

## CHAPTER 203

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**HEALTH AND ENVIRONMENT**


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**HOUSE BILL 05-1126**

BY REPRESENTATIVE(S) May M., Harvey, Jahn, Pommer, Berens, Coleman, Sullivan, and Todd;  
also SENATOR(S) Groff, Tapia, and Williams.

**AN ACT**

**CONCERNING THE REGULATION OF THE TRANSPORTATION OF WASTE MOTOR VEHICLE TIRES, AND  
MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** Part 2 of article 17 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**25-17-204. Waste tire haulers - registration - rules - violations.** (1) NO PERSON SHALL, FOR COMMERCIAL PURPOSES, TRANSPORT WASTE TIRES FOR STORAGE OR DISPOSAL TO ANY LOCATION IN THIS STATE:

(a) OTHER THAN TO A WASTE TIRE STORAGE SITE, WASTE TIRE LANDFILL SITE, OR MUNICIPAL OR PRIVATELY OWNED SOLID WASTE LANDFILL SITE FOR WHICH A CITY, COUNTY, OR CITY AND COUNTY HAS ISSUED A PERMIT AND SUCH SITE IS OPERATING IN COMPLIANCE WITH THE REQUIREMENTS OF APPLICABLE LAW.

(b) ON OR AFTER JANUARY 1, 2006, IF THE PERSON HAS NOT REGISTERED WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO RULES PROMULGATED PURSUANT TO THIS SECTION.

(2) NOTHING IN THIS SECTION SHALL PROHIBIT A PERSON FROM TRANSPORTING A WASTE TIRE TO A BENEFICIAL USER, A WASTE TIRE RECYCLING FACILITY, OR A FACILITY THAT POSSESSES A VALID AIR QUALITY PERMIT IF THE PERMIT ALLOWS FOR AN APPROVED BENEFICIAL USE OF THE WASTE TIRES AND THE FACILITY IS NOT USED TO STORE WASTE TIRES FOR MORE THAN A NINETY-DAY PERIOD PRIOR TO ANY BENEFICIAL USE.

(3) THE STATE BOARD OF HEALTH SHALL PROMULGATE RULES TO IMPLEMENT THIS

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

## SECTION, INCLUDING:

(a) REQUIREMENTS THAT PERSONS WHO TRANSPORT WASTE TIRES FOR STORAGE OR DISPOSAL:

(I) CREATE AND MAINTAIN RECORDS RELATING TO SUCH TRANSPORTATION AND REPORT TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

(II) REGISTER WITH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT; AND

(III) POST A BOND IN A FORM AND AN AMOUNT SET BY THE STATE BOARD OF HEALTH NOT TO EXCEED TEN THOUSAND DOLLARS.

(b) MEASURES REQUIRED FOR THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO ENFORCE THE REQUIREMENTS OF THIS SECTION.

(4) A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF NOT MORE THAN TWO THOUSAND DOLLARS, OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN THIRTY DAYS, OR BY BOTH SUCH FINE AND IMPRISONMENT. NOTHING IN THIS SECTION SHALL PRECLUDE OR PREEMPT A MUNICIPALITY FROM ENFORCEMENT OF ITS LOCAL ORDINANCES. EACH DAY OF VIOLATION SHALL BE DEEMED A SEPARATE OFFENSE UNDER THIS SECTION. FINES SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL DEPOSIT THEM IN THE GENERAL FUND.

**SECTION 2.** 25-17-202 (3) (a), Colorado Revised Statutes, is amended to read:

**25-17-202. Waste tire recycling development fee - cash fund created - repeal.**

(3) (a) The department of revenue shall transmit the fee with a report of its direct and indirect administrative costs in complying with this section to the state treasurer, who shall credit the same to the waste tire recycling development cash fund, which fund is hereby created. The general assembly shall make annual appropriations out of the fund to:

(I) The department of revenue in an amount equal to the department of revenue's direct and indirect administrative costs, but which amount shall not exceed three and one-third percent of the total amount of fees transmitted to the treasurer.

(II) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT IN AN AMOUNT EQUAL TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT'S DIRECT AND INDIRECT ADMINISTRATIVE COSTS INCURRED PURSUANT TO SECTION 25-17-204, BUT WHICH AMOUNT SHALL NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS IN FISCAL YEAR 2005-06 OR FIFTEEN THOUSAND DOLLARS IN FISCAL YEAR 2006-07.

**SECTION 3. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2005, the sum of twenty-one thousand three hundred seventy-five dollars (\$21,375) cash funds and 0.1 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from the waste tire recycling development cash fund created in section 25-17-202, Colorado Revised Statutes.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2005, the sum of three thousand six hundred ninety-four dollars (\$3,694), or so much thereof as may be necessary, for the provision of legal services to the department of public health and environment related to the implementation of this act. Said sum shall be from cash funds exempt received from the department of public health and environment out of the appropriation made in subsection (1) of this section.

**SECTION 4. Applicability.** This act shall apply to the transportation and disposal of waste motor vehicle tires occurring on or after the effective date of this act.

**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: June 1, 2005