

2025-2026 #311 Clean Final

Be it Enacted by the People of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 34-60-135.5 as follows:

34-60-135.5. Joint and several liability for damage to sources of underground drinking water – short title – purposes and findings – definitions. (1) **Short title.** THE SHORT TITLE OF THIS SECTION IS THE “PROTECT OUR UNDERGROUND SOURCES OF DRINKING WATER ACT”.

(2) **Purposes and findings.** THE PEOPLE OF THE STATE OF COLORADO HEREBY FIND AND DECLARE THAT:

(a) CLEAN UNDERGROUND SOURCES OF DRINKING WATER ARE VITAL TO THE HEALTH, SAFETY, AND WELFARE OF COLORADO RESIDENTS, AS WELL AS TO THE ENVIRONMENT AND WILDLIFE RESOURCES;

(b) IN COLORADO, MORE THAN TWO BILLION GALLONS OF TOXIC EXPLORATION AND PRODUCTION WASTE IS INJECTED UNDERGROUND EACH YEAR;

(c) DISPOSAL OF EXPLORATION AND PRODUCTION WASTE BY UNDERGROUND INJECTION CAN CAUSE CONTAMINATION OF UNDERGROUND AQUIFERS, INCLUDING THE DENVER BASIN AQUIFER, THAT ARE SOURCES OF CLEAN DRINKING WATER AND AGRICULTURAL WATER;

(d) CONTAMINATION OF UNDERGROUND SOURCES OF DRINKING WATER CAN CAUSE SUBSTANTIAL COSTS ON LANDOWNERS, COMMUNITIES, AND THE PUBLIC;

(e) IT IS IN THE PUBLIC INTEREST TO HOLD OPERATORS AND WASTE INJECTORS ACCOUNTABLE FOR ANY DAMAGE CAUSED TO UNDERGROUND SOURCES OF DRINKING WATER, ENSURING THAT THOSE RESPONSIBLE BEAR THE FINANCIAL BURDEN OF REMEDIATION AND COMPENSATION;

(f) JOINT AND SEVERAL LIABILITY IS NECESSARY TO ENSURE THAT ALL PARTIES CONTRIBUTING TO SUCH DAMAGE ARE HELD ACCOUNTABLE, PARTICULARLY WHERE MULTIPLE ACTORS ARE INVOLVED IN CAUSING HARM; AND

(g) THE PURPOSE OF THIS SECTION IS TO ENSURE PROMPT, COMPLETE, AND ENFORCEABLE ACCOUNTABILITY FOR CONTAMINATION OF POTABLE WATER SUPPLIES RESULTING FROM THE DISPOSAL OF EXPLORATION AND PRODUCTION WASTE BY IMPOSING JOINT AND SEVERAL LIABILITY ON:

(I) UNDERGROUND INJECTION DISPOSAL COMPANIES AND

(II) THE OPERATORS RESPONSIBLE FOR GENERATING THE EXPLORATION AND PRODUCTION WASTE.

(3) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) “UNDERGROUND SOURCE OF DRINKING WATER” HAS THE MEANING SET FORTH IN 40 CFR 144.3.

(b) “WASTE INJECTOR” MEANS ANY PERSON THAT OPERATES A CLASS II INJECTION WELL, AS CLASSIFIED UNDER 40 CFR 144.6(b), FOR THE DISPOSAL OF EXPLORATION AND PRODUCTION WASTE GENERATED BY OIL AND GAS OPERATIONS.

(4) **Joint and several liability for damage to an underground source of drinking water.** ANY OIL AND GAS OPERATOR OR WASTE INJECTOR THAT GENERATES OR INJECTS EXPLORATION AND PRODUCTION WASTE RESULTING IN DAMAGE TO AN UNDERGROUND SOURCE OF DRINKING WATER SHALL BE HELD JOINTLY AND SEVERALLY LIABLE FOR ALL COSTS ASSOCIATED WITH:

(a) REMEDIATION OF THE UNDERGROUND SOURCE OF DRINKING WATER TO RESTORE IT TO ITS PRE-DAMAGE CONDITION; AND

(b) COMPENSATION FOR ANY ECONOMIC, ENVIRONMENTAL, OR HEALTH-RELATED HARM CAUSED BY THE DAMAGE.

SECTION 2. Applicability. This measure applies to conduct occurring or contracts entered on or after the effective date of this measure.