNATING
20 WATERS AS USE-PROTECTED.

21 (c) The quality of waters designated as use-protected may be
22 altered if that quality provided for in applicable water quality
23 classifications and standards is maintained.

1 **SECTION 3.** In Colorado Revised Statutes, **add 25-8-613** as
2 follows:

3 **25-8-613. Limitation on actions.** AN ACTION OR OTHER
4 PROCEEDING ALLEGING A VIOLATION OF THIS ARTICLE 8 OR OF ANY RULE
5 OF THE COMMISSION OR ORDER OF THE DIVISION MUST BE COMMENCED
6 WITHIN FIVE YEARS AFTER THE DATE OF THE ALLEGED VIOLATION.

7 **SECTION 4. Applicability.** Section 3 of this act applies to
8 actions or other proceedings alleging a violation of article 8 of title 25,
9 Colorado Revised Statutes, or of any rule of the water quality control
10 commission or order of the division of administration in the department
11 of public health and environment, which action or other proceeding is
12 commenced on or after the effective date of this act.

13 **SECTION 5. 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, or safety.

Attachment No. 6

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0351.01 Sarah Lozano x3858

HOUSE BILL 22-1345

HOUSE SPONSORSHIP

Cutter and Bradfield,

SENATE SPONSORSHIP

(None),

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO INCREASE PROTECTIONS FROM
102 PERFLUOROALKYL AND POLYFLUOROALKYL CHEMICALS.

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://leg.colorado.gov>.)

Section 1 of the bill enacts the "Perfluoroalkyl and Polyfluoroalkyl Chemicals Consumer Protection Act" to establish a regulatory scheme that collects information from product manufacturers regarding the use of perfluoroalkyl and polyfluoroalkyl chemicals (PFAS chemicals) in their products and phases out the sale or distribution of products that contain intentionally added PFAS chemicals. **Section 1** requires

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

manufacturers of products that are sold or distributed in the state and that contain intentionally added PFAS chemicals to provide written notification (notification) to the executive director (executive director) of the Colorado department of public health and environment (department) that provides:

- The trade name of the product;
- A description of the purpose that PFAS chemicals serve in the product;
- Contact information for the manufacturer; and
- Any additional information required by the executive director.

For manufacturers that were already selling or distributing a product containing intentionally added PFAS chemicals in the state before January 1, 2025, the notification must be made no later than 30 days before January 1, 2025. For manufacturers that begin to sell or distribute a product containing intentionally added PFAS chemicals in the state on or after January 1, 2025, the notification must be made at least 30 days after the manufacturer begins selling or distributing the product in the state.

No later than 30 days after the executive director receives a notification, the executive director shall publish the trade name of the product and manufacturer name on the department's website. A manufacturer submitting the notification to the executive director must pay a fee established by the executive director. The fee will be credited to the perfluoroalkyl and polyfluoroalkyl substances cash fund (fund).

On and after January 1, 2024, a person shall not sell or distribute in the state any products in the following product categories if the products contain intentionally added PFAS chemicals:

- Carpets or rugs;
- Cookware;
- Cosmetics;
- Fabric treatments;
- Food packaging;
- Juvenile products;
- Oil and gas products;
- Textile furnishings; and
- Upholstered furniture.

No later than January 1, 2025, the executive director will identify by rule a list of priority products and priority product categories. No later than December 31, 2027, the executive director will promulgate rules prohibiting the sale or distribution of said priority products or priority product categories that contain intentionally added PFAS chemicals and that have not been exempted by the executive director.

No later than January 1, 2028, the executive director will identify by rule another list of priority products or priority product categories. No

later than December 31, 2030, the executive director will promulgate rules prohibiting the sale or distribution of said priority products or priority product categories that contain intentionally added PFAS chemicals and that have not been exempted by the executive director.

A manufacturer or consumer that applies for an exemption for a priority product or priority product category identified by the executive director must pay a fee established by the executive director. The fee will be credited to the fund.

Section 2 includes products that do not contain intentionally added PFAS chemicals in the definition of "environmentally preferable products" for the purposes of state agency procurement.

The bill also:

- Defines certain terminology (**section 3**);
- As of January 1, 2024, repeals the exemption for gasoline distribution facilities, refineries, and chemical plants from the restriction (sales restriction) on the sale of class B firefighting foam (firefighting foam) that contains PFAS chemicals (**section 4**);
- As of January 1, 2024, allows the executive director to grant a temporary exemption from the sales restriction for the purchase of firefighting foam that is used to extinguish class B fires at a facility that engages in the wholesale distribution of crude petroleum (**section 4**);
- Requires a person that uses firefighting foam to prohibit a release of the firefighting foam into the environment, fully contain the firefighting foam during its use, safely store the firefighting foam, and report certain information to the water quality spills hotline within 24 hours if there is a release of the firefighting foam into the environment (**section 5**);
- Requires a person that uses firefighting foam to report its use to the water quality spills hotline within 24 hours after the use (**section 5**); and
- Authorizes the attorney general to enforce laws regulating firefighting foams that contain PFAS chemicals (**section 6**).

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 14 to article
3 5 of title 25 as follows:

4 **PART 14**

5 **PERFLUOROALKYL AND POLYFLUOROALKYL CHEMICALS**

1 **25-5-1401. Short title.** THE SHORT TITLE OF THIS PART 14 IS THE
2 "PERFLUOROALKYL AND POLYFLUOROALKYL CHEMICALS CONSUMER
3 PROTECTION ACT".

4 **25-5-1402. Legislative declaration.** (1) THE GENERAL ASSEMBLY
5 HEREBY FINDS AND DECLARES THAT:

6 (a) CONTAMINATION OF THE SOIL AND WATER IN THE STATE FROM
7 PFAS CHEMICALS POSES A SIGNIFICANT THREAT TO THE ENVIRONMENT OF
8 THE STATE AND THE HEALTH OF ITS RESIDENTS;

9 (b) A GROWING BODY OF SCIENTIFIC RESEARCH HAS FOUND THAT
10 EXPOSURE TO PFAS CHEMICALS MAY LEAD TO SERIOUS AND HARMFUL
11 HEALTH EFFECTS;

12 (c) THE FULL EXTENT OF THE CONTAMINATION OF PFAS
13 CHEMICALS IN THE SOIL AND WATER OF THE STATE IS NOT CURRENTLY
14 KNOWN BUT IS ANTICIPATED TO BE WIDESPREAD AND TO REQUIRE A
15 SIGNIFICANT EXPENDITURE OF RESOURCES TO BE IDENTIFIED AND
16 REMEDIATED;

17 (d) PFAS CHEMICALS CONTINUE TO BE USED IN PRODUCTS ACROSS
18 A VARIETY OF INDUSTRIES AND FOR MANY DIFFERENT PURPOSES;

19 (e) PFAS CHEMICALS ARE NOT NECESSARY IN MANY PRODUCTS
20 AND COULD BE REPLACED WITH LESS HARMFUL CHEMICALS OR
21 TECHNOLOGIES; AND

22 (f) IF THE WIDESPREAD SALE AND DISTRIBUTION OF PRODUCTS
23 THAT CONTAIN INTENTIONALLY ADDED PFAS CHEMICALS CONTINUES IN
24 THE STATE:

25 (I) THERE IS A LARGER RISK OF PFAS CHEMICALS MIGRATING INTO
26 GROUNDWATER, COMPOST, AND SEWAGE SLUDGE THAT MAY BE USED TO
27 TREAT FOOD CROPS;

1 (II) RESIDENTS OF THE STATE WILL LIKELY SUFFER ADVERSE
2 HEALTH EFFECTS FROM EXPOSURE TO PFAS CHEMICALS; AND

3 (III) THE STATE AND LOCAL COMMUNITIES WILL BE BURDENED
4 WITH THE TESTING, MONITORING, AND CLEAN-UP COSTS NECESSARY TO
5 KEEP RESIDENTS SAFE FROM EXPOSURE TO PFAS CHEMICALS.

6 (2) THE GENERAL ASSEMBLY THEREFORE DETERMINES AND
7 DECLARES THAT IT IS IMPERATIVE FOR THE HEALTH AND SAFETY OF THE
8 STATE'S RESIDENTS TO CREATE A REGULATORY SCHEME THAT:

9 (a) COLLECTS INFORMATION FROM MANUFACTURERS REGARDING
10 THE USE OF PFAS CHEMICALS IN PRODUCTS SOLD OR DISTRIBUTED IN THE
11 STATE; AND

12 (b) PHASES OUT THE SALE OR DISTRIBUTION OF CERTAIN PRODUCTS
13 AND PRODUCT CATEGORIES IN THE STATE THAT CONTAIN INTENTIONALLY
14 ADDED PFAS CHEMICALS.

15 **25-5-1403. Definitions.** AS USED IN THIS PART 14, UNLESS THE
16 CONTEXT OTHERWISE REQUIRES:

17 (1) "ADULT MATTRESS" MEANS A MATTRESS PRODUCT THAT IS NOT
18 A CRIB OR A TODDLER MATTRESS.

19 (2) "CARPET OR RUG" MEANS A FABRIC PRODUCT MARKETED OR
20 INTENDED FOR USE AS A FLOOR COVERING.

21 (3) "CONSUMER" MEANS THE END USER OF A PRODUCT.

22 (4) (a) "COOKWARE" MEANS A DURABLE HOUSEWARE PRODUCT
23 THAT IS USED IN RESIDENCES AND KITCHENS TO PREPARE, DISPENSE, OR
24 STORE FOOD OR BEVERAGES.

25 (b) "COOKWARE" INCLUDES POTS, PANS, SKILLETTS, GRILLS, BAKING
26 SHEETS, BAKING MOLDS, TRAYS, BOWLS, AND COOKING UTENSILS.

27 (5) (a) "COSMETIC" MEANS A PRODUCT THAT IS INTENDED TO BE

1 RUBBED OR INTRODUCED INTO; POURED, SPRINKLED, OR SPRAYED ON; OR
2 OTHERWISE APPLIED TO THE HUMAN BODY FOR CLEANING, CLEANSING,
3 BEAUTIFYING, PROMOTING ATTRACTIVENESS, OR ALTERING THE
4 APPEARANCE.

5 (b) "COSMETIC" INCLUDES A SKIN MOISTURIZER, PERFUME,
6 LIPSTICK, NAIL POLISH, EYE OR FACIAL MAKEUP PREPARATION, SHAMPOO,
7 CONDITIONER, PERMANENT WAVE, HAIR DYE, TOOTHPASTE, DENTAL FLOSS,
8 AND DEODORANT.

9 (c) "COSMETIC" DOES NOT INCLUDE A PRODUCT THAT REQUIRES A
10 PRESCRIPTION FOR DISTRIBUTION OR DISPENSATION.

11 (6) "CURRENTLY UNAVOIDABLE USE" MEANS, AS DETERMINED BY
12 THE EXECUTIVE DIRECTOR BY RULE UNDER SECTION 25-5-1405 (2)(b)(II),
13 THAT:

14 (a) THE USE OF PFAS CHEMICALS IN A PRODUCT IS NECESSARY
15 FOR:

16 (I) THE PRODUCT TO ACHIEVE ITS MAIN FUNCTION; OR

17 (II) THE HEALTH AND SAFETY OF THE STATE'S RESIDENTS OR THE
18 FUNCTIONING OF THE STATE; OR

19 (b) THERE IS NO SAFER ALTERNATIVE THAT IS FEASIBLE AND
20 AVAILABLE.

21 (7) "DEPARTMENT" MEANS THE COLORADO DEPARTMENT OF
22 PUBLIC HEALTH AND ENVIRONMENT.

23 (8) "DRILLING FLUID" MEANS A FLUID THAT IS CIRCULATED INTO
24 THE BOREHOLE OF A WELL TO LUBRICATE AND COOL THE DRILL BIT.

25 (9) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
26 THE DEPARTMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

27 (10) "FABRIC TREATMENT" MEANS A PRODUCT APPLIED TO FABRIC

1 TO GIVE THE FABRIC ONE OR MORE CHARACTERISTICS, INCLUDING STAIN
2 RESISTANCE AND WATER RESISTANCE.

3 (11) "FEASIBLE AND AVAILABLE" MEANS THAT A SAFER
4 ALTERNATIVE IS:

5 (a) AVAILABLE IN THE MARKETPLACE;

6 (b) ALREADY USED IN A SIMILAR OR ANALOGOUS PRODUCT TO
7 ACHIEVE A SIMILAR FUNCTION; OR

8 (c) IDENTIFIED BY A SCIENTIFIC ORGANIZATION OR A FEDERAL OR
9 STATE GOVERNMENTAL AGENCY AS A SAFER ALTERNATIVE TO PFAS
10 CHEMICALS IN A PRODUCT OR A SIMILAR OR ANALOGOUS PRODUCT.

11 (12) "FOOD PACKAGE" OR "FOOD PACKAGING" MEANS A PACKAGE
12 OR PACKAGING COMPONENT USED IN DIRECT CONTACT WITH FOOD.

13 (13) "FUND" MEANS THE PERFLUOROALKYL AND
14 POLYFLUOROALKYL SUBSTANCES CASH FUND CREATED IN SECTION
15 8-20-206.5 (7).

16 (14) "HYDRAULIC FRACTURING FLUID" MEANS THE FLUID,
17 INCLUDING THE APPLICABLE BASE FLUID AND ANY ADDITIVES, INJECTED
18 INTO AN OIL OR GAS WELL TO PERFORM HYDRAULIC FRACTURING
19 OPERATIONS.

20 (15)(a) "INTENTIONALLY ADDED PFAS CHEMICALS" MEANS PFAS
21 CHEMICALS THAT A MANUFACTURER HAS INTENTIONALLY ADDED TO A
22 PRODUCT AND THAT HAVE A FUNCTIONAL OR TECHNICAL EFFECT ON THE
23 PRODUCT.

24 (b) "INTENTIONALLY ADDED PFAS CHEMICALS" INCLUDES PFAS
25 CHEMICALS THAT ARE INTENTIONAL BREAKDOWN PRODUCTS OF AN ADDED
26 CHEMICAL.

27 (16) (a) "JUVENILE PRODUCT" MEANS A PRODUCT DESIGNED FOR

- 1 USE BY INFANTS OR CHILDREN UNDER TWELVE YEARS OF AGE.
- 2 (b) "JUVENILE PRODUCT" INCLUDES:
- 3 (I) BASSINETS AND OTHER BEDSIDE SLEEPERS;
- 4 (II) BOOSTER SEATS, CAR SEATS, AND OTHER CHILD RESTRAINT
- 5 SYSTEMS;
- 6 (III) CHANGING PADS;
- 7 (IV) CO-SLEEPERS;
- 8 (V) CRIB OR TODDLER MATTRESSES;
- 9 (VI) FLOOR PLAY MATS;
- 10 (VII) HIGHCHAIRS AND HIGHCHAIR PADS;
- 11 (VIII) INFANT BOUNCERS;
- 12 (IX) INFANT CARRIERS;
- 13 (X) INFANT OR TODDLER FOAM PILLOWS;
- 14 (XI) INFANT SEATS;
- 15 (XII) INFANT SLEEP POSITIONERS;
- 16 (XIII) INFANT SWINGS;
- 17 (XIV) INFANT TRAVEL BEDS;
- 18 (XV) INFANT WALKERS;
- 19 (XVI) NAP COTS;
- 20 (XVII) NURSING PADS AND PILLOWS;
- 21 (XVIII) PLAY MATS;
- 22 (XIX) PLAYPENS;
- 23 (XX) PLAY YARDS;
- 24 (XXI) POLYURETHANE FOAM MATS, PADS, OR PILLOWS;
- 25 (XXII) PORTABLE FOAM NAP MATS;
- 26 (XXIII) PORTABLE INFANT SLEEPERS AND HOOK-ON CHAIRS;
- 27 (XXIV) SOFT-SIDED PORTABLE CRIBS; AND

1 (XXV) STROLLERS.
2 (c) "JUVENILE PRODUCT" DOES NOT INCLUDE:
3 (I) ELECTRONIC PRODUCTS, INCLUDING:
4 (A) PERSONAL COMPUTERS AND ANY ASSOCIATED EQUIPMENT;
5 (B) AUDIO AND VIDEO EQUIPMENT;
6 (C) CALCULATORS;
7 (D) WIRELESS PHONES;
8 (E) GAMING CONSOLES;
9 (F) HANDHELD DEVICES INCORPORATING A VIDEO SCREEN; AND
10 (G) ANY ASSOCIATED PERIPHERAL DEVICE SUCH AS A MOUSE,
11 KEYBOARD, POWER SUPPLY UNIT, OR POWER CORD;
12 (II) PRODUCTS THAT ARE REGULATED AS A DRUG, MEDICAL
13 DEVICE, OR DIETARY SUPPLEMENT BY THE FEDERAL FOOD AND DRUG
14 ADMINISTRATION UNDER THE "FEDERAL FOOD, DRUG, AND COSMETIC
15 ACT", 21 U.S.C. SEC. 301 ET SEQ., AS AMENDED, OR ANY FEDERAL
16 REGULATION PROMULGATED PURSUANT TO THAT ACT, AND ANY
17 EQUIPMENT AND MATERIALS USED TO MANUFACTURE SUCH PRODUCTS;
18 (III) AN INTERNAL COMPONENT OF A JUVENILE PRODUCT THAT
19 WOULD NOT COME INTO DIRECT CONTACT WITH A CHILD'S SKIN OR MOUTH
20 DURING REASONABLY FORESEEABLE USE AND ABUSE OF THE PRODUCT; OR
21 (IV) ADULT MATTRESSES.
22 (17) (a) "MANUFACTURER" MEANS THE PERSON THAT
23 MANUFACTURES OR ASSEMBLES A PRODUCT OR WHOSE BRAND NAME IS
24 AFFIXED TO A PRODUCT.
25 (b) "MANUFACTURER" INCLUDES, IF A PRODUCT IS IMPORTED INTO
26 THE UNITED STATES AND THE MANUFACTURER DOES NOT HAVE A
27 PRESENCE IN THE UNITED STATES, THE IMPORTER OR FIRST DOMESTIC

1 DISTRIBUTOR OF THE PRODUCT.

2 (18) "OIL AND GAS OPERATIONS" HAS THE MEANING SET FORTH IN
3 SECTION 34-60-103 (6.5).

4 (19) "OIL AND GAS PRODUCTS" MEANS ANY CHEMICAL PRODUCTS
5 USED FOR OIL AND GAS OPERATIONS, INCLUDING HYDRAULIC FRACTURING
6 FLUID, DRILLING FLUID, AND PROPPANTS.

7 (20) "PACKAGE" MEANS MATERIAL THAT IS USED TO CONTAIN,
8 PROTECT, HANDLE, DELIVER, OR PRESENT A PRODUCT.

9 (21) "PACKAGING COMPONENT" MEANS AN INDIVIDUAL PART OF A
10 PACKAGE, INCLUDING INTERIOR OR EXTERIOR BLOCKING, BRACING,
11 CUSHIONING, WEATHERPROOFING, EXTERIOR STRAPPING, COATINGS,
12 CLOSURES, INKS, AND LABELS.

13 (22) "PFAS CHEMICALS" HAS THE MEANING SET FORTH IN SECTION
14 25-5-1302 (7).

15 (23) "PRIORITY PRODUCT" MEANS A PRODUCT THAT THE
16 EXECUTIVE DIRECTOR HAS IDENTIFIED AS A PRIORITY PRODUCT BY RULE
17 UNDER SECTION 25-5-1405 (2)(a) AND (3)(a).

18 (24) "PRIORITY PRODUCT CATEGORY" MEANS A PRODUCT
19 CATEGORY THAT THE EXECUTIVE DIRECTOR HAS IDENTIFIED AS A PRIORITY
20 PRODUCT CATEGORY BY RULE UNDER SECTION 25-5-1405 (2)(a) AND
21 (3)(a).

22 (25) (a) "PRODUCT" MEANS AN ITEM THAT IS MANUFACTURED,
23 ASSEMBLED, PACKAGED, OR OTHERWISE PREPARED FOR SALE TO
24 CONSUMERS AND THAT IS SOLD OR DISTRIBUTED FOR PERSONAL,
25 RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL USE, INCLUDING FOR USE IN
26 MAKING OTHER PRODUCTS.

27 (b) "PRODUCT" INCLUDES ANY PRODUCT COMPONENTS.

1 (c) "PRODUCT" DOES NOT INCLUDE A USED PRODUCT OFFERED FOR
2 SALE OR RESALE.

3 (26) "PRODUCT CATEGORY" MEANS A CLASS OR DIVISION OF
4 PRODUCTS THAT SHARE RELATED CHARACTERISTICS.

5 (27) "PRODUCT COMPONENT" MEANS AN IDENTIFIABLE
6 COMPONENT OF A PRODUCT, REGARDLESS OF WHETHER THE
7 MANUFACTURER OF THE PRODUCT IS THE MANUFACTURER OF THE
8 COMPONENT.

9 (28) "PROPPANTS" MEANS MATERIALS THAT ARE INSERTED OR
10 INJECTED INTO AN UNDERGROUND GEOLOGIC FORMATION DURING OIL AND
11 GAS OPERATIONS IN ORDER TO PREVENT FRACTURES FROM CLOSING.

12 (29) "SAFER ALTERNATIVE" MEANS AN ALTERNATIVE TO THE USE
13 OF PFAS CHEMICALS IN A PRODUCT, WHICH ALTERNATIVE:

14 (a) INVOLVES A CHEMICAL SUBSTITUTE OR A CHANGE IN THE
15 MATERIALS, FUNCTION, OR DESIGN OF THE PRODUCT;

16 (b) DOES NOT INCLUDE PFAS CHEMICALS; AND

17 (c) IS LESS HAZARDOUS TO PUBLIC HEALTH AND THE ENVIRONMENT
18 THAN THE USE OF PFAS CHEMICALS.

19 (30) (a) "SENSITIVE POPULATION" MEANS A CATEGORY OF PEOPLE,
20 AS IDENTIFIED BY THE EXECUTIVE DIRECTOR BY RULE UNDER SECTION
21 25-5-1405 (2)(b)(III), WHO ARE DISPROPORTIONATELY OR SEVERELY
22 AFFECTED BY EXPOSURE TO PFAS CHEMICALS.

23 (b) "SENSITIVE POPULATION" INCLUDES:

24 (I) PEOPLE OF CHILDBEARING AGE;

25 (II) INFANTS AND CHILDREN;

26 (III) PEOPLE WHO ARE PREGNANT OR NURSING;

27 (IV) PEOPLE WITH OCCUPATIONAL EXPOSURE; AND

1 (V) PEOPLE WHO ARE ELDERLY.

2 (31) "SENSITIVE SPECIES" MEANS A SPECIES OR GROUPING OF
3 ANIMALS, AS IDENTIFIED BY THE EXECUTIVE DIRECTOR BY RULE UNDER
4 SECTION 25-5-1405 (2)(b)(III), THAT ARE DISPROPORTIONATELY OR
5 SEVERELY AFFECTED BY EXPOSURE TO PFAS CHEMICALS.

6 (32) (a) "TEXTILE" MEANS ANY PRODUCT MADE IN WHOLE OR IN
7 PART FROM A NATURAL OR SYNTHETIC FIBER, YARN, OR FABRIC.

8 (b) "TEXTILE" INCLUDES LEATHER, COTTON, SILK, JUTE, HEMP,
9 WOOL, NYLON, AND POLYESTER.

10 (c) "TEXTILE" DOES NOT INCLUDE TEXTILES USED IN MEDICAL,
11 PROFESSIONAL, OR INDUSTRIAL SETTINGS.

12 (33) (a) "TEXTILE FURNISHINGS" MEANS TEXTILES OF A TYPE
13 CUSTOMARILY USED IN HOUSEHOLDS AND BUSINESSES, INCLUDING
14 DRAPERIES, FLOOR COVERINGS, FURNISHINGS, BEDDING, TOWELS, AND
15 TABLECLOTHS.

16 (b) "TEXTILE FURNISHINGS" DOES NOT INCLUDE TEXTILE
17 FURNISHINGS USED IN MEDICAL, PROFESSIONAL, OR INDUSTRIAL SETTINGS.

18 (34) "UPHOLSTERED FURNITURE" MEANS ANY ARTICLE OF
19 FURNITURE THAT IS:

20 (a) DESIGNED FOR SITTING, RESTING, OR RECLINING; AND

21 (b) WHOLLY OR PARTIALLY STUFFED WITH FILLING MATERIAL.

22 **25-5-1404. Notification requirement - rules - fee - repeal.**

23 (1) (a) EXCEPT AS DESCRIBED IN SUBSECTION (7) OF THIS SECTION, BY THE
24 TIME SPECIFIED IN SUBSECTION (1)(b) OF THIS SECTION, A MANUFACTURER
25 THAT SELLS OR DISTRIBUTES A PRODUCT THAT CONTAINS INTENTIONALLY
26 ADDED PFAS CHEMICALS FOR USE IN THE STATE SHALL SUBMIT A WRITTEN
27 NOTIFICATION TO THE EXECUTIVE DIRECTOR THAT INCLUDES:

- 1 (I) THE TRADE NAME OF THE PRODUCT;
- 2 (II) A DESCRIPTION OF THE PURPOSE THAT PFAS CHEMICALS
3 SERVE IN THE PRODUCT;
- 4 (III) THE NAME AND PHYSICAL ADDRESS OF THE MANUFACTURER;
- 5 (IV) THE NAME, PHYSICAL ADDRESS, AND PHONE NUMBER OF A
6 CONTACT PERSON FOR THE MANUFACTURER; AND
- 7 (V) ANY ADDITIONAL INFORMATION REQUIRED BY THE EXECUTIVE
8 DIRECTOR BY RULE.

9 (b) (I) (A) FOR MANUFACTURERS THAT WERE SELLING OR
10 DISTRIBUTING A PRODUCT THAT CONTAINS INTENTIONALLY ADDED PFAS
11 CHEMICALS FOR USE IN THE STATE BEFORE JANUARY 1, 2025, THE
12 MANUFACTURER SHALL SUBMIT THE WRITTEN NOTIFICATION PURSUANT TO
13 SUBSECTION (1)(a) OF THIS SECTION NO LATER THAN THIRTY DAYS BEFORE
14 JANUARY 1, 2025.

15 (B) THIS SUBSECTION (1)(b)(I) IS REPEALED, EFFECTIVE
16 DECEMBER 31, 2025.

17 (II) FOR MANUFACTURERS THAT BEGIN TO SELL OR DISTRIBUTE A
18 PRODUCT THAT CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS FOR
19 USE IN THE STATE ON OR AFTER JANUARY 1, 2025, THE MANUFACTURER
20 SHALL SUBMIT THE WRITTEN NOTIFICATION PURSUANT TO SUBSECTION
21 (1)(a) OF THIS SECTION AT LEAST THIRTY DAYS AFTER THE
22 MANUFACTURER BEGINS SELLING OR DISTRIBUTING THE PRODUCT.

23 (2) NO LATER THAN THIRTY DAYS AFTER THE EXECUTIVE
24 DIRECTOR RECEIVES A WRITTEN NOTIFICATION UNDER SUBSECTION (1) OF
25 THIS SECTION, THE EXECUTIVE DIRECTOR SHALL PUBLISH THE TRADE NAME
26 OF THE PRODUCT AND THE NAME OF THE MANUFACTURER OF THE PRODUCT
27 ON THE DEPARTMENT'S WEBSITE.

1 (3) UPON THE APPROVAL OF THE EXECUTIVE DIRECTOR, A
2 MANUFACTURER MAY SUPPLY THE INFORMATION, AS APPLICABLE,
3 REQUIRED UNDER SUBSECTION (1) OF THIS SECTION FOR A PRODUCT
4 CATEGORY MANUFACTURED BY THE MANUFACTURER.

5 (4) IF THERE IS A CHANGE IN THE INFORMATION PROVIDED UNDER
6 SUBSECTION (1) OR (3) OF THIS SECTION, THE MANUFACTURER SHALL
7 NOTIFY THE EXECUTIVE DIRECTOR AT LEAST THIRTY DAYS AFTER THE
8 DATE THAT THE MANUFACTURER HAS KNOWLEDGE OF THE CHANGE.

9 (5) THE EXECUTIVE DIRECTOR MAY WAIVE ALL OR PART OF THE
10 NOTIFICATION REQUIREMENT IN SUBSECTION (1) OF THIS SECTION IF THE
11 EXECUTIVE DIRECTOR DETERMINES THAT SUBSTANTIALLY EQUIVALENT
12 INFORMATION IS PUBLICLY AVAILABLE.

13 (6) THE EXECUTIVE DIRECTOR MAY:

14 (a) ENTER INTO AN AGREEMENT WITH ONE OR MORE OTHER STATES
15 OR POLITICAL SUBDIVISIONS OF A STATE TO COLLECT THE NOTIFICATIONS
16 REQUIRED UNDER SUBSECTION (1) OF THIS SECTION; AND

17 (b) ALLOW MANUFACTURERS TO SUBMIT THE NOTIFICATIONS
18 REQUIRED UNDER SUBSECTION (1) OF THIS SECTION TO A SYSTEM SHARED
19 WITH ONE OR MORE OTHER STATES OR POLITICAL SUBDIVISIONS OF A
20 STATE.

21 (7) THE EXECUTIVE DIRECTOR MAY EXTEND THE DEADLINE FOR
22 THE NOTIFICATION REQUIREMENT IN SUBSECTION (1) OF THIS SECTION IF
23 THE EXECUTIVE DIRECTOR DETERMINES THAT MORE TIME IS NEEDED BY A
24 MANUFACTURER TO COMPLY WITH THE NOTIFICATION REQUIREMENT.

25 (8) (a) WHEN SUBMITTING THE NOTIFICATION REQUIRED UNDER
26 SUBSECTION (1) OF THIS SECTION, THE MANUFACTURER SHALL PAY A FEE
27 IN AN AMOUNT THAT THE EXECUTIVE DIRECTOR HAS ESTABLISHED OR

1 ADJUSTED BY RULE FOR THE COSTS OF THE ADMINISTRATION AND
2 IMPLEMENTATION OF THIS SECTION.

3 (b) THE EXECUTIVE DIRECTOR MAY BASE THE FEE ON THE AMOUNT
4 OF PFAS CHEMICALS USED IN A PRODUCT OR PRODUCT CATEGORY OR THE
5 AMOUNT OF SALES OF THE PRODUCT OR PRODUCT CATEGORY IN THE STATE.

6 (c) THE EXECUTIVE DIRECTOR SHALL TRANSMIT ALL FEES
7 COLLECTED UNDER THIS SECTION TO THE STATE TREASURER, WHO SHALL
8 CREDIT THEM TO THE FUND.

9 **25-5-1405. Prohibition - identification of the list of priority**
10 **products - exemption - fee - rules.** (1) (a) ON AND AFTER JANUARY 1,
11 2024, A PERSON SHALL NOT SELL, OFFER FOR SALE, DISTRIBUTE FOR SALE,
12 OR DISTRIBUTE FOR USE IN THE STATE ANY PRODUCT IN ANY OF THE
13 FOLLOWING PRODUCT CATEGORIES IF THE PRODUCT CONTAINS
14 INTENTIONALLY ADDED PFAS CHEMICALS:

- 15 (I) CARPETS OR RUGS;
- 16 (II) COOKWARE;
- 17 (III) COSMETICS;
- 18 (IV) FABRIC TREATMENTS;
- 19 (V) FOOD PACKAGING;
- 20 (VI) JUVENILE PRODUCTS;
- 21 (VII) OIL AND GAS PRODUCTS;
- 22 (VIII) TEXTILE FURNISHINGS; AND
- 23 (IX) UPHOLSTERED FURNITURE.

24 (b) THE EXECUTIVE DIRECTOR SHALL ADOPT RULES TO IMPLEMENT
25 THIS SUBSECTION (1), INCLUDING RULES IDENTIFYING SPECIFIC PRODUCTS
26 WITHIN THE PRODUCT CATEGORIES DESCRIBED IN SUBSECTION (1)(a) OF
27 THIS SECTION, WHICH SPECIFIC PRODUCTS CONTAIN INTENTIONALLY

1 ADDED PFAS CHEMICALS AND ARE THEREFORE SUBJECT TO THE
2 PROHIBITION SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION.

3 (2) (a) NO LATER THAN JANUARY 1, 2025, THE EXECUTIVE
4 DIRECTOR SHALL IDENTIFY BY RULE A LIST OF PRIORITY PRODUCTS AND
5 PRIORITY PRODUCT CATEGORIES THAT ARE NOT IDENTIFIED PURSUANT TO
6 SUBSECTION (1) OF THIS SECTION. THE EXECUTIVE DIRECTOR SHALL POST
7 THE LIST OF PRIORITY PRODUCTS AND PRIORITY PRODUCT CATEGORIES
8 IDENTIFIED UNDER THIS SUBSECTION (2)(a) ON THE DEPARTMENT'S
9 WEBSITE.

10 (b) THE EXECUTIVE DIRECTOR SHALL IDENTIFY EACH PRIORITY
11 PRODUCT OR PRIORITY PRODUCT CATEGORY BASED ON:

12 (I) WHETHER THE PRODUCT OR PRODUCT CATEGORY CONTAINS
13 INTENTIONALLY ADDED PFAS CHEMICALS;

14 (II) WHETHER THE USE OF PFAS CHEMICALS IN THE PRODUCT OR
15 PRODUCT CATEGORY CONSTITUTES A CURRENTLY UNAVOIDABLE USE, AS
16 DETERMINED BY THE EXECUTIVE DIRECTOR BY RULE;

17 (III) THE PRODUCT'S OR PRODUCT CATEGORY'S RISK OF EXPOSING
18 SENSITIVE POPULATIONS AND SENSITIVE SPECIES TO PFAS CHEMICALS, AS
19 SUCH SENSITIVE POPULATIONS AND SENSITIVE SPECIES MAY BE IDENTIFIED
20 BY THE EXECUTIVE DIRECTOR BY RULE;

21 (IV) THE PRODUCT'S OR PRODUCT CATEGORY'S RISK OF EXPOSING
22 THE OUTDOOR ENVIRONMENT TO PFAS CHEMICALS, WITH PRIORITY GIVEN
23 TO SURFACE WATER, GROUNDWATER, SEDIMENTS, AND OTHER
24 ECOLOGICALLY SENSITIVE AREAS;

25 (V) THE PRODUCT'S OR PRODUCT CATEGORY'S RISK OF EXPOSING
26 THE INDOOR ENVIRONMENT TO PFAS CHEMICALS, INCLUDING INDOOR AIR
27 AND DUST;

1 (VI) THE VOLUME OF PFAS CHEMICALS USED IN THE PRODUCT OR
2 PRODUCT CATEGORY; AND

3 (VII) RESTRICTIONS ON THE USE OF PFAS CHEMICALS IN THE
4 PRODUCT OR PRODUCT CATEGORY IN OTHER STATES AND NATIONS.

5 (c) NO LATER THAN DECEMBER 31, 2027, THE EXECUTIVE
6 DIRECTOR SHALL PROMULGATE RULES PROHIBITING A PERSON FROM
7 SELLING, OFFERING FOR SALE, DISTRIBUTING FOR SALE, OR DISTRIBUTING
8 FOR USE IN THE STATE ANY PRIORITY PRODUCTS OR PRIORITY PRODUCT
9 CATEGORIES IDENTIFIED BY THE EXECUTIVE DIRECTOR UNDER SUBSECTION
10 (2)(a) OF THIS SECTION THAT CONTAIN INTENTIONALLY ADDED PFAS
11 CHEMICALS AND THAT THE EXECUTIVE DIRECTOR HAS NOT EXEMPTED
12 UNDER SUBSECTION (4) OF THIS SECTION. THE EXECUTIVE DIRECTOR SHALL
13 POST THE UPDATED LIST OF PRIORITY PRODUCTS AND PRIORITY PRODUCT
14 CATEGORIES IDENTIFIED UNDER SUBSECTION (2)(a) OF THIS SECTION ON
15 THE DEPARTMENT'S WEBSITE. THE EXECUTIVE DIRECTOR SHALL INCLUDE
16 ON THE UPDATED LIST ANY EXEMPTIONS FOR PRIORITY PRODUCTS AND
17 PRIORITY PRODUCT CATEGORIES THAT ARE GRANTED BY THE EXECUTIVE
18 DIRECTOR UNDER SUBSECTION (4) OF THIS SECTION.

19 (3) (a) NO LATER THAN JANUARY 1, 2028, THE EXECUTIVE
20 DIRECTOR SHALL IDENTIFY BY RULE A LIST OF PRIORITY PRODUCTS AND
21 PRIORITY PRODUCT CATEGORIES, IN ADDITION TO THE PRIORITY PRODUCTS
22 AND PRIORITY PRODUCT CATEGORIES IDENTIFIED BY THE EXECUTIVE
23 DIRECTOR UNDER SUBSECTION (2)(a) OF THIS SECTION, BASED ON THE
24 CONSIDERATIONS SET FORTH IN SUBSECTION (2)(b) OF THIS SECTION. THE
25 EXECUTIVE DIRECTOR SHALL POST THE ADDITIONAL LIST OF PRIORITY
26 PRODUCTS AND PRIORITY PRODUCT CATEGORIES IDENTIFIED UNDER THIS
27 SUBSECTION (3)(a) ON THE DEPARTMENT'S WEBSITE.

1 (b) NO LATER THAN DECEMBER 31, 2030, THE EXECUTIVE
2 DIRECTOR SHALL PROMULGATE RULES PROHIBITING A PERSON FROM
3 SELLING, OFFERING FOR SALE, DISTRIBUTING FOR SALE, OR DISTRIBUTING
4 FOR USE IN THE STATE ANY PRIORITY PRODUCTS OR PRIORITY PRODUCT
5 CATEGORIES IDENTIFIED BY THE EXECUTIVE DIRECTOR PURSUANT TO
6 SUBSECTION (3)(a) OF THIS SECTION THAT CONTAIN INTENTIONALLY
7 ADDED PFAS CHEMICALS AND THAT THE EXECUTIVE DIRECTOR HAS NOT
8 EXEMPTED UNDER SUBSECTION (4) OF THIS SECTION. THE EXECUTIVE
9 DIRECTOR SHALL POST THE UPDATED LIST OF PRIORITY PRODUCTS AND
10 PRIORITY PRODUCT CATEGORIES IDENTIFIED UNDER SUBSECTIONS (2)(a)
11 AND (3)(a) OF THIS SECTION ON THE DEPARTMENT'S WEBSITE. THE
12 EXECUTIVE DIRECTOR SHALL INCLUDE ON THE UPDATED LIST ANY
13 EXEMPTIONS FOR PRIORITY PRODUCTS AND PRIORITY PRODUCT
14 CATEGORIES THAT ARE GRANTED BY THE EXECUTIVE DIRECTOR UNDER
15 SUBSECTION (4) OF THIS SECTION.

16 (4) (a) THE EXECUTIVE DIRECTOR MAY EXEMPT A PRIORITY
17 PRODUCT OR A PRIORITY PRODUCT CATEGORY FROM THE RESTRICTIONS OF
18 THIS SECTION IF THE MANUFACTURER OR A CONSUMER OF THE PRIORITY
19 PRODUCT OR PRIORITY PRODUCT CATEGORY DEMONSTRATES TO THE
20 REASONABLE SATISFACTION OF THE EXECUTIVE DIRECTOR THAT, BASED ON
21 CURRENT MARKET DATA AND OTHER RELEVANT INFORMATION, THE USE OF
22 PFAS CHEMICALS IN THE PRIORITY PRODUCT OR PRIORITY PRODUCT
23 CATEGORY CONSTITUTES A CURRENTLY UNAVOIDABLE USE.

24 (b) AN EXEMPTION GRANTED BY THE EXECUTIVE DIRECTOR IS
25 EFFECTIVE FOR FIVE YEARS AFTER THE DATE THAT IT IS GRANTED. THE
26 EXECUTIVE DIRECTOR MAY RENEW ANY EXEMPTIONS FOR AN ADDITIONAL
27 FIVE YEARS IF THE MANUFACTURER OR A CONSUMER OF THE PRIORITY

1 PRODUCT OR PRIORITY PRODUCT CATEGORY DEMONSTRATES TO THE
2 REASONABLE SATISFACTION OF THE EXECUTIVE DIRECTOR THAT, BASED ON
3 CURRENT MARKET DATA AND OTHER RELEVANT INFORMATION, THE USE OF
4 PFAS CHEMICALS IN THE PRIORITY PRODUCT OR PRIORITY PRODUCT
5 CATEGORY CONTINUES TO CONSTITUTE A CURRENTLY UNAVOIDABLE USE.

6 (5) (a) WHEN SUBMITTING A REQUEST FOR AN EXEMPTION OR AN
7 EXEMPTION RENEWAL UNDER SUBSECTION (4) OF THIS SECTION, THE
8 MANUFACTURER OR CONSUMER SHALL PAY A FEE IN AN AMOUNT THAT THE
9 EXECUTIVE DIRECTOR HAS ESTABLISHED OR ADJUSTED BY RULE FOR THE
10 COSTS OF THE ADMINISTRATION AND IMPLEMENTATION OF THIS SECTION.

11 (b) THE EXECUTIVE DIRECTOR MAY BASE THE FEE ON THE AMOUNT
12 OF PFAS CHEMICALS USED IN A PRIORITY PRODUCT OR PRIORITY PRODUCT
13 CATEGORY OR THE AMOUNT OF SALES OF THE PRIORITY PRODUCT OR
14 PRIORITY PRODUCT CATEGORY IN THE STATE.

15 (c) THE EXECUTIVE DIRECTOR SHALL TRANSMIT ALL FEES
16 COLLECTED UNDER THIS SECTION TO THE STATE TREASURER, WHO SHALL
17 CREDIT THEM TO THE FUND.

18 **SECTION 2.** In Colorado Revised Statutes, 24-103-904, **amend**
19 (1) as follows:

20 **24-103-904. Purchasing preference for environmentally**
21 **preferable products - definitions.** (1) As used in this section, unless the
22 context otherwise requires:

23 (a) "Environmentally preferable products" means products,
24 INCLUDING PRODUCTS THAT DO NOT CONTAIN INTENTIONALLY ADDED
25 PFAS CHEMICALS, that have a lesser or reduced adverse effect on human
26 health and the environment when compared with competing products that
27 serve the same purpose. The product comparison may consider such

1 factors as the availability of any raw materials used in the product being
2 purchased and the availability, use, production, safe operation,
3 maintenance, packaging, distribution, disposal, or recyclability of the
4 product being purchased.

5 (b) "INTENTIONALLY ADDED PFAS CHEMICALS" HAS THE MEANING
6 SET FORTH IN SECTION 25-5-1403 (15).

7 **SECTION 3.** In Colorado Revised Statutes, 25-5-1302, **add** (1.5),
8 (3.6), (5.8), (7.5), (9), and (10) as follows:

9 **25-5-1302. Definitions.** As used in this part 13, unless the context
10 otherwise requires:

11 (1.5) "CLASS B FIRE" MEANS A FIRE INVOLVING FLAMMABLE
12 LIQUIDS OR GASES, INCLUDING PETROLEUM, PAINT, ALCOHOL, SOLVENT,
13 OIL, AND TAR.

14 (3.6) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
15 THE DEPARTMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

16 (5.8) "INTENTIONALLY ADDED PFAS CHEMICALS" HAS THE
17 MEANING SET FORTH IN SECTION 25-5-1403 (15).

18 (7.5) "RELEASE" MEANS ANY SPILLING, LEAKING, PUMPING,
19 POURING, EMPTYING, DISCHARGING, INJECTING, ESCAPING, LEACHING,
20 DUMPING, OR DISPOSING OF A CHEMICAL INTO THE ENVIRONMENT.

21 (9) "TERMINAL" MEANS A FACILITY THAT ENGAGES IN THE
22 WHOLESALE DISTRIBUTION OF CRUDE PETROLEUM AND PETROLEUM
23 PRODUCTS, INCLUDING LIQUIFIED PETROLEUM GAS FROM BULK LIQUID
24 STORAGE FACILITIES.

25 (10) "WATER QUALITY SPILLS HOTLINE" MEANS THE PHONE
26 SYSTEM CREATED AND MAINTAINED BY THE DEPARTMENT FOR THE
27 REPORTING OF SPILLS OR DISCHARGES INTO STATE WATERS TO THE

1 DEPARTMENT.

2 **SECTION 4.** In Colorado Revised Statutes, 25-5-1303, **amend**
3 (2)(b) and (2)(c); and **add** (3)as follows:

4 **25-5-1303. Restriction on sale of certain firefighting foams -**
5 **exemptions - recall - rules - repeal.** (2) The restrictions in subsection
6 (1) of this section do not apply to the manufacture, sale, or distribution of
7 class B firefighting foam:

8 (b) (I) For use at a gasoline, special fuel, or jet fuel storage and
9 distribution facility that is supplied by a pipeline, vessel, or refinery; a
10 tank farm from which gasoline, special fuel, or jet fuel may be removed
11 for distribution; or a refinery.

12 (II) THIS SUBSECTION (2)(b) IS REPEALED, EFFECTIVE JANUARY 1,
13 2024.

14 (c) (I) For use at a chemical plant; and

15 (II) THIS SUBSECTION (2)(c) IS REPEALED, EFFECTIVE JANUARY 1,
16 2024.

17 (3)(a) BEGINNING ON JANUARY 1, 2024, THE EXECUTIVE DIRECTOR
18 MAY GRANT A TEMPORARY EXEMPTION FROM THE RESTRICTIONS IN
19 SUBSECTION (1) OF THIS SECTION FOR THE PURCHASE OF CLASS B
20 FIREFIGHTING FOAM THAT IS USED TO EXTINGUISH CLASS B FIRES AT A
21 TERMINAL.

22 (b) THE EXECUTIVE DIRECTOR MAY GRANT A TEMPORARY
23 EXEMPTION UNDER SUBSECTION (3)(a) OF THIS SECTION ONLY IF THE
24 APPLICANT PROVIDES TO THE EXECUTIVE DIRECTOR:

25 (I) CLEAR AND CONVINCING EVIDENCE THAT THERE IS NOT A
26 COMMERCIALY AVAILABLE ALTERNATIVE TO THE CLASS B FIREFIGHTING
27 FOAM THAT:

1 (A) DOES NOT CONTAIN INTENTIONALLY ADDED PFAS
2 CHEMICALS; AND

3 (B) IS CAPABLE OF SUPPRESSING A CLASS B FIRE AT A TERMINAL;

4 (II) A DESCRIPTION OF THE AMOUNT OF CLASS B FIREFIGHTING
5 FOAM CONTAINING INTENTIONALLY ADDED PFAS CHEMICALS THAT IS
6 STORED, USED, AND RELEASED AT THE TERMINAL ON AN ANNUAL BASIS;

7 (III) A DESCRIPTION OF THE STEPS TAKEN TO TRANSITION THE
8 TERMINAL TO USING ONLY CLASS B FIREFIGHTING FOAM THAT DOES NOT
9 CONTAIN INTENTIONALLY ADDED PFAS CHEMICALS; AND

10 (IV) A DESCRIPTION OF THE CONTAINMENT MEASURES USED AT
11 THE TERMINAL TO PREVENT RELEASES OF CLASS B FIREFIGHTING FOAM
12 AND ANY ASSOCIATED FIREWATER, WASTEWATER, RUNOFF, AND OTHER
13 WASTE.

14 (c) A TEMPORARY EXEMPTION GRANTED UNDER SUBSECTION (3)(a)
15 OF THIS SECTION MAY NOT:

16 (I) EXCEED FIVE YEARS; OR

17 (II) BE RENEWED.

18 **SECTION 5.** In Colorado Revised Statutes, **add 25-5-1303.5** as
19 follows:

20 **25-5-1303.5. Restriction on use of certain firefighting foams.**

21 (1) BEGINNING JANUARY 1, 2024, A PERSON THAT USES CLASS B
22 FIREFIGHTING FOAM CONTAINING INTENTIONALLY ADDED PFAS
23 CHEMICALS SHALL:

24 (a) NOT ALLOW A RELEASE OF THE CLASS B FIREFIGHTING FOAM;

25 (b) FULLY CONTAIN THE CLASS B FIREFIGHTING FOAM BY
26 IMPLEMENTING APPROPRIATE CONTAINMENT MEASURES, WHICH MAY
27 INCLUDE BUNDS AND PONDS, THAT:

1 (I) ARE CONTROLLED;
2 (II) ARE IMPERVIOUS TO PFAS CHEMICALS; AND
3 (III) DO NOT ALLOW THE CLASS B FIREFIGHTING FOAM OR ANY
4 ASSOCIATED FIREWATER, WASTEWATER, RUNOFF, OR OTHER WASTE TO BE
5 RELEASED;

6 (c) SAFELY STORE ALL CLASS B FIREFIGHTING FOAM AND ANY
7 ASSOCIATED FIREWATER, WASTEWATER, RUNOFF, AND OTHER WASTE IN A
8 WAY THAT PREVENTS THEIR RELEASE UNTIL THE FEDERAL
9 ENVIRONMENTAL PROTECTION AGENCY HAS PUBLISHED GUIDANCE ON THE
10 PROPER DISPOSAL AND DESTRUCTION METHODS FOR PFAS CHEMICALS.
11 AFTER THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY HAS
12 PUBLISHED GUIDANCE ON THE PROPER DISPOSAL AND DESTRUCTION
13 METHODS FOR PFAS CHEMICALS, THE PERSON THAT USES THE CLASS B
14 FIREFIGHTING FOAM CONTAINING INTENTIONALLY ADDED PFAS
15 CHEMICALS SHALL DISPOSE OF AND DESTROY THE CLASS B FIREFIGHTING
16 FOAM IN ACCORDANCE WITH SUCH GUIDANCE.

17 (d) IF THERE IS A RELEASE OF THE CLASS B FIREFIGHTING FOAM OR
18 ANY ASSOCIATED FIREWATER, WASTEWATER, RUNOFF, OR OTHER WASTE,
19 REPORT THE FOLLOWING INFORMATION TO THE WATER QUALITY SPILLS
20 HOTLINE WITHIN TWENTY-FOUR HOURS AFTER ITS RELEASE:

21 (I) THE TRADE NAME AND PRODUCT NAME OF THE CLASS B
22 FIREFIGHTING FOAM;

23 (II) THE QUANTITY OF CLASS B FIREFIGHTING FOAM USED THAT
24 CONTAINS INTENTIONALLY ADDED PFAS CHEMICALS;

25 (III) THE AMOUNT AND TYPE OF PFAS CHEMICALS IN THE CLASS
26 B FIREFIGHTING FOAM; AND

27 (IV) THE AMOUNT OF CLASS B FIREFIGHTING FOAM OR ANY

1 ASSOCIATED FIREWATER, WASTEWATER, RUNOFF, AND OTHER WASTE THAT
2 IS RELEASED; AND

3 (e) DOCUMENT ANY MEASURES UNDERTAKEN PURSUANT TO THE
4 REQUIREMENTS OF THIS SECTION. IN INVESTIGATING COMPLIANCE WITH
5 THE REQUIREMENTS OF THIS SECTION, THE ATTORNEY GENERAL MAY
6 REQUEST THAT THE PERSON PROVIDE THE DOCUMENTATION CREATED
7 PURSUANT TO THE REQUIREMENTS OF THIS SUBSECTION (1)(e) TO THE
8 ATTORNEY GENERAL.

9 (2) BEGINNING JANUARY 1, 2024, A PERSON THAT USES CLASS B
10 FIREFIGHTING FOAM THAT CONTAINS INTENTIONALLY ADDED PFAS
11 CHEMICALS MUST REPORT THE USE OF THE CLASS B FIREFIGHTING FOAM TO
12 THE WATER QUALITY SPILLS HOTLINE WITHIN TWENTY-FOUR HOURS AFTER
13 ITS USE.

14 (3) THE RESTRICTIONS AND REQUIREMENTS IN SUBSECTIONS (1)
15 AND (2) OF THIS SECTION DO NOT APPLY TO THE USE OF CLASS B
16 FIREFIGHTING FOAM WHERE THE INCLUSION OF PFAS CHEMICALS IS
17 REQUIRED OR AUTHORIZED BY FEDERAL LAW, INCLUDING 14 CFR 139, OR
18 IMPLEMENTED IN ACCORDANCE WITH FEDERAL AVIATION ADMINISTRATION
19 GUIDANCE, OR OTHERWISE REQUIRED FOR A MILITARY PURPOSE.

20 **SECTION 6.** In Colorado Revised Statutes, **amend** 25-5-1307 as
21 follows:

22 **25-5-1307. Civil penalty.** (1) A manufacturer or a person who
23 violates ~~the provisions of~~ this part 13 is subject to a civil penalty not to
24 exceed five thousand dollars for each violation in the case of a first
25 offense. A manufacturer or a person who violates this part 13 repeatedly
26 is subject to a civil penalty not to exceed ten thousand dollars for each
27 repeat offense. Penalties collected under this part 13 must be deposited

1 in the local firefighter safety and disease prevention fund created in
2 section 24-33.5-1231.

3 (2) THE ATTORNEY GENERAL HAS THE AUTHORITY TO ENFORCE
4 THIS PART 13 AND TO CONDUCT CIVIL INVESTIGATIONS AND BRING CIVIL
5 ACTIONS FOR VIOLATIONS OF THIS PART 13.

6 **SECTION 7.** In Colorado Revised Statutes, 8-20-206.5, **amend**
7 (7)(a) as follows:

8 **8-20-206.5. Environmental response surcharge - liquefied**
9 **petroleum gas and natural gas inspection fund - perfluoroalkyl and**
10 **polyfluoroalkyl substances cash fund - definitions.** (7) (a) There is
11 hereby created in the state treasury the perfluoroalkyl and polyfluoroalkyl
12 substances cash fund, referred to in this subsection (7) as the "fund". The
13 fund consists of money credited to the fund pursuant to subsection (6) of
14 this section, SECTION 25-5-1404 (8), SECTION 25-5-1405 (5), and any other
15 money that the general assembly may appropriate or transfer to the fund.

16 **SECTION 8. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, or safety.

Attachment No. 7

Possible Construction Flexibility Options
Domestic Wastewater Treatment Works

Option	Short Name	WQPTs*	Designed Capacity (SA/PDR)	Constructed Design Capacity	Permitted Design Flow	80%/95% Capacity Thresholds (if not, derate)	Tiers Available if 61.8(2)(f) reqmt's met	Implementation Comments
1	Status Quo	10 MGD	10 MGD	10 MGD	10 MGD	Standard	Possible	Current process. No changes to permitting.
2	Construction Flexibility	10 MGD	10 MGD	5 MGD	10 MGD	Challenge	N/A	Design completed, permit ready. Need agreed time to begin expansion (e.g., based on constructed capacity - 95% construction). Confirm WQPTs not changed. Add condition in permit.
3	Hybrid	10 MGD	5 MGD	5 MGD	5 MGD	Standard	N/A	Need design review and permit update at expansion. Need agreed time for expansion (e.g., based on constructed capacity - 80% planning, 95% construction). Confirm WQPTs not changed. Essentially as now except for lower WQPTs. Permit similar to current, with documentation of lower WQPTs.
4	Prospective	10 MGD	10 MGD	10 MGD	10 MGD	Standard	10 MGD & 5 MGD	Like current process, but one set of effluent limits until lower threshold exceeded. Permit written with tiers (flow basis). Design reviewed for lowest limits. No other changes from current approach.
5	Environmentally Justified	10 MGD	10 MGD	10 MGD	10 MGD	Standard	10 MGD & 5 MGD	Like current process, but one set of effluent limits until lower threshold exceeded. Permit written with tiers (environmental basis). Design reviewed for lowest limits. No other changes from current approach.

Notes:

*WQPTs (TBELs; QBELs; NILs; ADBACs; Watershed-based Permitting; TMDLs; WLAs)