

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Cutter

1 Amend the Health and Human Services Committee Report, dated
2 February 26, 2025, page 2, strike lines 5 through 9.

3 Amend printed bill, page 4, after line 21 insert:

4 "(3) THE GENERAL ASSEMBLY FURTHER DECLARES THAT BATTERY
5 STEWARDSHIP ORGANIZATIONS ESTABLISHED PURSUANT TO THIS PART 10
6 ARE INDEPENDENT, NONGOVERNMENTAL ENTITIES AND, FOR PURPOSES OF
7 SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, ARE NOT
8 DISTRICTS, AS DEFINED IN SECTION 20 (2)(b) OF ARTICLE X OF THE STATE
9 CONSTITUTION."

10 Page 6 of the bill, line 7, strike "10, THAT IS" and substitute "10;".

11 Page 6 of the bill, strike lines 8 and 9.

12 Page 7 of the bill, strike lines 11 through 15 and substitute:

13 "(16) "HOUSEHOLD HAZARDOUS WASTE FACILITY" MEANS A
14 FACILITY THAT IS SUBJECT TO FEDERAL AND STATE REGULATIONS AND
15 RULES THAT ENSURE THAT THE FACILITY IS COLLECTING UNIVERSAL
16 WASTE, INCLUDING UNIVERSAL WASTE BATTERIES, IN A MANNER THAT
17 PREVENTS THE HARMFUL IMPACT OF IMPROPER DISPOSAL OF THE
18 UNIVERSAL WASTE AND PURSUANT TO FEDERAL AND STATE REGULATIONS
19 AND RULES GOVERNING UNIVERSAL WASTE HANDLERS."

20 Page 11 of the bill, after line 19 insert:

21 "(28) "UNIVERSAL WASTE" HAS THE MEANING SET FORTH IN 40
22 CFR 273.9.

23 "(29) "UNIVERSAL WASTE BATTERY" MEANS A WASTE BATTERY
24 GENERATED BY A NONRESIDENTIAL ENTITY, SUCH AS A BUSINESS, SCHOOL,
25 OR GOVERNMENT AGENCY, THAT IS MANAGED AS UNIVERSAL WASTE
26 REGULATED IN ACCORDANCE WITH THE COMMISSION'S RULES GOVERNING
27 STANDARDS FOR UNIVERSAL WASTE MANAGEMENT.

28 "(30) "UNIVERSAL WASTE HANDLER" MEANS THE OWNER OR
29 OPERATOR OF A FACILITY THAT RECEIVES, ACCUMULATES, AND SENDS
30 UNIVERSAL WASTE TO ANOTHER UNIVERSAL WASTE HANDLER, A
31 DESTINATION FACILITY, OR A FOREIGN DESTINATION IN ACCORDANCE WITH
32 THE COMMISSION'S RULES GOVERNING STANDARDS FOR UNIVERSAL WASTE
33 MANAGEMENT."

- 1 Renumber succeeding subsection accordingly.
- 2 Page 13 of the bill, line 3, after "WITH" insert "AN APPROVED BATTERY
3 STEWARDSHIP PLAN AND".
- 4 Page 25 of the bill, strike lines 8 through 12 and substitute:
- 5 "(d) (I) THE DEPARTMENT MAY ISSUE A WARNING TO, SUSPEND, OR
6 TERMINATE A COLLECTION SITE THAT:
7 (A) DOES NOT ADHERE TO THE CRITERIA FOR COLLECTION SITES IN
8 THE APPROVED PLAN; OR
9 (B) POSES AN IMMEDIATE HEALTH AND SAFETY CONCERN.
10 (II) A BATTERY STEWARDSHIP ORGANIZATION SHALL REPORT A
11 NONCOMPLIANT SITE TO THE DEPARTMENT FOR REVIEW AND POTENTIAL
12 ENFORCEMENT ACTION. THE BATTERY STEWARDSHIP ORGANIZATION
13 SHALL SUSPEND SERVICES TO THE SITE AT THE TIME THE BATTERY
14 STEWARDSHIP ORGANIZATION REPORTS THE SITE TO THE DEPARTMENT AND
15 UNTIL THE SITE COMES INTO COMPLIANCE."
- 16 Page 25 of the bill, line 19, strike "STUDIES" and substitute "STUDIES,
17 INCLUDING THOSE CONDUCTED WITHIN COLORADO,".
- 18 Page 26 of the bill, strike lines 2 through 5 and substitute "BENEFITS.".
- 19 Page 26 of the bill, line 12, strike "COLLECTION," and substitute
20 "COLLECTION IN RURAL AND URBAN AREAS,".
- 21 Page 26 of the bill, line 16, after the semicolon add "AND".
- 22 Page 26 of the bill, line 19, strike "BATTERIES;" and substitute
23 "BATTERIES.".
- 24 Page 26 of the bill, strike lines 20 through 27.
- 25 Page 27 of the bill, strike lines 1 through 6.
- 26 Page 37 of the bill, strike lines 14 through 27 and substitute:
- 27 **"25-17-1015. Enforcement.** FOR VIOLATIONS RELATED TO
28 COVERED BATTERIES AND THE MANAGEMENT OF UNIVERSAL WASTE
29 PURSUANT TO THIS PART 10, THE ENFORCEMENT PROCESS IS CONDUCTED
30 PURSUANT TO SECTION 25-15-308 AND RULES ADOPTED BY THE
31 COMMISSION IN ACCORDANCE WITH SECTION 25-15-302."
- 32 Page 38 of the bill, strike lines 1 through 20.

1 Page 39 of the bill, after line 22 insert:

2 "SECTION 2. In Colorado Revised Statutes, 25-15-308, **amend**
3 (2)(a) and (4)(a); and **add** (5) as follows:

4 **25-15-308. Prohibited acts - enforcement - definition.**

5 (2) (a) Whenever the department finds that ~~any~~ A person is or has been
6 in violation of any permit, rule, regulation, or requirement of this part 3
7 OR PART 10 OF ARTICLE 17 OF THIS TITLE 25, the department may issue an
8 order identifying the factual and legal elements of such violation with
9 particularity and requiring such person to comply with any such permit,
10 rule, regulation, or requirement and may request the attorney general to
11 bring suit for injunctive relief or for penalties pursuant to section
12 25-15-309 or 25-15-310.

13 (4) (a) Any action pursuant to this part 3 OR PART 10 OF ARTICLE
14 17 OF THIS TITLE 25 shall commence within two years after the date upon
15 which the department discovers an alleged violation of this part 3 OR
16 PART 10 OF ARTICLE 17 OF THIS TITLE 25 or within five years after the date
17 upon which the alleged violation occurred, whichever date occurs earlier;
18 except that such limitation period is tolled during any period that the
19 alleged violation is intentionally concealed. ~~For the purposes of this~~
20 ~~section, "intentionally" shall have the meaning provided for such term in~~
21 ~~section 18-1-501 (5), C.R.S.~~

22 (5) AS USED IN THIS SECTION, "INTENTIONALLY" HAS THE MEANING
23 SET FORTH IN SECTION 18-1-501 (5).

24 **SECTION 3.** In Colorado Revised Statutes, 25-15-309, **amend**
25 (1), (2), (3) introductory portion, and (4) as follows:

26 **25-15-309. Administrative and civil penalties.** (1) ~~Any~~ A
27 person who violates the provisions of section 25-15-308, ~~or who violates~~
28 any compliance order of the department ~~which~~ THAT is not subject to a
29 stay pending judicial review and ~~which~~ THAT has been issued pursuant to
30 this part 3, OR VIOLATES PART 10 OF ARTICLE 17 OF THIS TITLE 25 shall, for
31 each such violation, be subject to a penalty for each day during which
32 such violation occurs or continues. The department may impose an
33 administrative penalty of no more than fifteen thousand dollars per day
34 per violation. In lieu of imposing an administrative penalty pursuant to
35 this section, the department may seek a civil penalty for violation of state
36 environmental law in the district court of the judicial district in which the
37 violation occurs. The district court may impose a civil penalty of no more
38 than twenty-five thousand dollars per day per violation.

39 (2) The department shall not be precluded from referring a matter
40 for criminal prosecution regardless of whether an order is issued pursuant
41 to section 25-15-301 (4)(a) or 25-15-308. The department shall not
42 impose both a civil penalty and an administrative penalty for any
43 particular instance of a violation of this part 3 OR PART 10 OF ARTICLE 17
44 OF THIS TITLE 25.

1 (3) The department, the administrative law judge, the commission,
2 or the court shall consider the factors contained in ~~paragraphs (a) to (i) of~~
3 ~~this subsection (3)~~ SUBSECTIONS (3)(a) TO (3)(i) OF THIS SECTION in
4 determining the amount of any administrative or civil penalty for a
5 violation of this part 3 OR PART 10 OF ARTICLE 17 OF THIS TITLE 25. The
6 factors contained in ~~paragraphs (f), (g), and (h) of this subsection (3)~~
7 SUBSECTIONS (3)(f), (3)(g), AND (3)(h) OF THIS SECTION shall be
8 mitigating factors and may be applied, together with other factors, to
9 reduce penalties. Such factors are:
10 (4) Notwithstanding ~~the provisions of~~ subsection (3) of this
11 section, the department may enter into settlement agreements regarding
12 any penalty or claim resolved pursuant to this part 3 OR PART 10 OF
13 ARTICLE 17 OF THIS TITLE 25. Any settlement agreement may include but
14 is not necessarily limited to the payment or contribution of ~~moneys~~
15 MONEY to state or local agencies or for other environmentally beneficial
16 purposes.".

17 Renumber succeeding section accordingly.

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