

CHAPTER 67

HEALTH & ENVIRONMENT

HOUSE BILL 95-1161

BY REPRESENTATIVES Tucker, Agler, Tool, Adkins, May, Acquafresca, Dyer, Epps, George, Morrison, Reeser, Reeves, Gordon, Hagedorn, Knox, and Swenson;
also SENATORS Schroeder, Schaffier, and Tebedo.

AN ACT

CONCERNING THE CONTINUATION OF THE POLLUTION PREVENTION PROGRAM.

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

SECTION 1. 2-3-1203 (3) (h) (VII), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is repealed as follows:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(h) July 1, 1995:

(VII) ~~The pollution prevention advisory board appointed pursuant to section 25-16.5-104, C.R.S.;~~

SECTION 2. 25-16.5-104 (2), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is repealed as follows:

25-16.5-104. Pollution prevention advisory board - creation. (2) ~~(a) This section is repealed, effective July 1, 1995.~~

~~(b) Prior to said repeal, the advisory board shall be reviewed as provided for in section 2-3-1203 (3) (h), C.R.S.~~

SECTION 3. 25-16.5-105, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

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

25-16.5-105. Powers and duties of the advisory board. (1) The advisory board shall have the following powers and duties:

(a) To provide overall policy guidance, coordination, and advice in the development and implementation of the pollution prevention activities of the department;

~~(b) To develop pollution prevention goals and objectives;~~ TO SUPPORT NONREGULATORY PUBLIC AND PRIVATE EFFORTS THAT PROMOTE THE PREVENTION OF POLLUTION IN THIS STATE;

~~(c) To review environmental regulatory programs, laws, and policies to identify pollution prevention opportunities and incentives;~~ TO DEVELOP POLLUTION PREVENTION GOALS AND OBJECTIVES;

~~(d) To provide direction for pollution prevention outreach, education, training, and technical assistance programs;~~ TO REVIEW ENVIRONMENTAL REGULATORY PROGRAMS, LAWS, AND POLICIES TO IDENTIFY POLLUTION PREVENTION OPPORTUNITIES AND INCENTIVES;

~~(e) To report to the governor and the general assembly annually on the progress of and recommendations for changes in programs on pollution prevention;~~ TO PROVIDE DIRECTION FOR POLLUTION PREVENTION OUTREACH, EDUCATION, TRAINING, AND TECHNICAL ASSISTANCE PROGRAMS;

~~(f) To contract with a provider or providers, which may include the department, to provide pollution prevention activities as described in section 25-16.5-106.~~ TO REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY ANNUALLY ON THE PROGRESS OF AND RECOMMENDATIONS FOR CHANGES IN PROGRAMS ON POLLUTION PREVENTION;

(g) TO CONTRACT WITH A PROVIDER OR PROVIDERS, WHICH MAY INCLUDE THE DEPARTMENT, TO PROVIDE POLLUTION PREVENTION ACTIVITIES AS DESCRIBED IN SECTION 25-16.5-106.

SECTION 4. 25-16.5-108 (1) (a) and (3), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended, and the said 25-16.5-108 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

25-16.5-108. Pollution prevention fees. (1) (a) The department shall charge and collect pollution prevention fees from any reporting facility which is required to file a report with the department pursuant to the federal act as follows:

(I) Facilities required to report pursuant to section 11002 of the federal act shall pay ~~a~~ AN ANNUAL fee ~~up to but~~ not to exceed ten dollars per reporting facility;

(II) Each facility required to report pursuant to section 11022 of the federal act shall be required to pay ~~a~~ AN ANNUAL fee ~~up to but~~ not to exceed ten dollars for every hazardous substance located at the facility in excess of the thresholds adopted by the United States environmental protection agency;

(III) Each facility required to report pursuant to section 11023 of the federal act shall pay ~~a~~ AN ANNUAL fee ~~up to but~~ not to exceed twenty-five dollars for every extremely hazardous substance located at the facility in excess of the thresholds adopted by the United States environmental protection agency.

(a.5) THE DEPARTMENT SHALL CHARGE AND COLLECT POLLUTION PREVENTION FEES FROM ANY FEDERAL AGENCY FROM WHICH, PURSUANT TO FEDERAL EXECUTIVE ORDER NO. 12856, AS PUBLISHED IN 58 FED. REG. 41981 (1993), THE DEPARTMENT HAS THE AUTHORITY TO COLLECT POLLUTION PREVENTION FEES.

(3) ~~This section is repealed, effective July 1, 1996.~~

SECTION 5. 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: April 7, 1995