

## CHAPTER 285

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**GOVERNMENT - COUNTY**

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**SENATE BILL 05-141**

BY SENATOR(S) Johnson, Bacon, Evans, Grossman, Hillman, Sandoval, Shaffer, Teck, Tupa, and Veiga;  
also REPRESENTATIVE(S) Romanoff, Berens, Boyd, Frangas, Madden, Merrifield, Paccione, Riesberg, and Todd.

**AN ACT****CONCERNING THE DISPOSAL OF WASTES RELATED TO MOTORIZED EQUIPMENT.**

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

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

(a) The nature of solid wastes disposal means that unknown quantities of potentially toxic and hazardous materials are being buried and pose a constant threat to the ground water supply. In addition, the nature of solid wastes and solid wastes disposal methods allows the wastes to remain basically inert for decades, if not centuries, without decomposing.

(b) The wastes filling Colorado's solid wastes disposal sites may at best represent a resource, but, without proper management, wastes are potential hazards to the public health, welfare, and environment.

(c) Preventing inappropriate disposal of wastes is a prudent management strategy to address the growing concern with air, soil, and water protection.

(d) The reduction of solid wastes and recycling of reusable waste materials will reduce the flow of wastes to solid wastes disposal sites and increase the supply of reusable materials for public use.

(e) A variety of benefits result from a policy of integrated solid wastes management, including the following environmental, economic, governmental, and public benefits:

(I) Not producing wastes in the first instance is the most certain means for avoiding

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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.*

the widely recognized health and environmental damage associated with wastes. Although wastes reduction will never eliminate all wastes, to the extent that wastes reduction is achieved, it results in the most certain form of direct risk reduction.

(II) Colorado state and local governments are better able to administer programs that offer a variety of benefits to industry.

(III) Public confidence in environmental policies of the government is important for their effectiveness. Wastes reduction and recycling of reusable waste materials pose no adverse environmental and public health effects. Wastes reduction and recycling also increase public confidence that state and local governments and industries are doing all that is possible to protect the public health, welfare, and environment.

(IV) The affected industries have expressed strong support for limitations on solid wastes disposal to be enacted in Colorado and have indicated that a commitment will be made by the private sector to "self-police" recycling and landfill diversion requirements, thereby lowering the state and local governments' costs and need for applying penalties.

(V) Solid wastes disposal site operators and managers are important partners for enforcing solid wastes disposal limitations because they can help identify chronic violators to the state's inspectors.

(f) The intent of this legislation is to prevent residentially generated used oil, used lead-acid batteries, and waste tires from being disposed of in the solid waste stream, to reduce exposure of waste haulers and operators to potentially dangerous materials, and to properly handle, reprocess, re-refine, or reuse these materials as resources.

**SECTION 2.** Article 20 of title 30, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 10  
SOLID WASTES DISPOSAL LIMITATIONS

**30-20-1001. Definitions.** AS USED IN THIS PART 10, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CONSUMER PRODUCT" MEANS ANY DEVICE THAT IS PRIMARILY INTENDED FOR PERSONAL OR HOUSEHOLD USE AND IS TYPICALLY SOLD, DISTRIBUTED, OR MADE AVAILABLE TO THE GENERAL POPULATION THROUGH RETAIL OR MAIL-ORDER DISTRIBUTION. SUCH TERM DOES NOT INCLUDE VEHICLES, MOTORCYCLES, WHEELCHAIRS, BOATS, OR OTHER FORMS OF MOTIVE POWER. THE TERM DOES INCLUDE, BUT IS NOT LIMITED TO, COMPUTERS, GAMES, TELEPHONES, RADIOS, AND SIMILAR ELECTRONIC DEVICES.

(2) "DE MINIMIS QUANTITIES OF USED OIL" MEANS SMALL SPILLS, LEAKS, OR DRIPPINGS FROM PUMPS, MACHINERY, PIPES, AND OTHER SIMILAR EQUIPMENT DURING NORMAL OPERATIONS; EXCEPT THAT THE TERM SHALL NOT INCLUDE USED OIL DISCARDED AS A RESULT OF ABNORMAL OPERATIONS RESULTING IN SUBSTANTIAL LEAKS, SPILLS, OR OTHER RELEASES.

(3) "LAND DISPOSAL" MEANS PLACING, DISCARDING, OR OTHERWISE DISPOSING OF RESIDENTIALLY GENERATED SOLID WASTES:

(a) IN ANY SOLID WASTES DISPOSAL SITE AND FACILITY, TRANSFER STATION, OR TREATMENT, STORAGE, OR DISPOSAL FACILITY OPERATED BY THE STATE, A LOCAL GOVERNMENT, OR A PRIVATE ENTITY;

(b) IN SEWERS, DRAINAGE SYSTEMS, SEPTIC TANKS, SURFACE OR GROUND WATERS, WATERCOURSES, OR ANY BODY OF WATER; OR

(c) ON THE GROUND.

(4) "LEAD-ACID BATTERY" MEANS A BATTERY THAT:

(a) CONSISTS OF LEAD AND SULFURIC ACID;

(b) IS USED AS A POWER SOURCE; AND

(c) IS NOT INTENDED AS A POWER SOURCE FOR CONSUMER PRODUCTS.

(5) "LUBRICATING OIL" MEANS THE FRACTION OF CRUDE OIL OR SYNTHETIC OIL USED TO REDUCE FRICTION IN MOTORIZED EQUIPMENT. "LUBRICATING OIL" INCLUDES REREFINED OIL.

(6) (a) "PERSON" MEANS AN INDIVIDUAL.

(b) "PERSON" SHALL NOT INCLUDE WASTE HAULERS AS DEFINED IN SUBSECTION (16) OF THIS SECTION.

(7) "RESIDENTIALLY GENERATED" MEANS USED LEAD-ACID BATTERIES, USED OIL, AND WASTE TIRES GENERATED BY A PERSON.

(8) "RETAILER" MEANS ANY CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, INDIVIDUAL, SOLE PROPRIETORSHIP, JOINT-STOCK COMPANY, JOINT VENTURE, OR OTHER PRIVATE LEGAL ENTITY THAT ENGAGES IN THE SALE OF NEW LEAD-ACID BATTERIES, LUBRICATING OIL, OR NEW TIRES DIRECTLY TO THE END USER.

(9) "SOLID WASTE" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 30-20-101 (6).

(10) "SOLID WASTES DISPOSAL" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 30-20-101 (7).

(11) "SOLID WASTES DISPOSAL SITE AND FACILITY" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 30-20-101 (8).

(12) "TIRE" MEANS A PNEUMATIC RUBBER COVERING DESIGNED TO ENCIRCLE THE WHEEL OF A VEHICLE IN WHICH A PERSON OR PROPERTY IS OR MAY BE TRANSPORTED OR DRAWN UPON A HIGHWAY.

(13) "TRANSFER STATION" SHALL HAVE THE SAME MEANING AS SET FORTH IN

## SECTION 30-20-101 (9).

(14) "USED LEAD-ACID BATTERY" MEANS ANY LEAD-ACID BATTERY THAT IS NO LONGER FUNCTIONAL OR NO LONGER USED FOR ITS PRIMARY PURPOSE.

(15) "USED OIL" MEANS ANY RESIDENTIALLY GENERATED MOTOR OIL, REFINED FROM CRUDE OIL OR A SYNTHETIC OIL, THAT HAS BEEN USED AND AS A RESULT OF THAT USE IS CONTAMINATED BY PHYSICAL OR CHEMICAL IMPURITIES.

(16) "WASTE HAULER" MEANS ANY INDIVIDUAL OR ANY EMPLOYEE OR AGENT OF A PARTNERSHIP, PRIVATE, COUNTY, OR MUNICIPAL CORPORATION, FIRM, BOARD OF A METROPOLITAN DISTRICT, OR OTHER ASSOCIATION OF PERSONS THAT HAUL WASTE UNDER CONTRACT, AGREEMENT, OR AS OTHERWISE PROVIDED BY LAW, TO SOLID WASTES DISPOSAL SITES AND FACILITIES.

(17) (a) "WASTE TIRE" MEANS A LIGHT-DUTY WHOLE TIRE USED ON A PASSENGER-TYPE VEHICLE OR TRUCK THAT IS NO LONGER SUITABLE FOR ITS ORIGINAL INTENDED PURPOSE BECAUSE OF WEAR, DAMAGE, OR DEFECT.

(b) "WASTE TIRE" DOES NOT INCLUDE WASTE TIRES FROM ANY DEVICE MOVED EXCLUSIVELY BY HUMAN POWER.

(18) "WASTE TIRE MONOFILL" MEANS ANY DULY LICENSED AND PERMITTED SOLID WASTES DISPOSAL SITE AND FACILITY OR SECTION OF SOLID WASTES DISPOSAL SITE AND FACILITY AT WHICH ONLY WASTE TIRES ARE ACCEPTED.

(19) "WHOLESALE" MEANS ANY CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, INDIVIDUAL, SOLE PROPRIETORSHIP, JOINT-STOCK COMPANY, JOINT VENTURE, OR OTHER PRIVATE LEGAL ENTITY THAT SELLS NEW LEAD-ACID BATTERIES, LUBRICATING OIL, OR NEW TIRES FOR RESALE.

**30-20-1002. Lead-acid batteries - disposal limitations.** (1) ON AND AFTER JULY 1, 2007, LAND DISPOSAL OF RESIDENTIALLY GENERATED USED LEAD-ACID BATTERIES SHALL BE PROHIBITED.

(2) A PERSON SHALL DISPOSE OF USED LEAD-ACID BATTERIES BY DELIVERING THE BATTERIES TO:

(a) A RETAILER OR WHOLESALE ENGAGED IN LEAD-ACID BATTERY COLLECTION OR RECYCLING;

(b) A SECONDARY LEAD SMELTER; OR

(c) A COLLECTION OR RECYCLING FACILITY OPERATING UNDER THE LAWS OF THIS STATE OR UNDER RULES PROMULGATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

(3) A RETAILER SHALL DISPOSE OF USED LEAD-ACID BATTERIES BY DELIVERING THE BATTERIES TO:

(a) THE AGENT OF A WHOLESALE OR A SECONDARY LEAD SMELTER;

(b) A BATTERY MANUFACTURER FOR DELIVERY TO A SECONDARY LEAD SMELTER;  
OR

(c) A COLLECTION OR RECYCLING FACILITY OPERATING UNDER THE LAWS OF THIS STATE OR UNDER RULES PROMULGATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

(4) (a) WASTE HAULERS SHALL NOTIFY CUSTOMERS THAT THE LAND DISPOSAL OF LEAD-ACID BATTERIES IS PROHIBITED.

(b) THE NOTICE REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (4) SHALL EXPLAIN THAT LEAD-ACID BATTERIES SHALL BE DISPOSED OF BY DELIVERY TO A RETAILER OR WHOLESALER ENGAGED IN LEAD-ACID BATTERY COLLECTION OR RECYCLING, A SECONDARY LEAD SMELTER, OR A COLLECTION OR RECYCLING FACILITY OPERATING UNDER THE LAWS OF THIS STATE OR UNDER RULES PROMULGATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

**30-20-1003. Lead-acid batteries - collection for recycling.** (1) A RETAILER SELLING REPLACEMENT LEAD-ACID BATTERIES IN THE STATE MAY:

(a) ACCEPT FROM CUSTOMERS, AT THE POINT OF TRANSFER, USED LEAD-ACID BATTERIES OF THE SAME GENERAL TYPE AND IN A QUANTITY AT LEAST EQUAL TO THE NUMBER OF NEW BATTERIES PURCHASED, IF OFFERED BY CUSTOMERS; AND

(b) COLLECT A DEPOSIT OF AT LEAST TEN DOLLARS ON THE SALE OF AN AUTOMOTIVE-TYPE REPLACEMENT LEAD-ACID BATTERY THAT IS NOT ACCOMPANIED BY THE RETURN OF A USED LEAD-ACID BATTERY OF THE SAME GENERAL TYPE. ALL DEPOSITS SHALL INURE TO THE BENEFIT OF THE RETAILER UNLESS THE PERSON PAYING THE DEPOSIT PURSUANT TO THIS SUBSECTION (1) RETURNS A USED AUTOMOTIVE LEAD-ACID BATTERY TO THE RETAILER WITHIN THIRTY DAYS OF THE DATE OF SALE, IN WHICH CASE THE DEPOSIT SHALL BE RETURNED TO THE CUSTOMER.

**30-20-1004. Lead-acid battery wholesalers.** ANY WHOLESALER SELLING REPLACEMENT LEAD-ACID BATTERIES MAY ACCEPT FROM CUSTOMERS AT THE POINT OF TRANSFER USED LEAD-ACID BATTERIES OF THE SAME GENERAL TYPE AND IN A QUANTITY AT LEAST EQUAL TO THE NUMBER OF NEW BATTERIES PURCHASED, IF OFFERED BY CUSTOMERS.

**30-20-1005. Used oil disposal limitations.** (1) ON AND AFTER JULY 1, 2007, LAND DISPOSAL OF RESIDENTIALLY GENERATED USED OIL SHALL BE PROHIBITED.

(2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, A PERSON MAY DISPOSE OF AN ITEM OR SUBSTANCE THAT CONTAINS DE MINIMIS QUANTITIES OF USED OIL IN A SOLID WASTES DISPOSAL SITE AND FACILITY UNDER SUBSECTION (1) OF THIS SECTION IF:

(a) TO THE EXTENT REASONABLY POSSIBLE, ALL OIL HAS BEEN REMOVED FROM THE ITEM OR SUBSTANCE; AND

(b) NO FREE-FLOWING OIL REMAINS IN THE ITEM OR SUBSTANCE.

(3) A PERSON SHALL DISPOSE OF USED OIL BY DELIVERY TO:

(a) A RETAILER OR WHOLESALER ENGAGED IN USED OIL COLLECTION OR RECYCLING; OR

(b) A COLLECTION OR RECYCLING FACILITY OPERATING UNDER THE LAWS OF THIS STATE OR UNDER RULES PROMULGATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

(4) A RETAILER SHALL DISPOSE OF USED OIL BY DELIVERY TO THE AGENT OF A WHOLESALER OR TO A COLLECTION OR RECYCLING FACILITY OPERATING UNDER THE LAWS OF THIS STATE OR UNDER RULES PROMULGATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

(5) EVERY QUART OF IMPROPERLY DISPOSED OIL SHALL CONSTITUTE A SEPARATE VIOLATION.

(6) (a) WASTE HAULERS SHALL NOTIFY CUSTOMERS THAT THE LAND DISPOSAL OF USED OIL IS PROHIBITED.

(b) THE NOTICE REQUIRED IN PARAGRAPH (a) OF THIS SUBSECTION (6) SHALL EXPLAIN THAT USED OIL SHALL BE DISPOSED OF BY DELIVERY TO A RETAILER OR WHOLESALER ENGAGED IN USED OIL COLLECTION OR RECYCLING OR A COLLECTION OR RECYCLING FACILITY OPERATING UNDER THE LAWS OF THIS STATE OR UNDER RULES PROMULGATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

**30-20-1006. Limitations on the disposal of tires.** (1) ON AND AFTER JULY 1, 2007, LAND DISPOSAL OF RESIDENTIALLY GENERATED WASTE TIRES SHALL BE PROHIBITED.

(2) A PERSON SHALL DISPOSE OF WASTE TIRES BY DELIVERY TO A RETAILER OR WHOLESALER ENGAGING IN WASTE TIRE COLLECTION OR RECYCLING, TO A WASTE TIRE MONOFILL, OR TO A COLLECTION OR RECYCLING FACILITY OPERATING UNDER THE LAWS OF THIS STATE OR UNDER RULES PROMULGATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

(3) A RETAILER SHALL DISPOSE OF WASTE TIRES BY DELIVERY TO THE AGENT OF A WHOLESALER, TO A WASTE TIRE MONOFILL, OR TO A COLLECTION OR RECYCLING FACILITY OPERATING UNDER THE LAWS OF THIS STATE OR UNDER RULES PROMULGATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

(4) A WHOLESALER SHALL DISPOSE OF WASTE TIRES BY DELIVERY TO A WASTE TIRE MONOFILL OR TO A COLLECTION OR RECYCLING FACILITY OPERATING UNDER THE LAWS OF THIS STATE OR UNDER RULES PROMULGATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

(5) A COLLECTION FACILITY SHALL DISPOSE OF WASTE TIRES BY DELIVERY TO A WASTE TIRE MONOFILL OR TO A RECYCLING FACILITY OPERATING UNDER THE LAWS OF THIS STATE OR UNDER RULES PROMULGATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

(6) EACH WASTE TIRE IMPROPERLY DISPOSED OF SHALL CONSTITUTE A SEPARATE VIOLATION.

(7) (a) WASTE HAULERS SHALL NOTIFY CUSTOMERS THAT THE LAND DISPOSAL OF WASTE TIRES IS PROHIBITED.

(b) THE NOTICE REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (7) SHALL EXPLAIN THAT WASTE TIRES SHALL BE DISPOSED OF BY DELIVERY TO A RETAILER OR WHOLESALER ENGAGED IN WASTE TIRE COLLECTION OR RECYCLING, TO A WASTE TIRE MONOFILL, OR TO A COLLECTION OR RECYCLING FACILITY OPERATING UNDER THE LAWS OF THIS STATE OR UNDER RULES PROMULGATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

**30-20-1007. Waste tires - collection for recycling.** A RETAILER SELLING REPLACEMENT TIRES IN THE STATE MAY ACCEPT FROM CUSTOMERS, AT THE POINT OF TRANSFER, WASTE TIRES OF THE SAME GENERAL TYPE AND IN A QUANTITY AT LEAST EQUAL TO THE NUMBER OF NEW TIRES PURCHASED, IF OFFERED BY CUSTOMERS.

**30-20-1008. Tire wholesalers.** ANY WHOLESALER SELLING TIRES MAY ACCEPT FROM CUSTOMERS AT THE POINT OF TRANSFER WASTE TIRES OF THE SAME GENERAL TYPE AND IN A QUANTITY AT LEAST EQUAL TO THE NUMBER OF NEW TIRES PURCHASED, IF OFFERED BY CUSTOMERS.

**30-20-1009. Inspection - enforcement - nuisances - violations - civil penalty.**

(1) THE INSPECTION, ENFORCEMENT, NUISANCE, VIOLATION, AND CIVIL PENALTY PROVISIONS IN SECTION 30-20-113 SHALL APPLY TO THIS PART 10.

(2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION AND SECTION 30-20-1010, IF A PERSON IS ABLE TO ESTABLISH THAT DUE DILIGENCE HAS BEEN CONDUCTED AND NO REASONABLE OPTIONS FOR RECYCLING THE SOLID WASTES ARE AVAILABLE, THEN THE PERSON MAY DISPOSE OF THE SOLID WASTES IN A SOLID WASTES DISPOSAL SITE AND FACILITY OR TRANSFER STATION.

(3) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION AND SECTIONS 30-20-1010 AND 30-20-113 (1) (c), ANY SOLID WASTES DISPOSAL SITE AND FACILITY IN SUBSTANTIAL COMPLIANCE WITH ITS WASTE CHARACTERIZATION PLAN DEVELOPED PURSUANT TO SECTION 30-20-110 (1) (g), AND RULES PROMULGATED THEREUNDER, SHALL BE DEEMED TO BE IN COMPLIANCE WITH THIS PART 10 SO LONG AS SUCH WASTE CHARACTERIZATION PLAN CONTAINS WASTE ACCEPTANCE PROCEDURES TO MINIMIZE THE DISPOSAL OF LEAD-ACID BATTERIES, USED OIL, AND WASTE TIRES CONSISTENT WITH THE REQUIREMENTS OF THIS PART 10. SOLID WASTES DISPOSAL SITES AND FACILITIES EXISTING ON THE EFFECTIVE DATE OF THIS PART 10 SHALL SUBMIT AN AMENDED WASTE CHARACTERIZATION PLAN INCORPORATING SUCH WASTE ACCEPTANCE PROCEDURES TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT NO LATER THAN JANUARY 1, 2006.

**30-20-1010. Violation - penalty.** ANY PERSON WHO VIOLATES ANY PROVISION OF THIS PART 10 IS GUILTY OF A PETTY OFFENSE AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS. NOTHING IN THIS PART 10 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.

**SECTION 3.** 30-20-113 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**30-20-113. Inspection - enforcement - nuisances - violations - civil penalty.**  
(1) No person shall:

(c) DISPOSE OF SOLID WASTES IN ANY MANNER THAT VIOLATES ANY OF THE PROVISIONS OF PART 10 OF THIS ARTICLE OR ANY RULE ADOPTED PURSUANT THERETO.

**SECTION 4.** 30-20-113 (3), (4), (5) (b), (6), and (9), Colorado Revised Statutes, are amended to read:

**30-20-113. Inspection - enforcement - nuisances - violations - civil penalty.**  
(3) 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 AND PART 10 OF THIS ARTICLE 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)~~ PARAGRAPHS (b) AND (c) 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) (b) Any penalty collected by the department under this part 1 OR PART 10 OF THIS ARTICLE 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 OR PART 10 OF THIS ARTICLE. 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 AND PART 10 OF THIS ARTICLE. 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 AND PART 10 OF THIS ARTICLE are being carried out.

(9) Notwithstanding any other provision of this part 1 OR PART 10 OF THIS ARTICLE, 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 AND PART 10 OF THIS ARTICLE.

**SECTION 5. Effective date - applicability.** (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 10, 2005, if adjournment sine die is on May 11, 2005); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to acts occurring on or after the applicable effective date of this act.

Approved: June 3, 2005