

## CHAPTER 278

---

**GOVERNMENT - STATE**


---

**HOUSE BILL 07-1288**

BY REPRESENTATIVE(S) Solano, Pommer, Benefield, Fischer, Primavera, Carroll M., Gagliardi, Green, Kefalas, Kerr A., Labuda, Madden, McGihon, Merrifield, Peniston, Todd, and Soper;  
also SENATOR(S) Shaffer, Schwartz, Tupa, Williams, and Windels.

**AN ACT**

**CONCERNING THE SUSTAINABLE MANAGEMENT OF DISCARDED RESOURCES, AND, IN CONNECTION THEREWITH, IMPOSING FEES TO FUND GRANTS TO PROMOTE ECONOMIC DEVELOPMENT THROUGH THE SUSTAINABLE MANAGEMENT OF DISCARDED MATERIALS, ENHANCING THE ABILITY OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO ENFORCE AND INSPECT WASTE FACILITIES, REQUIRING THE COLLECTION OF DATA ON STATE RECYCLING AND WASTE DIVERSION ACTIVITIES IN COLORADO, AND MAKING AN APPROPRIATION.**

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

**SECTION 1. Short title.** This act shall be known and may be cited as the "Recycling Resources Economic Opportunity Act".

**SECTION 2. Legislative declaration.** (1) The general assembly hereby finds and declares that:

(a) Recycling creates numerous environmental and economic benefits. Recycling saves energy and reduces pollution by reducing the need for extracting and transporting natural resources. Recycling allows for the reuse of materials and limits the use of finite resources, thereby conserving such resources for future generations. Recycling contributes to the sustainability of our planet's resources.

(b) Properly directed recycling reduces both the generation of greenhouse gases and contributes to the preservation of natural resources such as forests that are directly related to the control of greenhouse gas through carbon sequestration.

(c) Jobs created through recycling efforts require the full spectrum of labor positions, from low to high skilled. Recycling can stimulate the development of new businesses and industries as part of Colorado's economic well-being. Helping

---

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

existing businesses utilize recycled materials generated in the state can provide markets for recycled material and increase recycling in the state.

(d) Colorado lags behind other states in state moneys expended on recycling. No state agency currently has the responsibility to encourage or help sustain recycling in Colorado.

(e) Private businesses, local governments, and nonprofit entities currently make recycling collection available to some residents and businesses, thereby contributing to the state's overall waste diversion. However, many rural areas within the state are unable to support recycling programs without assistance because of economics associated with the collection and transport of the materials. Local governments, especially in smaller rural communities, need assistance in order to establish recycling programs and related infrastructure.

(f) The provisions of this act will assist the state in achieving its potential in recycling materials, materially advance economic development and job growth, and preserve the state's natural beauty.

**SECTION 3.** The introductory portion to 25-16-104.5 (1) and 25-16-104.5 (6), Colorado Revised Statutes, are amended, and the said 25-16-104.5 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**25-16-104.5. Solid waste user fee - imposed - rate - direction - legislative declaration - repeal.** (1) SUBJECT TO THE PROVISIONS OF SUBSECTION (1.5) OF THIS SECTION, on and after January 1, 1986, there is hereby imposed a user fee upon each person disposing of solid waste at an attended solid wastes disposal site. The fee is intended to be a charge to waste producers in addition to any charges specified by contract. Such fee shall be collected by the operator of such site or facility at the time of disposal and shall be imposed and passed through to waste producers and other persons at the following rate, or at an equivalent rate established by the department:

(1.5) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT, FOR PURPOSES OF THIS SECTION, A USER FEE IS INTENDED TO BE A CHARGE IMPOSED UPON WASTE PRODUCERS IN ADDITION TO ANY CHARGE SPECIFIED BY CONTRACT. ANY SUCH USER FEE IMPOSED BY THIS SECTION SHALL BE ITEMIZED AND DEPICTED ON ANY BILL, RECEIPT, OR OTHER MECHANISM USED FOR SOLID WASTE MANAGEMENT SERVICES RENDERED TO ANY PERSON DISPOSING OF SOLID WASTE AND SHALL BE IN ADDITION TO THE COSTS OF ANY OTHER SOLID WASTE MANAGEMENT SERVICES PROVIDED.

(3.7) (a) SUBJECT TO THE PROVISIONS OF SUBSECTION (1.5) OF THIS SECTION, IN ADDITION TO ANY OTHER USER FEE IMPOSED BY THIS SECTION, ON OR AFTER JULY 1, 2007, THERE IS HEREBY IMPOSED A USER FEE TO BE APPLIED TO REIMBURSE THE DEPARTMENT FOR THE DEPARTMENT'S APPROPRIATION FOR SOLID WASTE MANAGEMENT. THE FEE SHALL BE COLLECTED BY THE OPERATOR OF AN ATTENDED SOLID WASTE DISPOSAL SITE AT THE TIME OF DISPOSAL AND SHALL BE IMPOSED AND PASSED THROUGH TO WASTE PRODUCERS AND OTHER PERSONS DISPOSING OF WASTE AT THE FOLLOWING RATE OR AT AN EQUIVALENT RATE ESTABLISHED BY THE

## DEPARTMENT:

(I) ONE CENT PER LOAD TRANSPORTED BY A MOTOR VEHICLE THAT IS COMMONLY USED FOR NONCOMMERCIAL TRANSPORT OF PERSONS OVER THE PUBLIC HIGHWAYS;

(II) TWO CENTS PER LOAD TRANSPORTED BY A TRUCK, AS DEFINED IN SECTION 42-1-102 (8), C.R.S., THAT IS COMMONLY USED FOR THE NONCOMMERCIAL TRANSPORT OF PERSONS AND PROPERTY OVER PUBLIC HIGHWAYS; AND

(III) THREE CENTS PER CUBIC YARD PER LOAD TRANSPORTED BY ANY COMMERCIAL VEHICLE OR OTHER VEHICLE NOT INCLUDED IN THE VEHICLES DESCRIBED IN SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH (a).

(b) ANY USER FEE COLLECTED BY THE OPERATOR OF A SOLID WASTE DISPOSAL SITE OR FACILITY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3.7) SHALL BE TRANSMITTED NOT LATER THAN THE LAST DAY OF THE MONTH FOLLOWING THE END OF EACH CALENDAR QUARTER TO THE STATE TREASURER, WHO SHALL CREDIT ONE HUNDRED PERCENT OF SUCH MONEYS TO THE SOLID WASTE MANAGEMENT FUND CREATED IN SECTION 30-20-118, C.R.S., TO BE USED IN CONNECTION WITH THE DEPARTMENT'S RESPONSIBILITIES FOR SOLID WASTE MANAGEMENT.

(3.9) (a) SUBJECT TO THE PROVISIONS OF SUBSECTION (1.5) OF THIS SECTION, IN ADDITION TO ANY OTHER USER FEE IMPOSED BY THIS SECTION, ON OR AFTER JULY 1, 2007, THERE IS HEREBY IMPOSED A USER FEE TO BE IMPOSED TO FUND THE RECYCLING RESOURCES ECONOMIC OPPORTUNITY PROGRAM CREATED IN SECTION 25-16.5-106.7. SUCH FEE SHALL BE COLLECTED BY THE OPERATOR OF AN ATTENDED SOLID WASTE DISPOSAL SITE AT THE TIME OF DISPOSAL AND SHALL BE IMPOSED AND PASSED THROUGH TO WASTE PRODUCERS AND OTHER PERSONS DISPOSING OF WASTE AT THE FOLLOWING RATE OR AT AN EQUIVALENT RATE ESTABLISHED BY THE DEPARTMENT:

(I) TWO CENTS PER LOAD TRANSPORTED BY A MOTOR VEHICLE THAT IS COMMONLY USED FOR THE NONCOMMERCIAL TRANSPORT OF PERSONS OVER PUBLIC HIGHWAYS;

(II) FOUR CENTS PER LOAD TRANSPORTED BY A TRUCK, AS DEFINED IN SECTION 42-1-102 (8), C.R.S., THAT IS COMMONLY USED FOR THE NONCOMMERCIAL TRANSPORT OF PERSONS AND PROPERTY OVER THE PUBLIC HIGHWAYS; AND

(III) SEVEN CENTS PER CUBIC YARD PER LOAD TRANSPORTED BY ANY COMMERCIAL VEHICLE OR OTHER VEHICLE NOT INCLUDED IN THE VEHICLES DESCRIBED IN SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH (a).

(b) ANY USER FEE COLLECTED BY THE OPERATOR OF A SOLID WASTE DISPOSAL SITE OR FACILITY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3.9) SHALL BE TRANSMITTED BY THE LAST DAY OF THE MONTH FOLLOWING THE END OF EACH CALENDAR QUARTER TO THE STATE TREASURER, WHO SHALL CREDIT ONE HUNDRED PERCENT OF SUCH MONEYS TO THE RECYCLING RESOURCES ECONOMIC OPPORTUNITY FUND CREATED IN SECTION 25-16.5-106.5, TO FUND THE RECYCLING RESOURCES ECONOMIC OPPORTUNITY PROGRAM PURSUANT TO SECTION 25-16.5-106.7.

(6) This section is repealed, effective ~~January 1, 2009~~ JULY 1, 2010.

**SECTION 4.** 25-16.5-105 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

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

(h) TO AWARD GRANTS FROM THE RECYCLING RESOURCES ECONOMIC OPPORTUNITY FUND, REFERRED TO IN THIS SECTION AS THE "FUND," IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 25-16.5-106.7 AND TO DEVELOP CRITERIA FOR AWARDED GRANTS FROM THE FUND IN ACCORDANCE WITH THE PROVISIONS OF SECTION 25-16.5-106.7 (3) (b). GRANT AWARDS SHALL BE MADE, AND THE CRITERIA FOR AWARDED GRANTS SHALL BE DEVELOPED IN CONSULTATION WITH THE POLLUTION PREVENTION ADVISORY BOARD ASSISTANCE COMMITTEE CREATED IN SECTION 25-16.5-105.5 (2), REFERRED TO IN THIS SECTION AS THE "COMMITTEE".

(i) TO MAKE LOANS FROM THE FUND IN ACCORDANCE WITH THE PROVISIONS OF SECTION 25-16.5-106.7 (5);

(j) TO RECEIVE AND EXPEND GIFTS, GRANTS, AND BEQUESTS FROM ANY SOURCE, PUBLIC OR PRIVATE, SPECIFICALLY INCLUDING STATE AND FEDERAL MONEYS AND OTHER AVAILABLE MONEYS, TO FUND GRANTS MADE AVAILABLE FROM THE FUND IN ACCORDANCE WITH THE PROVISIONS OF SECTION 25-16.5-106.7;

(k) IN CONSULTATION WITH THE COMMITTEE, TO DEVELOP A FORMULA FOR PAYING A REBATE TO ANY LOCAL GOVERNMENT OR TO ANY NONPROFIT OR FOR-PROFIT ENTITY THAT RECYCLES ANY COMMODITY. THE REBATE AUTHORIZED BY THIS PARAGRAPH (k) SHALL BE PAID ON COMMODITIES RECYCLED ON A PER TON BASIS WITH DIFFERENTIAL RATES FOR DIFFERENT COMMODITIES. ANY REBATE SHALL BE PAID OUT OF MONEYS COLLECTED FROM THE ADDITIONAL FEE IMPOSED BY SECTION 25-17-202 (1) (a) (IV) THAT IS ALLOCATED TO THE RECYCLING RESOURCES ECONOMIC OPPORTUNITY FUND CREATED IN SECTION 25-16.5-106.5, AND FROM THE USER FEE IMPOSED BY SECTION 25-16-104.5 (3.9) (a) TO FUND THE RECYCLING RESOURCES ECONOMIC OPPORTUNITY PROGRAM CREATED IN SECTION 25-16.5-106.7; EXCEPT THAT, FOR ANY ONE STATE FISCAL YEAR, THE AMOUNT REBATED PURSUANT TO THIS PARAGRAPH (k) SHALL EQUAL ONE-FOURTH OF THE AMOUNT OF MONEYS COLLECTED IN THE FUND IN THE IMMEDIATELY PREVIOUS STATE FISCAL YEAR. APPLICATIONS TO THE ADVISORY BOARD FOR ANY REBATE MAY BE SUBMITTED AFTER THE LAST DAY OF THE MONTH FOLLOWING THE END OF EACH CALENDAR QUARTER FOR RECYCLING ACTIVITIES UNDERTAKEN IN SUCH CALENDAR QUARTER, BEGINNING WITH THE CALENDAR QUARTER ENDING ON DECEMBER 31, 2007; EXCEPT THAT THE PERIOD FOR THE FIRST REBATE PAYMENT SHALL COVER JULY 1, 2007, THROUGH DECEMBER 31, 2007.

(l) TO MAKE RECOMMENDATIONS, AS REQUESTED, ON POLICY MATTERS RELATED TO SUSTAINABLE RESOURCE AND DISCARDED MATERIALS MANAGEMENT; AND

(m) (I) IN ACCORDANCE WITH THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH (m), TO SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT OF LOCAL AFFAIRS, THE DEPARTMENT, THE GOVERNOR'S OFFICE OF ENERGY MANAGEMENT AND

CONSERVATION, AND THE STANDING COMMITTEE OF REFERENCE IN EACH HOUSE OF THE GENERAL ASSEMBLY EXERCISING JURISDICTION OVER MATTERS CONCERNING PUBLIC HEALTH AND THE ENVIRONMENT.

(II) THE ANNUAL REPORT REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (m) SHALL INCLUDE A CALCULATION OF THE PROPORTION OF SOLID WASTE GENERATED IN THE STATE IN THE PREVIOUS YEAR THAT WAS DIVERTED TO OTHER USES AND THE NUMBER OF JOBS CREATED AND ANY OTHER ECONOMIC IMPACTS RESULTING FROM GRANTS MADE FROM THE FUND BY THE ADVISORY BOARD PURSUANT TO PARAGRAPH (h) OF THIS SUBSECTION (1) AND SECTION 25-16.5-106.7 (3).

**SECTION 5.** Article 16.5 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

**25-16.5-105.5. Pollution prevention advisory board assistance committee - appointments - membership - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COMMITTEE" MEANS THE POLLUTION PREVENTION ADVISORY BOARD ASSISTANCE COMMITTEE CREATED IN SUBSECTION (2) OF THIS SECTION.

(b) "FUND" MEANS THE RECYCLING RESOURCES ECONOMIC OPPORTUNITY FUND CREATED IN SECTION 25-16.5-106.5 (1)

(2) (a) THERE IS HEREBY CREATED IN THE DEPARTMENT THE COMMITTEE THAT SHALL ASSIST THE ADVISORY BOARD IN UNDERTAKING THE POWERS AND DUTIES GIVEN TO THE BOARD AS SPECIFIED IN THIS ARTICLE 16.5.

(b) THE COMMITTEE SHALL CONSIST OF THIRTEEN MEMBERS AS DESCRIBED IN PARAGRAPH (c) OF THIS SUBSECTION (2), EACH OF WHOM SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT NO LATER THAN SEPTEMBER 1, 2007.

(c) THE MEMBERS APPOINTED TO THE COMMITTEE SHALL INCLUDE REPRESENTATIVES OF INDUSTRY, NONPROFIT AND COMMUNITY ORGANIZATIONS, STATE AGENCIES, AND LOCAL GOVERNMENTS IN ACCORDANCE WITH THE FOLLOWING:

(I) ONE MEMBER OF THE COMMITTEE SHALL BE A REPRESENTATIVE OF THE DEPARTMENT.

(II) ONE MEMBER OF THE COMMITTEE SHALL BE A REPRESENTATIVE OF THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT CREATED IN SECTION 24-48.5-101 (1), C.R.S.

(III) ONE MEMBER OF THE COMMITTEE SHALL BE A REPRESENTATIVE OF THE GOVERNOR'S OFFICE OF ENERGY MANAGEMENT AND CONSERVATION.

(IV) TWO MEMBERS OF THE COMMITTEE SHALL REPRESENT COUNTIES THAT OPERATE COUNTY SOLID WASTE OR RECYCLING FACILITIES, ONE MEMBER OF WHICH SHALL REPRESENT A COUNTY THAT IS PREDOMINATELY RURAL IN CHARACTER AND

THE OTHER OF WHICH SHALL REPRESENT A COUNTY THAT IS PREDOMINATELY URBAN IN CHARACTER.

(V) TWO MEMBERS OF THE COMMITTEE SHALL REPRESENT MUNICIPALITIES THAT OPERATE MUNICIPAL SOLID WASTE OR RECYCLING FACILITIES, ONE MEMBER OF WHICH SHALL REPRESENT A MUNICIPALITY THAT IS LOCATED IN A COUNTY THAT IS PREDOMINATELY RURAL IN CHARACTER AND THE OTHER OF WHICH SHALL REPRESENT A MUNICIPALITY THAT IS LOCATED IN A COUNTY THAT IS PREDOMINATELY URBAN IN CHARACTER.

(VI) THE REMAINING SIX MEMBERS OF THE COMMITTEE SHALL BE BALANCED EQUALLY TO THE EXTENT PRACTICABLE FROM AMONG REPRESENTATIVES OF NONPROFIT AND FOR-PROFIT ENTITIES ENGAGED IN RECYCLING OR COMPOSTING THROUGH THE COLLECTION OF RECYCLABLE MATERIAL, THE MANUFACTURING OF PRODUCTS CONTAINING RECYCLED MATERIAL, THE MARKETING OF PRODUCTS MANUFACTURED WITH RECYCLING MATERIAL, OR OTHER ENTITIES WHOSE MISSION IS DIRECTED TO ADVANCE AND PROMOTE RECYCLING AND COMPOSTING THROUGH EDUCATIONAL PROGRAMS, TECHNICAL ASSISTANCE, RESEARCH, OR COMMUNITY OUTREACH.

(d) THE TERMS OF MEMBERS OF THE COMMITTEE SHALL BE FOR FOUR YEARS; EXCEPT THAT THE INITIAL TERMS OF SEVEN OF THE MEMBERS OF THE COMMITTEE SHALL, IN THE DISCRETION OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, BE FOR TWO YEARS. ALL APPOINTMENTS MADE FOLLOWING THE EXPIRATION OF THE INITIAL TWO-YEAR TERMS SHALL BE FOR FOUR YEARS. MEMBERS OF THE COMMITTEE SHALL SERVE NO MORE THAN THREE CONSECUTIVE FOUR-YEAR TERMS ON THE COMMITTEE. NO MORE THAN SIX MEMBERS OF THE COMMITTEE SHALL BE FROM THE SAME POLITICAL PARTY.

(e) ANY VACANCY ON THE COMMITTEE SHALL BE FILLED FOR THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT. ANY MEMBER OF THE COMMITTEE MAY BE REMOVED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT AT ANY TIME AND FOR ANY REASON.

(f) THE COMMITTEE SHALL ELECT A CHAIRPERSON AND VICE-CHAIRPERSON BY MAJORITY VOTE OF THE MEMBERS. THE MEMBERS OF THE COMMITTEE SHALL SERVE WITHOUT COMPENSATION; EXCEPT THAT MEMBERS OF THE COMMITTEE SHALL RECEIVE A PER DIEM AMOUNT OF NINETY-NINE DOLLARS FOR EACH DAY ACTUALLY ENGAGED IN THE DUTIES OF THE COMMITTEE AND SHALL BE REIMBURSED FOR NECESSARY TRAVELING AND OTHER REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

(3) THE COMMITTEE SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

(a) TO MAKE RECOMMENDATIONS TO THE ADVISORY BOARD IN CONNECTION WITH THE AWARDING OF GRANTS BY THE BOARD FROM THE FUND PURSUANT TO SECTION 25-16.5-105 (1) (h) AND TO MAKE RECOMMENDATIONS TO THE BOARD ON THE DEVELOPMENT OF CRITERIA TO GUIDE THE BOARD IN MAKING DECISIONS CONCERNING THE AWARDING OF GRANTS PURSUANT TO SECTION 25-16.5-106.7 (3)

(b);

(b) TO MAKE RECOMMENDATIONS TO THE ADVISORY BOARD IN CONNECTION WITH THE MAKING OF LOANS BY THE BOARD FROM THE FUND PURSUANT TO SECTION 25-16.5-105 (1) (i);

(c) TO MAKE RECOMMENDATIONS TO THE ADVISORY BOARD IN CONNECTION WITH THE RECEIPT OR EXPENDITURE OF GIFTS, GRANTS, AND BEQUESTS BY THE BOARD PURSUANT TO SECTION 25-16.5-105 (1) (j);

(d) TO MAKE RECOMMENDATIONS TO THE ADVISORY BOARD, AS REQUESTED, ON POLICY MATTERS RELATED TO SUSTAINABLE RESOURCE AND DISCARDED MATERIALS MANAGEMENT;

(e) TO MAKE RECOMMENDATIONS TO THE ADVISORY BOARD ON THE FORMULA CREATED FOR PAYING REBATES TO ENTITIES RECYCLING COMMODITIES PURSUANT TO SECTION 25-16.5-105 (1) (k); AND

(f) TO MAKE ADDITIONAL RECOMMENDATIONS TO THE ADVISORY BOARD ON SUCH OTHER MATTERS AS WILL FURTHER THE PURPOSES OF THIS ARTICLE 16.5.

**25-16.5-106.5. Recycling resources economic opportunity fund - creation - repeal.** (1) THE RECYCLING RESOURCES ECONOMIC OPPORTUNITY FUND IS HEREBY CREATED IN THE STATE TREASURY, REFERRED TO IN THIS SECTION AS THE "FUND". THE FUND SHALL CONSIST OF MONEYS COLLECTED FOR THE FUND PURSUANT TO SECTIONS 25-16-104.5 (3.9) (b) AND 25-17-202 (1) (a) (IV), AND CREDITED TO THE FUND IN ACCORDANCE WITH THE PROVISIONS OF SECTION 25-16-104.5 (3.9) (b), C.R.S., ANY MONEYS APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY, AND ALL OTHER MONEYS THAT MAY BE AVAILABLE TO THE FUND, INCLUDING MONEYS MADE AVAILABLE FROM GIFTS, GRANTS, OR BEQUESTS. ALL INTEREST DERIVED FROM THE DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN THEREIN AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(2) ANY MONEYS GENERATED FROM THE IMPOSITION OF SOLID WASTE USER FEES PURSUANT TO SECTIONS 25-16-104.5 (3.9) AND 25-17-202 (1) (a) (IV) SHALL BE ANNUALLY APPROPRIATED TO THE DEPARTMENT FOR ALLOCATION TO THE ADVISORY BOARD FOR THE PURPOSE OF FUNDING THE RECYCLING RESOURCES ECONOMIC OPPORTUNITY ACTIVITIES AUTHORIZED BY SECTION 25-16.5-106.7, AS WELL AS ANY ADMINISTRATIVE COSTS ASSOCIATED THEREWITH, INCLUDING WITHOUT LIMITATION THE GRANTS AUTHORIZED TO BE MADE UNDER SECTION 25-16.5-106.7 (3).

(3) MONEYS IN THE FUND SHALL BE USED TO PAY FOR ADMINISTRATIVE COSTS INCURRED BY THE DEPARTMENT IN IMPLEMENTING THE PROVISIONS OF HOUSE BILL 07-1288 AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY.

(4) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, NO MONEYS IN THE FUND SHALL BE USED FOR THE ADMINISTRATION, IMPLEMENTATION, OR ENFORCEMENT OF ANY STATE LAW OR RULE.

(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2010.

**25-16.5-106.7. Recycling resources economic opportunity program - grants - loans - definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COMMITTEE" SHALL MEAN POLLUTION PREVENTION ADVISORY BOARD ASSISTANCE COMMITTEE CREATED IN SECTION 25-16.5-105.5.

(b) "FUND" MEANS THE RECYCLING RESOURCES ECONOMIC OPPORTUNITY FUND CREATED IN SECTION 25-16.5-106.5 (1).

(c) "LOCAL GOVERNMENT" MEANS A COUNTY, HOME RULE OR STATUTORY CITY, TOWN, TERRITORIAL CHARTER CITY, OR CITY AND COUNTY.

(2) THERE IS HEREBY CREATED THE RECYCLING RESOURCES ECONOMIC OPPORTUNITY PROGRAM. IN CONNECTION WITH THE PROGRAM, THE ADVISORY BOARD SHALL ACCEPT PROPOSALS FROM LOCAL GOVERNMENTS REQUESTING AN AWARD OF A GRANT FROM MONEYS MADE AVAILABLE UNDER THE FUND. SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION (2), THE BOARD MAY AWARD GRANTS UNDER THIS SECTION TO NONPROFIT OR FOR-PROFIT ORGANIZATIONS OR OTHER ENTITIES WHERE THE APPLICATION SUBMITTED BY THE ORGANIZATION OR ENTITY APPLYING FOR GRANT MONEYS HAS BEEN APPROVED BY THE LOCAL GOVERNMENT WITHIN THE BOUNDARIES OF WHICH THE ORGANIZATION OR ENTITY IS LOCATED. IN AWARDING GRANTS PURSUANT TO THIS SECTION, THE BOARD MAY CONSIDER PROPOSALS THAT HAVE NOT BEEN APPROVED BY A LOCAL GOVERNMENT IF THE ENTITY SUBMITTING THE PROPOSAL PROVIDES DOCUMENTATION THAT THE PROPOSAL WILL BE BENEFICIAL TO THE COMMUNITY THAT WOULD BE AFFECTED BY THE GRANT AWARD, THE AWARD OTHERWISE SATISFIES THE CRITERIA SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION, AND THE GRANT IS MADE AVAILABLE FOR ONE OF THE PURPOSES SPECIFIED IN SUBSECTION (4) OF THIS SECTION.

(3) (a) THE ADVISORY BOARD MAY AWARD GRANTS FROM THE FUND TO PUBLIC AND PRIVATE ENTITIES, BOTH NONPROFIT AND FOR-PROFIT, INCLUDING WITHOUT LIMITATION THE DEPARTMENT AND SOLID WASTE DISPOSAL SITES AND FACILITIES AND THEIR LOCAL AFFILIATES THAT COLLECT THE SOLID WASTE USER FEE PURSUANT TO SECTION 25-16-104.5 (3.9).

(b) (I) IN CONSULTATION WITH THE COMMITTEE, THE ADVISORY BOARD SHALL DEVELOP CRITERIA TO GUIDE IT IN MAKING DECISIONS CONCERNING THE AWARDING OF GRANTS TO IMPLEMENT THE PURPOSES DESCRIBED IN SUBSECTION (4) OF THIS SECTION. SUCH CRITERIA SHALL INCLUDE WITHOUT LIMITATION:

(A) THE AMOUNT OF MONEYS RAISED FOR THE FUND BY THE REGION OF THE STATE IN WHICH THE APPLICANT'S PROJECT IS LOCATED;

(B) THE NEEDS OF THE COMMUNITY SUBMITTING THE PROPOSAL;

(C) THE FEASIBILITY OF THE PROPOSAL AND SUSTAINABILITY OF THE PROJECT THAT IS THE SUBJECT OF THE PROPOSAL;

(D) THE ECONOMIC AND ENVIRONMENTAL BENEFITS THAT WOULD ACCRUE FROM THE PROPOSAL, INCLUDING THE CREATION OF MARKETS FOR RECYCLED MATERIALS;

(E) MEASURABLE RESULTS; AND

(F) ADVERSE IMPACTS ON EXISTING BUSINESSES.

(II) IN DEVELOPING THE CRITERIA SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), THE ADVISORY BOARD SHALL DETERMINE PRIORITIES FOR THE GRANTS IN CONSULTATION WITH THE COMMITTEE.

(4) MONEYS MAY BE AWARDED FROM THE FUND TO FINANCE GRANTS MADE AVAILABLE PURSUANT TO SUBSECTION (2) OF THIS SECTION FOR THE FOLLOWING PURPOSES:

(a) RECYCLING, BENEFICIAL USE, AND REUSE;

(b) PUBLIC PRIVATE PARTNERSHIPS THAT PROMOTE WASTE DIVERSION, RECYCLING, RECYCLING MARKETS, THE BENEFICIAL USE OF DISCARDED MATERIALS, OR OTHER RECYCLING-RELATED USES;

(c) DEVELOPING OR EXPANDING LOCAL ECONOMIC INFRASTRUCTURE FOR THE SUSTAINABLE USE OF DISCARDED MATERIALS;

(d) PROVIDING LOCAL INCENTIVES TO DEVELOP OR EXPAND MARKETS FOR RECYCLED PRODUCTS;

(e) DEVELOPING OR EXPANDING LOCAL RECYCLING INFRASTRUCTURE;

(f) UNDERTAKING SUSTAINABLE RESOURCE EDUCATION PROGRAMS;

(g) DEVELOPING OR IMPLEMENTING SUSTAINABLE RESOURCE PLANS OR PROGRAMS FOR THE USE OR COLLECTION OF ORGANIC MATTER, HOUSEHOLD HAZARDOUS WASTE, ELECTRONIC SCRAP MATERIAL, OR OTHER DISCARDED MATERIALS;

(h) PROVIDING ASSISTANCE IN CONNECTION WITH THE DEVELOPMENT OR IMPROVEMENT OF INTEGRATED WASTE MANAGEMENT PLANS BY LOCAL GOVERNMENTS;

(i) CLEANING UP ILLEGAL WASTE DUMPING; AND

(j) REDUCING WASTE TIRE STOCKPILES.

(5) IN ADDITION TO THE PURPOSES SPECIFIED IN SUBSECTION (4) OF THIS SECTION, THE ADVISORY BOARD MAY ALSO LOAN MONEYS FROM THE FUND TO PUBLIC AND PRIVATE ENTITIES, BOTH NONPROFIT AND FOR-PROFIT, INCLUDING WITHOUT LIMITATION THE DEPARTMENT AND SOLID WASTE DISPOSAL SITES AND FACILITIES AND THEIR LOCAL AFFILIATES THAT COLLECT THE SOLID WASTE USER FEE PURSUANT TO SECTION 25-16-104.5 (3.9). MONEYS MAY BE LOANED BY THE BOARD UNDER THIS SUBSECTION (5) TO FUND ANY OF THE PURPOSES FOR WHICH THE BOARD MAY AWARD MONEYS IN GRANTS AS SPECIFIED IN SUBSECTION (4) OF THIS SECTION. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, FOR ANY GIVEN STATE FISCAL YEAR, THE AMOUNT OF MONEYS TO BE MADE AVAILABLE IN LOANS PURSUANT

TO THIS SUBSECTION (5) SHALL NOT BE MORE THAN TEN PERCENT OF THE AMOUNT OF MONEYS ALLOCATED TO THE FUND DURING THE IMMEDIATELY PREVIOUS STATE FISCAL YEAR.

(6) ANY GRANT AWARD OR LOAN MADE PURSUANT TO THIS SECTION SHALL BE MADE COMPLETE BY MEANS OF A CONTRACT ENTERED INTO BETWEEN THE DEPARTMENT AND THE GRANT OR LOAN RECIPIENT THAT SHALL SPECIFY THE CONDITIONS FOR THE GRANT OR LOAN AND THE REQUIREMENTS AND RESPONSIBILITIES OF THE GRANT OR LOAN RECIPIENT, AS APPLICABLE.

(7) NO GRANT OR LOAN MAY BE MADE PURSUANT TO THIS SECTION UNTIL ON OR AFTER JULY 1, 2008.

(8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2010.

**SECTION 6.** 25-17-202 (1) (a) (I), Colorado Revised Statutes, is amended, and the said 25-17-202 (1) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

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

(1) (a) (I) On and after July 1, 2000, a recycling development fee of seventy-five cents shall be collected on any waste motor vehicle tire for any passenger vehicle, including any truck, weighing less than fifteen thousand pounds. In addition, such fee shall be collected on truck tires, including truck tractor, trailer, and semitrailer, weighing more than fifteen thousand pounds; except that no fee shall be collected for tires that are recapped or otherwise reprocessed for use. The fee authorized by this section shall be collected only at such time as the owner of the tire delivers or transfers the waste tire to a retailer of new tires for disposal AND SHALL BE STATED AND SHOWN AS A SEPARATE AND DISTINCT ITEM ON THE STATEMENT FROM THE RETAILER TO THE CUSTOMER.

(IV) ON AND AFTER JULY 1, 2007, AN ADDITIONAL FEE OF FIFTY CENTS SHALL BE COLLECTED ON ANY WASTE MOTOR VEHICLE TIRE FOR ANY PASSENGER VEHICLE, INCLUDING ANY TRUCK WEIGHING LESS THAN FIFTEEN THOUSAND POUNDS. IN ADDITION, THE FEE IMPOSED BY THIS SUBPARAGRAPH (IV) SHALL ALSO BE COLLECTED ON TRUCK TIRES, INCLUDING TIRES ON TRUCK TRACTORS, TRAILERS, AND SEMITRAILERS, WEIGHING MORE THAN FIFTEEN THOUSAND POUNDS; EXCEPT THAT NO FEE SHALL BE COLLECTED FOR TIRES THAT ARE RECAPPED OR OTHERWISE REPROCESSED FOR USE. FROM THE MONEYS COLLECTED BY THE NEW FEE IMPOSED BY THIS SUBPARAGRAPH (IV), FIFTY PERCENT SHALL BE CREDITED TO THE RECYCLING RESOURCES ECONOMIC OPPORTUNITY FUND CREATED IN SECTION 25-16.5-106.5. THE REMAINING FIFTY PERCENT SHALL BE CREDITED TO THE WASTE TIRE CLEANUP FUND CREATED IN SECTION 24-32-114 (1), C.R.S., AND SHALL BE DISTRIBUTED AS FOLLOWS:

(A) FIFTY PERCENT SHALL BE TRANSFERRED TO THE DEPARTMENT OF LOCAL AFFAIRS TO BE USED FOR THE SAME PURPOSES AS AUTHORIZED PURSUANT TO SECTION 24-32-114 (1) (c), C.R.S.; AND

(B) FIFTY PERCENT SHALL BE TRANSFERRED TO THE DEPARTMENT OF LOCAL AFFAIRS TO BE USED FOR THE SAME PURPOSES AS AUTHORIZED PURSUANT TO

SECTION 24-32-114 (1) (a), C.R.S.

**SECTION 7.** 25-17-202 (1) (b) (II) and (2), Colorado Revised Statutes, are amended to read:

(1) (b) For the purposes of this part 2:

(II) "Motor vehicle tire" means any tire used for a motor vehicle, as such term is defined in section 42-1-102 (58), C.R.S. ~~except that motor vehicle shall not include motorcycles.~~

(2) (a) The retailers of new tires or ~~of new or used motor vehicles, when available~~ A RETAILER OF MOTOR VEHICLES THAT ACCEPTS EXCHANGED PROPERTY AS DESCRIBED IN SECTION 39-26-102 (7) (a) (II), C.R.S., shall collect the ~~exchange fee.~~ **and**

(b) THE RETAILER shall submit to the department of revenue any fees collected with any report required by the department in conjunction with the remittance of any sales tax remitted in accordance with article 26 of title 39, C.R.S. The retailer may retain from fees collected an amount equal to the retailer's direct cost in complying with the provisions of this section, which amount shall not exceed three and one-third percent of the fee collected.

**SECTION 8.** The introductory portion to 25-17-202.5 (1), Colorado Revised Statutes, is amended to read:

**25-17-202.5. Processors and end users of waste tires cash fund created - repeal.** (1) There is hereby created, in the state treasury, the processors and end users of waste tires cash fund. Such fund shall consist of the fee revenue collected pursuant to section 25-17-202 (1) (a) (III). ANY moneys ~~from~~ IN the fund NOT EXPENDED OR ENCUMBERED FROM ANY APPROPRIATION AT THE END OF ANY FISCAL YEAR shall ~~be appropriated annually to~~ REMAIN AVAILABLE, WITHOUT FURTHER APPROPRIATION, FOR EXPENDITURE IN THE NEXT FISCAL YEAR BY the department of local affairs for allocation to the division of local government to be used in the following amounts for the following purposes:

**SECTION 9.** Part 1 of article 20 of title 30, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**30-20-101.5. Additional powers of the department - legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT A SOLID WASTE MANAGEMENT PROGRAM SHALL BE CREATED IN AND ADMINISTERED BY THE DEPARTMENT AND SHALL BE IMPLEMENTED TO PROTECT HUMAN HEALTH AND THE ENVIRONMENT IN A MANNER THAT:

- (a) PROMOTES A COMMUNITY ETHIC TO REDUCE OR ELIMINATE WASTE PROBLEMS;
- (b) IS CREDIBLE AND ACCOUNTABLE TO THE INDUSTRY AND THE PUBLIC;
- (c) IS INNOVATIVE AND COST EFFECTIVE; AND

(d) PROTECTS THE ENVIRONMENTAL QUALITY OF LIFE FOR AFFECTED RESIDENTS AS REQUIRED BY THE REQUIREMENTS OF THIS PART 1 AND ANY RULES PROMULGATED IN CONNECTION THEREWITH.

(2) THE DEPARTMENT SHALL DEVELOP, IMPLEMENT, AND CONTINUOUSLY IMPROVE AS NECESSARY POLICIES AND PROCEDURES FOR CARRYING OUT ITS STATUTORY RESPONSIBILITIES AT THE LOWEST POSSIBLE COST WHILE SATISFYING THE LEGISLATIVE INTENT EXPRESSED IN SUBSECTION (1) OF THIS SECTION. AT A MINIMUM, THE POLICIES AND PROCEDURES SHALL, TO THE EXTENT PRACTICABLE, INCLUDE THE ESTABLISHMENT OF THE FOLLOWING:

(a) COST-EFFECTIVE LEVEL-OF-EFFORT GUIDELINES FOR REVIEWING SUBMITTALS, INCLUDING WITHOUT LIMITATION PERMIT APPLICATIONS AND DESIGN AND OPERATION PLANS TO ASSURE CONFORMITY WITH REGULATORY REQUIREMENTS, TAKING INTO CONSIDERATION THE DEGREE OF RISK ADDRESSED AND THE COMPLEXITY OF THE ISSUES RAISED;

(b) COST-EFFECTIVE LEVEL-OF-EFFORT GUIDELINES FOR PERFORMING INSPECTIONS THAT FOCUS ON MAJOR VIOLATIONS OF REGULATORY REQUIREMENTS THAT POSE AN IMMEDIATE AND SIGNIFICANT THREAT TO HUMAN HEALTH AND THE ENVIRONMENT;

(c) COST-EFFECTIVE LEVEL-OF-EFFORT GUIDELINES FOR ENFORCEMENT ACTIVITY;

(d) SCHEDULES FOR THE TIMELY COMPLETION OF DEPARTMENT ACTIVITIES INCLUDING WITHOUT LIMITATION SUBMITTAL REVIEWS, INSPECTIONS, AND INSPECTION REPORTS;

(e) A PRIORITIZATION METHODOLOGY FOR COMPLETING ACTIVITIES THAT FOCUSES ON ACTUAL RISK TO HUMAN HEALTH AND THE ENVIRONMENT;

(f) A PREFERENCE FOR COMPLIANCE ASSISTANCE WITH AT LEAST TEN PERCENT OF THE ANNUAL BUDGET AMOUNT OF THE PROGRAM BEING ALLOCATED TO COMPLIANCE ASSISTANCE EFFORTS;

(g) A PREFERENCE FOR ALTERNATIVE DISPUTE RESOLUTION MECHANISMS TO TIMELY RESOLVE DISPUTED ISSUES; AND

(h) A MECHANISM THAT CONTINUOUSLY ASSESSES AND PROVIDES INCENTIVES FOR FURTHER IMPROVEMENTS AND POLICIES AND PROCEDURES OF THE DEPARTMENT.

(3) ON OR BEFORE FEBRUARY 1, 2008, AND NOT LATER THAN FEBRUARY 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE STANDING COMMITTEE OF REFERENCE IN EACH HOUSE OF THE GENERAL ASSEMBLY EXERCISING JURISDICTION OVER MATTERS CONCERNING PUBLIC HEALTH AND THE ENVIRONMENT THAT DESCRIBES THE STATUS OF THE SOLID WASTE MANAGEMENT PROGRAM, THE DEPARTMENT'S EFFORTS TO SATISFY ITS STATUTORY RESPONSIBILITIES AT THE LOWEST POSSIBLE COST WHILE MEETING THE LEGISLATIVE INTENT SPECIFIED IN SUBSECTION (1) OF THIS SECTION, AND THE DEPARTMENT'S IMPLEMENTATION OF THE AUTHORITY TO ACCEPT ENVIRONMENTAL COVENANTS CREATED PURSUANT TO SECTION 25-15-321, C.R.S.

**SECTION 10.** 30-20-109 (1) (d) and (2) (b), Colorado Revised Statutes, are amended, and the said 30-20-109 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**30-20-109. Commission to promulgate rules.** (1) The solid and hazardous waste commission shall promulgate rules for the engineering design and operation of solid wastes disposal sites and facilities, which may include:

(d) The establishment of a reviewing fee to be charged by the department for the review of any written recommendation and findings of a private contractor who has acted in lieu of the department to review an application for a solid wastes disposal site and facility under the provisions of section 30-20-103.7 for ~~operational, geological, hydrological, and engineering~~ compliance with the state's requirements. Such fee shall not exceed actual and reasonable costs ~~up to one hundred dollars per hour. Such fee~~ AND shall not exceed five thousand dollars.

(2) The solid and hazardous waste commission may promulgate rules concerning:

(b) The establishment of a fee for the review of ~~a new~~ solid wastes disposal site and facility ~~application or for the review of amendments or revisions to an original application upon which a certificate of designation has previously been issued, for~~ SUBMITTALS AND the preoperation inspection for such site and facility, for the attendance of department staff at public meetings and ~~hearings concerning such application or amendments~~ ASSOCIATED ACTIVITIES, and for the assessment of remediation activities concerning closed or old disposal sites or spill and incident clean-ups. The total fee charged for the review of an application or amendments to an application shall not exceed the actual documented costs incurred by the department in the performance of these activities AND SHALL BE SUBJECT TO THE MAXIMUM LEVELS ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (2.5) OF THIS SECTION. Such review shall be completed within one hundred fifty days from date of issuance of the department's decision to begin its review. ~~pursuant to the provisions of paragraph (c) of this subsection (2). In no case shall such fee exceed ten thousand dollars; except that such ten-thousand-dollar limit shall not apply to any application reviewed by a private contractor under the provisions of section 30-20-103.7.~~ Moneys from the collection of such fees shall be credited to the solid waste management fund pursuant to the provisions of section 30-20-118. Such moneys shall be used solely to support the application review process and to support the staff of the department involved with such process.

(2.5) THE SOLID AND HAZARDOUS WASTE COMMISSION SHALL PROMULGATE RULES PERTAINING TO THE ASSESSMENT OF ANNUAL FEES AND DOCUMENT REVIEW AND ACTIVITY FEES TO OFFSET PROGRAM COSTS FROM SOLID WASTE DISPOSAL SITES AND FACILITIES IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:

(a) ANNUAL FEES SHALL BE ESTABLISHED FOR SOLID WASTE DISPOSAL SITES AND FACILITIES THAT ARE NOT REQUIRED TO PAY SOLID WASTE USER FEES IMPOSED PURSUANT TO SECTION 25-16-104.5, C.R.S. THE FEE IMPOSED BY THIS PARAGRAPH (a) SHALL NOT EXCEED FIVE THOUSAND DOLLARS PER YEAR PER FACILITY; EXCEPT THAT A MONOFILL FACILITY THAT CONTAINS COAL COMBUSTION PRODUCTS SHALL BE EXEMPT FROM THE FEE IMPOSED BY THIS PARAGRAPH (a). THE ANNUAL FEE SHALL BE UNIFORM AMONG OWNERS OF THE SAME TYPE OF, AND SIMILARLY SIZED,

FACILITY AND SHALL CONSIDER THE DEPARTMENT'S LEVEL OF EFFORT IN REGULATING THE FACILITIES.

(b) THE HOURLY CHARGE FOR THE DOCUMENT REVIEW AND ACTIVITY FEES SHALL BE ESTABLISHED AT A RATE COMPARABLE TO INDUSTRY RATES FOR PERFORMING SIMILAR TASKS WITH MAXIMUM LEVELS ON DOCUMENT REVIEW AND ACTIVITY FEES THAT REFLECT TIMELY AND COST-EFFECTIVE REVIEWS.

(c) THE DEPARTMENT SHALL PROVIDE A RECEIPT FOR THE FEES PAID PURSUANT TO THIS SUBSECTION (2.5), SHALL TRANSMIT SUCH PAYMENTS TO THE STATE TREASURER, AND ACCEPT THE STATE TREASURER'S RECEIPT IN RETURN FOR THE PAYMENTS TRANSMITTED. THE STATE TREASURER SHALL CREDIT ONE HUNDRED PERCENT OF THE FEES TRANSMITTED PURSUANT TO THIS PARAGRAPH (c) TO THE SOLID WASTE MANAGEMENT FUND CREATED IN SECTION 30-20-118 (1) TO BE USED FOR BY THE DEPARTMENT IN CARRYING OUT ITS DUTIES AND RESPONSIBILITIES CONCERNING SOLID WASTE MANAGEMENT.

(2.7) IF THE DEPARTMENT DETERMINES THAT A SITE OR FACILITY IS OR HAS BEEN SUBJECT TO PAYMENT OF THE ANNUAL FEE REQUIREMENTS PURSUANT TO SUBSECTION (2.5) OF THIS SECTION AND HAS NOT PAID ANY PORTION OF THE AMOUNT OF FEES DUE AND OWING, IN ADDITION TO ANY OTHER REMEDIES THE DEPARTMENT MAY HAVE IN SUCH CIRCUMSTANCES AS PROVIDED BY LAW, THE DEPARTMENT MAY ASSESS THE SITE OR FACILITY AN ADDITIONAL FEE TO OFFSET PROGRAM COSTS CAUSED BY THE SITE OR FACILITY WHICH ADDITIONAL FEE SHALL BE EQUIVALENT TO DOUBLE THE AMOUNT OF THE ESTIMATED ANNUAL FEE, WITHOUT INTEREST, THAT THE SITE OR FACILITY WOULD HAVE PAID THE DEPARTMENT IF THE FEE HAD BEEN PAID AS REQUIRED BY LAW.

**SECTION 11.** Part 1 of article 20 of title 30, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**30-20-122. Additional duties of the department - data collection on recycling, solid waste, and solid waste diversion - report.** (1) (a) THE DEPARTMENT SHALL COLLECT INFORMATION AND DATA ON RECYCLING, SOLID WASTE, AND SOLID WASTE DIVERSION. DATA REQUIRED TO BE COLLECTED BY THE DEPARTMENT ON RECYCLING, SOLID WASTE, AND SOLID WASTE DIVERSION AS REQUIRED BY THIS SUBSECTION (1) SHALL INCLUDE WITHOUT LIMITATION:

(I) STATE-WIDE AND REGIONAL SOLID WASTE STREAM COMPONENTS SUCH AS TYPE OF MATERIAL, QUANTITIES OF EACH MATERIAL, AND FLOW OF EACH MATERIAL;

(II) THE PROPORTION OF SOLID WASTE GENERATED IN THE STATE THAT HAS BEEN DIVERTED TO OTHER USES THAT MAY BE BASED UPON A MODEL ESTABLISHED BY THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY FOR THE PURPOSE OF CALCULATING A RECYCLING RATE;

(III) REUTILIZED MATERIALS, AMOUNTS, AND RATES;

(IV) TECHNICAL AND INNOVATIVE SOLID WASTE MANAGEMENT DEVELOPMENTS;

(V) A STATE-WIDE INVENTORY OF SITES AND FACILITIES PERFORMING RECYCLING

OR OTHER SOLID WASTE PROCESSING OR DIVERSION;

(VI) THE NUMBER OF JOBS CREATED AND ANY OTHER ECONOMIC IMPACTS RESULTING FROM THE AWARDING OF RECYCLING RESOURCES ECONOMIC OPPORTUNITY GRANTS MADE AVAILABLE PURSUANT TO SECTION 25-16.5-106.7, C.R.S.; AND

(VII) OTHER DATA AS NECESSARY TO FURTHER THE PURPOSES OF THIS PART 1.

(b) ON OR BEFORE FEBRUARY 1, 2009, AND ANNUALLY ON OR BEFORE FEBRUARY 1 OF EACH CALENDAR YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE STANDING COMMITTEE OF REFERENCE IN EACH HOUSE OF THE GENERAL ASSEMBLY EXERCISING JURISDICTION OVER MATTERS CONCERNING PUBLIC HEALTH AND THE ENVIRONMENT THAT INCLUDES A SUMMARY OF THE INFORMATION OR DATA COLLECTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1) AND ALL EVALUATIONS AND CONCLUSIONS DRAWN FROM THE INFORMATION OR DATA COLLECTED.

(2) THE DEPARTMENT SHALL HOLD ANY INFORMATION OR DATA SUBMITTED TO IT BY SOLID WASTE ENTITIES PURSUANT TO SUBSECTION (1) OF THIS SECTION AS CONFIDENTIAL BUSINESS INFORMATION UPON REQUEST OF THE SUBMITTING ENTITY IF THE INFORMATION OR DATA SATISFIES THE DEFINITION OF TRADE SECRET AS SPECIFIED IN SECTIONS 7-7-102 (4) AND 18-4-408 (2) (d), C.R.S. THE BURDEN OF PROVING THAT THE INFORMATION OR DATA IS PROTECTED AS A TRADE SECRET SHALL BE UPON THE PARTY ASSERTING THE CLAIM.

**SECTION 12. 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, 2007, the sum of three million three hundred seven thousand five hundred sixty-five dollars (\$3,307,565) and 4.8 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum, two million four hundred eighty-two thousand five hundred sixty-five dollars (\$2,482,565) shall be out of any moneys in the recycling resources economic opportunity fund created in section 25-16.5-106.5, Colorado Revised Statutes, not otherwise appropriated, and eight hundred twenty-five thousand dollars (\$825,000) shall be out of any moneys in the solid waste management fund created in section 30-20-118 (1), Colorado Revised Statutes, not otherwise appropriated.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the waste tire cleanup fund created in section 24-32-114 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of local affairs, for the fiscal year beginning July 1, 2007, the sum of seven hundred thirty-two thousand five hundred sixty-five dollars (\$732,565) and 0.2 FTE, or so much thereof as may be necessary, for the implementation of this act.

**SECTION 13. Effective date.** This act shall take effect July 1, 2007.

**SECTION 14. 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: May 23, 2007