

CHAPTER 236

HEALTH AND ENVIRONMENT

HOUSE BILL 98-1324

BY REPRESENTATIVES Anderson, Morrison, Reeser, Swenson, and Udall;
also SENATOR Rizzuto.

AN ACT

CONCERNING ADMINISTRATION OF THE STATE SOLID WASTE MANAGEMENT PROGRAM, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 25-16-101, Colorado Revised Statutes, is amended to read:

25-16-101. Legislative declaration. (1) The general assembly hereby finds and declares that the existence of facilities subject to the federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980", including old radium mill residue deposits, poses a potential and significant health hazard. This article is therefore enacted to protect the public health, safety, and welfare by cooperating with the federal government in providing for the disposal and control of such wastes in a safe and environmentally sound manner to prevent or minimize other environmental impacts from such wastes and by providing for the creation of a hazardous substance response fund to provide the necessary state's share of the response costs of cleaning up such sites.

(2) THE GENERAL ASSEMBLY ALSO FINDS AND DECLARES THAT IN ORDER TO FURTHER THE PURPOSES OF SECTION 30-20-100.5, C.R.S., IT IS NECESSARY FOR A PORTION OF THE SOLID WASTE USER FEE IMPOSED UNDER SECTION 25-16-104.5 TO BE USED FOR THE PURPOSES SPECIFIED IN PART 1 OF ARTICLE 20 OF TITLE 30, C.R.S.

SECTION 2. 25-16-104.5 (1), (2), and (6), Colorado Revised Statutes, are amended to read:

25-16-104.5. Solid waste user fee - imposed - rate - direction - repeal. (1) On and after January 1, 1986, there is hereby imposed a user fee upon each person

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

disposing of solid waste at an attended solid wastes disposal site. The fee is intended to be a charge to waste producers in addition to any charges specified by contract. Such fee shall be collected by the operator of such site or facility at the time of disposal and shall be imposed and passed through to waste producers and other persons at the following rate, or at an equivalent rate established by the department:

- (a) ~~Ten~~ SEVEN cents per load transported by a motor vehicle which is commonly used for the noncommercial transport of persons over the public highways;
- (b) ~~Twenty~~ THIRTEEN cents per load transported by a truck, as such term is defined in section 42-1-102 (108), C.R.S., which is commonly used for the noncommercial transport of persons and property over the public highways;
- (c) ~~Thirty~~ TWENTY cents per cubic yard per load transported by any commercial vehicle or other vehicle not included in paragraph (a) or (b) of this subsection (1).

(2) All fee money collected by operators of solid waste disposal sites or facilities pursuant to subsection (1) of this section shall be transmitted by the last day of the month following the end of each calendar quarter to the state treasurer, who shall credit ~~the same~~ SEVENTY-FIVE PERCENT OF SUCH MONEYS to the hazardous substance response fund created in section 25-16-104.6 AND TWENTY-FIVE PERCENT TO THE SOLID WASTE MANAGEMENT FUND CREATED IN SECTION 30-20-118, C.R.S., FOR THE DEPARTMENT'S APPROPRIATION FOR SOLID WASTE MANAGEMENT.

- (6) This section is repealed, effective January 1, ~~1999~~ 2004.

SECTION 3. 25-17-106, Colorado Revised Statutes, is amended to read:

25-17-106. Repeal of part. This part 1 is repealed, effective July 1, ~~1998~~ 2008.

SECTION 4. 25-17-203, Colorado Revised Statutes, is amended to read:

25-17-203. Repeal of part. This part 2 is repealed, effective July 1, ~~2000~~ 2008.

SECTION 5. 30-20-101 (4), Colorado Revised Statutes, is amended to read:

30-20-101. Definitions. As used in this part 1, unless the context otherwise requires:

(4) "Recyclable materials" means ~~a~~ ANY type of DISCARDED OR WASTE material that is ~~subject to reuse or recycling~~ NOT REGULATED UNDER SECTION 25-8-205 (1) (e), C.R.S., AND CAN BE REUSED, REMANUFACTURED, RECLAIMED, OR RECYCLED, BUT NOT INCLUDING RECYCLED AUTO PARTS OR EXCLUDED SCRAP METAL THAT IS BEING RECYCLED, OR SCRAP THAT IS COMPOSED OF WORN OUT METAL OR A METAL PRODUCT THAT HAS OUTLIVED ITS ORIGINAL USE, COMMONLY REFERRED TO AS OBSOLETE SCRAP.

SECTION 6. 30-20-102 (5) and (6), Colorado Revised Statutes, are amended, and the said 30-20-102 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

30-20-102. Unlawful to operate site and facility without certificate of designation - exceptions. (5) Any site and facility operated for the purpose of processing, reclaiming, or recycling recyclable materials shall not be considered a solid wastes disposal site and facility and shall not require a certificate of designation as a solid wastes disposal site and facility; EXCEPT THAT, AFTER AN INITIAL ACCUMULATION PERIOD SPECIFIED BY REGULATION, SUCH A SITE OR FACILITY SHALL MAINTAIN DOCUMENTATION THAT PROVES RECYCLABLE MATERIALS ARE BEING RECYCLED AT THE SITE AT A RATE THAT APPROXIMATELY EQUALS THE RATE AT WHICH RECYCLABLE MATERIALS ARE BEING COLLECTED. The state board of health shall promulgate regulations TO SPECIFY WHAT TIME PERIODS AND VOLUMES OF RECYCLABLE MATERIALS CONSTITUTE OPERATIONS THAT QUALIFY FOR THIS EXEMPTION AND to define what materials shall be deemed to be recyclable materials for the purposes of this subsection (5); except that such regulations shall not define the term recyclable materials to include materials that are likely to contaminate ground water or create off-site odors as a result of processing, reclaiming, recycling, or storage prior to recycling. THIS SUBSECTION (5) DOES NOT APPLY TO ACTIVITIES REGULATED UNDER SECTION 25-8-205 (1) (e), C.R.S.

(6) Notwithstanding the provisions of subsections (1) and (2) of this section, the final use for beneficial purposes, including fertilizer, soil conditioner, fuel, and livestock feed, of sludge which has been processed and certified or designated as meeting all applicable regulations of the state board of health and the department of agriculture shall not require a certificate of designation for such final use. IN ADDITION, THE USE OF MANURE AS A FERTILIZER OR SOIL CONDITIONER OR THE COMPOSTING ON THE SITE OF GENERATION OF MANURE WITH OTHER COMPATIBLE MATERIALS NECESSARY FOR EFFECTIVE COMPOSTING AS PART OF A STANDARD AGRICULTURAL PRACTICE SHALL NOT REQUIRE A CERTIFICATE OF DESIGNATION.

(8) THE BOARD OF HEALTH, BY REGULATION, MAY SPECIFY TYPES OF COMPOSTING FACILITIES, BY SIZE, VOLUME, OR OTHER SUITABLE CRITERIA THAT PROVIDE EQUIVALENT PROTECTION OF PUBLIC HEALTH AND THE ENVIRONMENT THAT WOULD NOT BE REQUIRED TO OBTAIN A CERTIFICATE OF DESIGNATION.

SECTION 7. 30-20-104 (3) (a), Colorado Revised Statutes, is amended to read:

30-20-104. Factors to be considered. (3) (a) Prior to the issuance of a certificate of designation, the governing body having jurisdiction shall require that the report, which shall be submitted by the applicant under section 30-20-103, be reviewed and a recommendation as to approval or disapproval BE made by the department and shall be satisfied that the proposed solid wastes disposal site and facility conforms to the local government's comprehensive land use plan and zoning restrictions, if any. ANY TECHNICAL CONDITIONS OF APPROVAL MADE BY THE DEPARTMENT IN ITS FINAL REPORT SHALL BE INCORPORATED AS REQUIREMENTS IN THE CERTIFICATE OF DESIGNATION. The application, report of the department, comprehensive land use plan, relevant zoning ordinances, and other pertinent information shall be presented to the governing body having jurisdiction at a public hearing to be held after notice. Such notice shall contain the time and place of the hearing, shall state that the matter to be considered is the applicant's proposal for a solid wastes disposal site and facility, shall provide a description of such proposed site and facility, and shall provide a description of the geographic area ~~which~~ THAT is within three miles of such proposed site and facility. The notice shall be published in a newspaper having

general circulation in the county or municipality in which the proposed solid wastes disposal site and facility is located at least ten but no more than thirty days prior to the date of the hearing. In addition, the notice of such public hearing shall be posted at a conspicuous point in at least one location at the offices of the governing body having jurisdiction and in at least one location at the proposed site. Such notice shall be posted for a period beginning at least thirty days before the public hearing and continuing through the date of such hearing.

SECTION 8. 30-20-104.5, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

30-20-104.5. Closure and postclosure care estimates - corrective action cost estimates - financial assurance requirements - regulations. (3.5) THE DEPARTMENT, PURSUANT TO THE PROVISIONS OF PART 14 OF ARTICLE 30 OF TITLE 24, C.R.S., IS AUTHORIZED TO CONTRACT WITH ONE OR MORE PRIVATE CONTRACTORS FOR THE PURPOSE OF CONDUCTING THE THIRD-PARTY CLOSURE, POSTCLOSURE CARE, OR CORRECTIVE ACTION AT A SOLID WASTE FACILITY AS MAY BE NECESSARY. THE DEPARTMENT IS AUTHORIZED TO EXPEND SUCH MONEYS FOR CLOSURE, POSTCLOSURE CARE, OR CORRECTIVE ACTION AS IS MADE AVAILABLE TO THE DEPARTMENT BY OPERATION OF LAW FROM THE FINANCIAL ASSURANCE MECHANISMS PROVIDED BY THE OWNER OR OPERATOR OF THE SOLID WASTES SITE AND FACILITY. ANY SUCH CONTRACT SHALL BE BETWEEN THE DEPARTMENT AND THE PRIVATE CONTRACTOR. THE OWNER OR OPERATOR SHALL NOT BE A PARTY TO SUCH CONTRACT. THE DEPARTMENT MAY DISALLOW A CONTRACTOR BECAUSE OF CONFLICTS OF INTEREST OR OTHER REASONS. THE DEPARTMENT MAY CONTRACT WITH THE GOVERNING BODY THAT ISSUED THE CERTIFICATE OF DESIGNATION TO CONDUCT SUCH CLOSURE, POSTCLOSURE CARE, OR CORRECTIVE ACTION.

SECTION 9. 30-20-109 (1) (d), the introductory portion to 30-20-109 (2), and 30-20-109 (2) (b) and (2) (c), Colorado Revised Statutes, are amended, and the said 30-20-109 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

30-20-109. State board of health to promulgate rules and regulations - repeal. (1) The state board of health shall promulgate rules and regulations for the engineering design and operation of solid wastes disposal sites and facilities, which may include:

(d) ~~(H)~~ The establishment of a reviewing fee to be charged by the department for the review of any written recommendation and findings of a private contractor ~~concerning~~ WHO HAS ACTED IN LIEU OF THE DEPARTMENT TO REVIEW an application for a solid wastes disposal site and facility under the provisions of section 30-20-103.7 FOR OPERATIONAL, GEOLOGICAL, HYDROLOGICAL, AND ENGINEERING COMPLIANCE WITH THE STATE'S REQUIREMENTS. Such fee shall not exceed actual and reasonable costs up to ~~seventy-five~~ ONE HUNDRED dollars per hour. ~~The total fee charged for the review of the recommendation and findings concerning any such application~~ SUCH FEE shall not exceed ~~two~~ FIVE thousand ~~five hundred~~ dollars.

~~(H) (Deleted by amendment, L. 93, p. 475, §1, effective April 21, 1993.)~~

(2) The state board of health shall HAVE THE AUTHORITY TO promulgate rules ~~to~~

~~implement the following~~ CONCERNING:

(b) The establishment of a fee for the review of a new solid wastes disposal site and facility application or for the review of amendments OR REVISIONS to an original application upon which a certificate of designation has previously been issued, for the preoperation inspection for such site and facility, ~~and~~ for the attendance of department staff at public meetings and hearings concerning such application or amendments, AND FOR THE ASSESSMENT OF REMEDIATION ACTIVITIES CONCERNING CLOSED OR OLD DISPOSAL SITES OR SPILL AND INCIDENT CLEAN-UPS. The total fee charged for the review of an application or amendments to an application shall not exceed the actual documented costs incurred by the department in the performance of these activities. Such review shall be completed within one hundred fifty days from date of issuance of the department's decision to begin its review pursuant to the provisions of paragraph (c) of this subsection (2). In no case shall such fee exceed ten thousand dollars; except that such ten-thousand-dollar limit shall not apply to any application reviewed by a private contractor under the provisions of section 30-20-103.7. Moneys from the collection of such fees shall be credited to the solid waste management fund pursuant to the provisions of section 30-20-118. Such moneys shall be used solely to support the application review process and to support the staff of the department involved with such process.

~~(c) (f) The establishment of an annual solid waste site and facility registration fee to be used for the solid waste regulatory activities of the Colorado department of public health and environment. Each solid wastes disposal site and facility shall pay such fee on or before January 1, 1992, and on or before January 1 of each succeeding year. The state board of health is authorized to establish a schedule of registration fees for solid wastes disposal sites and facilities. The state board of health shall base such fees on the size and type of each solid wastes disposal site and facility and the volume of solid wastes received for treatment or disposal in the preceding year. In no case shall the annual fee for a solid wastes disposal site and facility exceed six thousand dollars. All moneys received from the collection of such fees shall be credited to the solid waste management fund pursuant to the provisions of section 30-20-118 and shall be subject to annual appropriation by the general assembly to the department to pay for the regulatory activities of the department.~~

~~(H) This paragraph (c) is repealed, effective July 1, 2001.~~

(d) THE ESTABLISHMENT OF CRITERIA FOR COMPOSTING SITES AND FACILITIES FOR WHICH A CERTIFICATE OF DESIGNATION IS NOT REQUIRED UNDER SECTION 30-20-102 (8).

SECTION 10. The introductory portion to 30-20-110 (1), Colorado Revised Statutes, is amended, and the said 30-20-110 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

30-20-110. Minimum standards. (1) The rules and regulations promulgated by the STATE BOARD OF HEALTH AND IMPLEMENTED BY THE department shall contain the following minimum standards:

(g) ALL FACILITIES SHALL HAVE A WASTE CHARACTERIZATION PLAN APPROVED BY THE DEPARTMENT THAT IS CONSISTENT WITH THE CERTIFICATE OF DESIGNATION FOR

THE FACILITY. THE PLAN SHALL OUTLINE SCREENING METHODOLOGIES AND WASTE HANDLING PROCEDURES AND SHALL INCLUDE A HAZARDOUS WASTE EXCLUSION PLAN.

(h) MATERIAL THAT IS BENEFICIALLY USED SHALL BE INCORPORATED INTO THE SOIL IN THE SHORTEST TIME FRAME THAT IS PRACTICABLE, ALLOWING FOR WEATHER CONDITIONS. MATERIALS THAT MAY BE BENEFICIALLY USED UNDER THIS SECTION MAY NOT BE STOCKPILED FOR LONG PERIODS OR USED IN SUCH A MANNER THAT THE MATERIAL CONSTITUTES A PUBLIC NUISANCE.

(i) MINIMUM STANDARDS FOR FACILITIES THAT DO NOT NEED A CERTIFICATE OF DESIGNATION UNDER SECTION 30-20-102 (5) SHALL INCLUDE AN ANNUAL REPORT OF QUANTITIES OF MATERIALS MANAGED AT THE SITE;

(j) SUCH MINIMUM STANDARDS SHALL REQUIRE THE REPORTING, DOCUMENTATION, OR REMEDIATION OF SPILLS AT ILLEGAL DISPOSAL SITES, ABANDONED DISPOSAL SITES, OR CONTAMINATED SITES.

SECTION 11. 30-20-113, Colorado Revised Statutes, is amended to read:

30-20-113. Inspection - enforcement - nuisances - violations - civil penalty.

~~(1) Any solid wastes disposal site and facility found to be abandoned or that is operated, maintained, inactive, or closed in a manner so as to violate any of the provisions of this part 1 or any rule or regulation adopted pursuant thereto shall be deemed a public nuisance, and such violation may be enjoined by a district court of competent jurisdiction in any action brought by the department, the board of county commissioners of the county wherein the violation occurred, or the governing body of the municipality wherein the violation occurred. NO PERSON SHALL:~~

~~(a) ABANDON A SOLID WASTES DISPOSAL SITE AND FACILITY OR OPERATE, MAINTAIN, OR CLOSE SUCH A FACILITY IN A MANNER THAT VIOLATES ANY OF THE PROVISIONS OF THIS PART 1, ANY RULE OR REGULATION ADOPTED PURSUANT THERETO, OR ANY CERTIFICATE OF DESIGNATION ISSUED UNDER SECTION 30-20-104;~~

~~(b) DISPOSE OF SOLID WASTE AT A LOCATION OTHER THAN A SITE DESIGNATED FOR SUCH USE BY A COUNTY OR MUNICIPALITY, UNLESS OTHERWISE EXEMPTED BY THIS PART 1 OR UNLESS THE PERSON IS DISPOSING OF HIS OR HER OWN WASTE ON HIS OR HER OWN PROPERTY.~~

~~(2) Disposal of solid waste at a location other than a site designated for such use by a county or municipality is a violation of this part 1, unless otherwise exempted by this part 1 or unless the person is disposing of his own solid waste on his own property, and shall be subject to clean-up and cease and desist orders. Such orders may be issued by the board of county commissioners if the violation occurred in the unincorporated area of the county, or by the governing body of a municipality if the violation occurred within the municipality. Any person who fails to comply with such orders shall be subject to a civil penalty of not more than two thousand dollars for each day of such violation. Such violation and civil penalty shall be determined and enforced by a court of competent jurisdiction upon action instituted by the board or governing body which issued the orders. Any penalty collected shall be distributed to the county or municipality which instituted the action. WHENEVER THE DEPARTMENT FINDS THAT ANY SOLID WASTES DISPOSAL SITE AND FACILITY OR ANY~~

PERSON IS IN VIOLATION OF SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT MAY ISSUE AN ORDER REQUIRING THAT SUCH SITE AND FACILITY OR PERSON COMPLY WITH ANY SUCH REQUIREMENT, RULE, REGULATION, OR CERTIFICATE OF DESIGNATION AND MAY REQUEST THE ATTORNEY GENERAL TO BRING SUIT FOR INJUNCTIVE RELIEF OR FOR PENALTIES PURSUANT TO THIS SECTION.

(3) ~~Nothing in this section shall preclude or preempt the authority of a county or municipality to adopt or enforce its own local resolutions or ordinances.~~ ANY SOLID WASTES DISPOSAL SITE AND FACILITY FOUND TO BE ABANDONED OR INACTIVE OR THAT IS OPERATED, MAINTAINED, OR CLOSED IN A MANNER SO AS TO VIOLATE ANY OF THE PROVISIONS OF THIS PART 1 OR ANY RULE OR REGULATION ADOPTED PURSUANT THERETO SHALL BE DEEMED A PUBLIC NUISANCE, AND SUCH VIOLATION MAY BE ENJOINED BY THE DEPARTMENT, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY WHEREIN THE VIOLATION OCCURRED, OR THE GOVERNING BODY OF THE MUNICIPALITY WHEREIN THE VIOLATION OCCURRED.

(4) ANY PERSON WHO VIOLATES PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION SHALL BE SUBJECT TO A CLEAN-UP AND CEASE AND DESIST ORDER ISSUED BY THE DEPARTMENT OR BY THE BOARD OF COUNTY COMMISSIONERS IF THE VIOLATION OCCURRED IN THE UNINCORPORATED AREA OF THE COUNTY, OR BY THE GOVERNING BODY OF A MUNICIPALITY IF THE VIOLATION OCCURRED WITHIN THE MUNICIPALITY. ANY PERSON WHO FAILS TO COMPLY WITH SUCH ORDERS SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN TWO THOUSAND DOLLARS FOR EACH DAY OF SUCH VIOLATION. SUCH VIOLATION AND CIVIL PENALTY SHALL BE DETERMINED AND ENFORCED BY A COURT OF COMPETENT JURISDICTION UPON ACTION INSTITUTED BY THE BOARD OR GOVERNING BODY THAT ISSUED THE ORDERS. ANY PENALTY COLLECTED SHALL BE DISTRIBUTED TO THE COUNTY OR MUNICIPALITY THAT INSTITUTED THE ACTION.

(5) (a) ANY PERSON WHO IS FOUND PURSUANT TO SUBSECTION (2) OF THIS SECTION TO BE IN VIOLATION OF SUBSECTION (1) OF THIS SECTION OR WHO FAILS TO COMPLY WITH AN ORDER ISSUED BY THE DEPARTMENT SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN TWO THOUSAND DOLLARS FOR EACH DAY OF SUCH VIOLATION.

(b) ANY PENALTY COLLECTED BY THE DEPARTMENT UNDER THIS PART 1 SHALL BE PAID TO THE STATE TREASURER; HOWEVER, NOTWITHSTANDING THIS PARAGRAPH (b), THE DEPARTMENT MAY ENTER INTO SETTLEMENT AGREEMENTS REGARDING ANY PENALTY OR CLAIM UNDER THIS PART 1. ANY SETTLEMENT AGREEMENT MAY INCLUDE BUT IS NOT NECESSARILY LIMITED TO THE PAYMENT OR CONTRIBUTION OF MONEYS TO STATE OR LOCAL AGENCIES FOR ENVIRONMENTALLY BENEFICIAL PURPOSES.

(6) THE DEPARTMENT, BY ITS DULY AUTHORIZED REPRESENTATIVES, SHALL HAVE THE POWER TO ENTER AND INSPECT EACH SOLID WASTES DISPOSAL SITE AND FACILITY, AS WELL AS ANY PROPERTY, PREMISES, OR PLACE IN WHICH SOLID WASTE IS REASONABLY BELIEVED TO BE LOCATED FOR THE PURPOSES OF DETERMINING COMPLIANCE WITH THE REQUIREMENTS, RULES, AND CERTIFICATE OF DESIGNATION ISSUED PURSUANT TO THIS PART 1. SUCH EMPLOYEE OR REPRESENTATIVE SHALL HAVE ACCESS TO ALL SUCH SITES AND FACILITIES DURING ANY TIME WHEN THE SITE OR FACILITY IS OPEN TO THE PUBLIC. IF SUCH ENTRY OR INSPECTION IS DENIED OR NOT CONSENTED TO AND NO EMERGENCY EXISTS, THE DEPARTMENT IS EMPOWERED TO AND SHALL OBTAIN FROM THE DISTRICT COURT FOR THE JUDICIAL DISTRICT IN WHICH

SUCH PROPERTY, PREMISES, OR PLACE IS LOCATED A WARRANT TO ENTER AND INSPECT ANY SUCH PROPERTY, PREMISES, OR PLACE PRIOR TO ENTRY AND INSPECTION. THE DISTRICT COURTS OF THIS STATE ARE EMPOWERED TO ISSUE SUCH WARRANTS UPON A SHOWING THAT SUCH ENTRY AND INSPECTION IS REQUIRED TO VERIFY THAT THE PURPOSES OF THIS PART 1 ARE BEING CARRIED OUT.

(7) THE STATE BOARD OF HEALTH SHALL ESTABLISH SUCH RULES AND REGULATIONS AS ARE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

(8) NOTHING IN THIS SECTION SHALL PRECLUDE OR PREEMPT THE AUTHORITY OF A COUNTY OR MUNICIPALITY TO ADOPT OR ENFORCE ITS OWN LOCAL RESOLUTIONS OR ORDINANCES.

(9) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 1, THE PROCESSING, APPLICATION, STORAGE, OR COMPOSTING OF BIOSOLIDS OR OTHER MATERIALS UNDER REGULATIONS PROMULGATED PURSUANT TO SECTION 25-8-205 (1) (e), C.R.S., SHALL BE EXCLUDED FROM THE PROVISIONS OF THIS PART 1.

SECTION 12. 30-20-118, Colorado Revised Statutes, is amended to read:

30-20-118. Solid waste management fund - created. (1) There is hereby created in the state treasury a fund to be known as the solid waste management fund, which shall consist of moneys collected pursuant to section 30-20-109 and section 30-20-103.7, AS WELL AS THAT PORTION OF THE FEE DESIGNATED FOR SOLID WASTE MANAGEMENT UNDER SECTION 25-16-104.5 (2), C.R.S. Such moneys shall be appropriated annually to the department by the general assembly. The moneys in the solid waste management fund shall not be credited or transferred to the general fund or any other fund of the state.

(2) MONEYS IN THE SOLID WASTE MANAGEMENT FUND MAY BE APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE IMPLEMENTATION OF THE DEPARTMENT'S SOLID WASTE PROGRAM PURSUANT TO THIS PART 1.

SECTION 13. Appropriation - adjustments in the 1998 long bill. (1) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 1998, shall be adjusted as follows:

(a) The appropriation to the department of public health and environment, administration and support, legal services, is increased by five thousand nine hundred fifty dollars (\$5,950). Such sum shall be from cash funds exempt from the solid waste management cash fund.

(b) The appropriation to the department of public health and environment, information technology services, ADP capital outlay, is increased by ten thousand five hundred dollars (\$10,500). Such sum shall be from cash funds exempt from the solid waste management cash fund.

(c) The appropriation to the department of public health and environment, hazardous materials waste management division, solid waste control program, program costs, is increased by four hundred thirty-six thousand five hundred forty dollars (\$436,540) and 4.2 FTE. Such sum shall be from cash funds from the solid

waste management cash fund.

(d) The appropriation to the department of law is increased by five thousand nine hundred fifty dollars (\$5,950) for the provision of legal services to the department of public health and environment related to the implementation of this act. Such sum shall be from cash funds exempt received from the department of public health and environment out of the appropriation made in paragraph (a) of this subsection (1).

SECTION 14. Effective date. This act shall take effect July 1, 1998.

SECTION 15. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 26, 1998