

CHAPTER 12

GOVERNMENT - COUNTY

HOUSE BILL 94-1077

BY REPRESENTATIVES Fleming, Morrison, Nichol, and Reeser;
also SENATOR Johnson.

AN ACT

**CONCERNING TRANSFERRING CERTAIN AUTHORITY TO PROMULGATE RULES AND REGULATIONS
REGARDING SOLID WASTES DISPOSAL SITES AND FACILITIES FROM THE DEPARTMENT OF HEALTH
TO THE STATE BOARD OF HEALTH.**

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

SECTION 1. 30-20-101, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

(8.5) "STATE BOARD OF HEALTH" MEANS THE STATE BOARD OF HEALTH CREATED IN SECTION 25-1-103, C.R.S.

SECTION 2. 30-20-102 (3) and (6), Colorado Revised Statutes, 1986 Repl. Vol., are amended to read:

30-20-102. Unlawful to operate site and facility without certificate of designation - exceptions. (3) Notwithstanding the provisions of subsections (1) and (2) of this section, any person other than a governmental unit may dispose of his own solid wastes on his own property, as long as such solid wastes disposal site and facility complies with the rules and regulations of the ~~department~~ STATE BOARD OF HEALTH and does not constitute a public nuisance. For the purposes of this part 1, such solid wastes disposal site and facility shall be an approved site for which obtaining a certificate of designation under the provisions of section 30-20-105 shall be unnecessary. This subsection (3) shall not preclude any person from applying for a certificate of designation for the disposal of his own solid wastes on his own

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

property.

(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 ~~department~~ STATE BOARD OF HEALTH and the department of agriculture shall not require a certificate of designation for such final use.

SECTION 3. 30-20-104.5 (4), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

30-20-104.5. Closure and postclosure care estimates - corrective action cost estimates - financial assurance requirements - regulations. (4) The regulations promulgated by the state board of health pursuant to the provisions of this section shall comply with the provisions of the federal regulations promulgated pursuant to subtitle D of the federal "Resource Conservation and Recovery Act of 1976", as amended. Such regulations shall require that all solid wastes disposal sites and facilities be fully in compliance with such regulations ~~on or before April 9, 1994~~ BY THE DATE ESTABLISHED IN THE FEDERAL "RESOURCE CONSERVATION AND RECOVERY ACT OF 1976", AS AMENDED, AND ITS REGULATIONS.

SECTION 4. The introductory portions to 30-20-109 (1) and (2) and 30-20-109 (2) (c) (I), Colorado Revised Statutes, 1986 Repl. Vol., as amended, are amended, and the said 30-20-109 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

30-20-109. State board of health to promulgate rules and regulations - repeal. (1) The ~~department~~ 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:

(2) The ~~department~~ STATE BOARD OF HEALTH shall promulgate rules and regulations to implement the following:

(c) (I) 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 health. 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 ~~department~~ STATE BOARD OF HEALTH is authorized to establish a schedule of registration fees for solid wastes disposal sites and facilities. The ~~department~~ 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 five 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.

(4) ANY AND ALL RULES PROMULGATED BY THE DEPARTMENT OF HEALTH PRIOR TO

THE TRANSFER OF ITS RULE-MAKING AUTHORITY UNDER THIS SECTION TO THE STATE BOARD OF HEALTH SHALL REMAIN IN FULL FORCE AND EFFECT AFTER THE DATE OF SUCH TRANSFER.

SECTION 5. 25-1-108 (1) (c), Colorado Revised Statutes, 1989 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

25-1-108. Powers and duties of the state board of health. (1) In addition to all other powers and duties conferred and imposed upon the state board of health by the provisions of this part 1, the board has the following specific powers and duties:

(c) (V) TO ADOPT RULES AND REGULATIONS CONCERNING SOLID WASTES DISPOSAL SITES AND FACILITIES.

SECTION 6. 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: March 9, 1994