

CHAPTER 68

HEALTH AND ENVIRONMENT

HOUSE BILL 98-1096

BY REPRESENTATIVE Smith;
also SENATORS J. Johnson, Arnold, and Powers.

AN ACT

CONCERNING THE EXCLUSION OF CERTAIN SCRAP METALS FROM REGULATION AS SOLID WASTE.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) The federal environmental protection agency has found in 62 Fed. Reg. 25998 (1997) that scrap metal, including shredded circuit boards, should not be regulated as solid waste.

(b) In order to maximize the recovery and recycling of scrap metal, it is necessary to clarify under state law that scrap metal, if recycled, is not included within the definition of solid waste and will not be subject to regulation as solid waste.

SECTION 2. 30-20-101, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

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

(2.3) "EXCLUDED SCRAP METAL" MEANS PROCESSED SCRAP METAL, UNPROCESSED HOME SCRAP METAL, AND UNPROCESSED PROMPT SCRAP METAL.

(2.6) "HOME SCRAP METAL" MEANS SCRAP METAL GENERATED BY STEEL MILLS, FOUNDRIES, AND REFINERIES, INCLUDING, BUT NOT LIMITED TO, TURNINGS, CUTTINGS, PUNCHINGS, AND BORINGS.

(3.5) "PROCESSED SCRAP METAL" MEANS SCRAP METAL THAT HAS BEEN MANUALLY

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

OR PHYSICALLY ALTERED TO SEPARATE IT INTO DISTINCT MATERIALS TO ENHANCE ECONOMIC VALUE OR TO IMPROVE THE HANDLING OF MATERIALS. PROCESSED SCRAP METAL INCLUDES, BUT IS NOT LIMITED TO:

(a) SCRAP METAL THAT HAS BEEN BALED, SHREDDED, SHEARED, CHOPPED, CRUSHED, FLATTENED, CUT, MELTED, OR SEPARATED BY METAL TYPE; AND

(b) FINES, DROSSES, AND RELATED MATERIALS THAT HAVE BEEN AGGLOMERATED.

(3.7) "PROMPT SCRAP METAL" MEANS SCRAP METAL GENERATED BY THE METAL WORKING OR FABRICATION INDUSTRIES, INCLUDING, BUT NOT LIMITED TO, TURNINGS, CUTTINGS, PUNCHINGS, AND BORINGS. "PROMPT SCRAP METAL" INCLUDES INDUSTRIAL METAL SCRAP AND NEW SCRAP METAL.

(5.5) "SHREDDED CIRCUIT BOARDS" MEANS SHREDDED ELECTRONIC CIRCUIT BOARDS THAT:

(a) ARE STORED IN CONTAINERS THAT ARE SUFFICIENT TO PREVENT ANY RELEASE TO THE ENVIRONMENT PRIOR TO RECOVERY; AND

(b) DO NOT CONTAIN MERCURY SWITCHES, MERCURY RELAYS, NICKEL-CADMIUM BATTERIES, OR LITHIUM BATTERIES.

SECTION 3. 30-20-101 (6) (b) (V), Colorado Revised Statutes, is amended, and the said 30-20-101 (6) (b) is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS, to read:

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

(6) (b) "Solid waste" does not include:

(V) Materials handled at facilities licensed pursuant to the provisions on radiation control in article 11 of title 25, C.R.S.; ~~or~~

(VII) EXCLUDED SCRAP METAL THAT IS BEING RECYCLED; OR

(VIII) SHREDDED CIRCUIT BOARDS THAT ARE BEING RECYCLED.

SECTION 4. Effective date - applicability. This act shall take effect upon passage and shall apply to materials existing on said date and materials produced on or after said date.

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 6, 1998