

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 20-0717.01 Pierce Lively x2059

HOUSE BILL 20-1119

HOUSE SPONSORSHIP

Exum and Landgraf,

SENATE SPONSORSHIP

Hisey and Lee,

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF THE STATE GOVERNMENT TO**
102 **REGULATE PERFLUOROALKYL AND POLYFLUOROALKYL**
103 **SUBSTANCES.**

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 addresses the authority of the state government to regulate perfluoroalkyl and polyfluoroalkyl substances (PFAS).

Section 1 of the bill addresses when PFAS may be used for firefighting foam system testing both in general and in certain aircraft hangars.

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.

Section 2 grants the department of public health and environment the power to adopt and enforce standards and regulations that require public drinking water systems to sample drinking water supply sources and finished drinking water for PFAS.

Section 3 clarifies that the water quality control commission may set standards related to PFAS in surface water and groundwater and may require wastewater systems to collect PFAS data relevant to the commission setting PFAS standards.

Section 4 requires the solid and hazardous waste commission to promulgate rules for a certificate of registration for any facility or fire department that possesses PFAS in firefighting agents or firefighting equipment and for standards for the capture and disposal of PFAS in firefighting agents or firefighting equipment.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-33.5-1234, **add**
3 (4) and (5) as follows:

4 **24-33.5-1234. Training restrictions with certain firefighting**
5 **foams - penalty - exemptions - definitions.** (4) ANY TESTING AT A
6 STRUCTURE THAT IS USED FOR THE STORAGE OR MAINTENANCE OF
7 AIRCRAFT IS EXEMPT FROM THE FIREFIGHTING FOAM FIRE SYSTEM TESTING
8 RESTRICTIONS IN SUBSECTION (1) OF THIS SECTION, SO LONG AS:

9 (a) THE STRUCTURE IS LOCATED IN AN AIRPORT THAT:

10 (I) HAS BEEN CERTIFIED BY THE FEDERAL AVIATION
11 ADMINISTRATION IN ACCORDANCE WITH 14 CFR 139;

12 (II) IS WITHIN THE STATE OF COLORADO;

13 (III) SERVES AT LEAST TWENTY MILLION PASSENGERS PER YEAR;

14 AND

15 (IV) HAS CONSTRUCTED CONTAINMENT SYSTEMS CAPABLE OF
16 CAPTURING ALL DISCHARGED FIREFIGHTING FOAM FOR SUBSEQUENT
17 DISPOSAL IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL
18 REGULATIONS; AND

1 (b) THE FIREFIGHTING FOAM TESTING OCCURS:
2 (I) AS REQUIRED BY THE STANDARDS OF THE NATIONAL FIRE
3 PROTECTION ASSOCIATION, AS STATED IN HAZARDOUS CHEMICALS DATA,
4 NFPA 49, 1994 EDITION, REVISED 2001, AS AMENDED;
5 (II) AS REFERENCED IN THE APPLICABLE BUILDING CODES;
6 (III) AS REQUIRED BY INSURANCE CARRIERS;
7 (IV) IN ACCORDANCE WITH MANUFACTURER RECOMMENDATIONS
8 FOR THE MAINTENANCE OF FIREFIGHTING FOAM SYSTEMS; AND
9 (V) AFTER THE SOLID AND HAZARDOUS WASTE COMMISSION
10 PROMULGATES RULES UNDER SECTION 25-15-302 (3.2), IN ACCORDANCE
11 WITH THE RULES FOR THE CAPTURE AND DISPOSAL OF PERFLUOROALKYL
12 AND POLYFLUOROALKYL SUBSTANCES PROMULGATED BY THE SOLID AND
13 HAZARDOUS WASTE COMMISSION UNDER SECTION 25-15-302 (3.2).
14 (5) ANY PERSON OR FIRE DEPARTMENT WHO POSSESSES A
15 CERTIFICATE OR REGISTRATION ISSUED IN ACCORDANCE WITH SECTION
16 25-15-302 (3.2) IS EXEMPT FROM THE FIREFIGHTING FOAM TESTING
17 RESTRICTIONS IN SUBSECTION (1) OF THIS SECTION.

18 **SECTION 2.** In Colorado Revised Statutes, 25-1.5-203, **add**
19 (1)(b)(III) as follows:

20 **25-1.5-203. Water - powers and duties of department - rules**
21 **- repeal.** (1) The department has, in addition to all other powers and
22 duties imposed upon it by law, the powers and duties provided in this
23 section as follows:

24 (b) **Quality of drinking water.** (III) STANDARDS AND
25 REGULATIONS ADOPTED PURSUANT TO THIS SUBSECTION (1)(b) MAY ALSO
26 REQUIRE PUBLIC DRINKING WATER SYSTEMS TO SAMPLE DRINKING WATER
27 SUPPLY SOURCES AND FINISHED DRINKING WATER FOR PERFLUOROALKYL

1 ANDPOLYFLUOROALKYL SUBSTANCES, AS DEFINED IN SECTION 25-5-1302
2 (7).

3 **SECTION 3.** In Colorado Revised Statutes, 25-8-202, **add** (9) as
4 follows:

5 **25-8-202. Duties of commission - rules.** (9) THE COMMISSION
6 MAY ADOPT STANDARDS AND REGULATIONS, BY RULE, RELATED TO
7 PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES, AS DEFINED IN
8 SECTION 25-5-1302 (7), IN SURFACE WATER AND GROUNDWATER AND MAY
9 REQUIRE WASTEWATER SYSTEMS TO COLLECT PERFLUOROALKYL AND
10 POLYFLUOROALKYL SUBSTANCES DATA.

11 **SECTION 4.** In Colorado Revised Statutes, 25-15-302, **add** (3.2)
12 as follows:

13 **25-15-302. Solid and hazardous waste commission - creation**
14 **- membership - rules - fees - administration - definition.** (3.2) (a) THE
15 COMMISSION SHALL PROMULGATE RULES ESTABLISHING A CERTIFICATE OF
16 REGISTRATION FOR ANY FACILITY OR FIRE DEPARTMENT THAT POSSESSES
17 PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES, ESTABLISHING
18 STANDARDS FOR THE CAPTURE AND DISPOSAL OF PERFLUOROALKYL AND
19 POLYFLUOROALKYL SUBSTANCES, AND SETTING PENALTIES FOR NOT
20 OBTAINING SUCH A CERTIFICATE OF REGISTRATION OR FOLLOWING SUCH
21 STANDARDS FOR THE CAPTURE AND DISPOSAL OF PERFLUOROALKYL AND
22 POLYFLUOROALKYL SUBSTANCES.

23 (b) ANY FACILITY OR FIRE DEPARTMENT THAT POSSESSES
24 PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES MUST OBTAIN
25 THE CERTIFICATE OF REGISTRATION CREATED UNDER SUBSECTION (3.2)(a)
26 OF THIS SECTION EITHER BEFORE JUNE 1, 2021, OR SIX MONTHS AFTER IT
27 FIRST OBTAINS PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES,

1 WHICHEVER IS LATER.

2 (c) IN ORDER TO OBTAIN THE CERTIFICATE OF REGISTRATION
3 CREATED UNDER SUBSECTION (3.2)(a) OF THIS SECTION, A FACILITY OR
4 FIRE DEPARTMENT MUST PROVE THAT IT FOLLOWS THE STANDARDS FOR
5 THE CAPTURE AND DISPOSAL OF PERFLUOROALKYL AND
6 POLYFLUOROALKYL SUBSTANCES CREATED UNDER SUBSECTION (3.2)(a)
7 OF THIS SECTION.

8 (d) AS USED IN THIS SECTION, "PERFLUOROALKYL AND
9 POLYFLUOROALKYL SUBSTANCES" MEANS FIREFIGHTING AGENTS AND
10 EQUIPMENT THAT CONTAIN A CLASS OF FLUORINATED ORGANIC CHEMICALS
11 CONTAINING AT LEAST ONE FULLY FLUORINATED CARBON ATOM.

12 **SECTION 5. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety.