

## CHAPTER 421

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**HEALTH AND ENVIRONMENT**


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**HOUSE BILL 10-1018**

BY REPRESENTATIVE(S) Looper and Primavera, Frangas, McFadyen, Solano, Fischer, Gardner B., Kerr J., Labuda, Liston, Stephens, Tyler, Vigil, Apuan, Gagliardi, Hullinghorst, Middleton;  
also SENATOR(S) Gibbs, Romer, Williams, Bacon, Boyd, King K., Newell, Schwartz, Whitehead.

**AN ACT**

**CONCERNING INCREASED AUTHORITY TO REGULATE WASTE TIRES, AND MAKING AN APPROPRIATION THEREFOR.**

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

**SECTION 1.** 23-19.7-104, Colorado Revised Statutes, is amended to read:

**23-19.7-104. Innovative higher education research fund - funding - repeal.**

(1) There is hereby created in the state treasury the innovative higher education research fund, which shall consist of:

(a) Moneys transferred to the research fund ~~from the waste tire recycling development cash fund created in section 25-17-202 (3) (a), C.R.S., pursuant to section 25-17-202 (3) (b) (HH), C.R.S., and the advanced technology fund created in section 25-16.5-105 (2) (a), C.R.S., pursuant to section 25-16.5-105 (2) (c), 25-17-202 (3) (a) (I) (A), C.R.S.~~ THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2014.

(b) Any moneys that the general assembly may appropriate to the research fund;

(c) Any moneys received pursuant to section 23-19.7-103 (1) (j); and

(d) All income and interest derived from the deposit and investment of moneys in the research fund.

(2) Moneys in the research fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs associated with the implementation of this article. Unexpended and unencumbered moneys remaining

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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.*

in the research fund at the end of any fiscal year shall remain in the research fund and shall not be credited or transferred to the general fund or any other fund.

**SECTION 2. Repeal.** 24-32-114, Colorado Revised Statutes, is repealed.

**SECTION 3.** 25-16.5-105 (1) (j.5), (1) (k), and (2), Colorado Revised Statutes, are amended to read:

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

~~(j.5) 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 provide research funding and technology transfer capital from the advanced technology fund pursuant to paragraph (b) of subsection (2) of this section;~~

(k) (I) 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. 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. Any rebate shall be paid out of moneys collected:

(A) From the ~~additional~~ WASTE TIRE fee ~~imposed by~~ CREDITED PURSUANT TO section 25-17-202 ~~(1) (a) (IV) that is allocated~~ (3) (a) (VI) to the recycling resources economic opportunity fund created in section 25-16.5-106.5. THIS SUB-PARAGRAPH (A) IS REPEALED, EFFECTIVE JULY 1, 2011; and

(B) 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.~~

(II) 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.

~~(2) (a) There is hereby created in the state treasury the advanced technology fund. The fund shall consist of moneys transferred thereto pursuant to section 25-17-202 (3), any moneys available to the board pursuant to paragraph (j.5) of subsection (1) of this section that the board transmits to the state treasurer to be credited to the fund, and any moneys appropriated to the fund by the general assembly. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. The moneys in the fund are hereby continuously appropriated to the board for the purposes specified in paragraph (b) of this subsection (2).~~

~~(b) The board shall expend moneys in the advanced technology fund to finance research, including research regarding the use of waste tires for noise mitigation along state highways as prioritized by the department of transportation pursuant to section 43-2-402 (5) (b), C.R.S., that will increase or improve recycling techniques and technology or create marketable uses for discarded materials, including strategies pertaining to waste tires, and address problems caused by inappropriate disposal of solid waste materials, including waste tire stockpiles, making use where possible of the research capacities of Colorado institutions of higher education. Grant awards shall be made, and the criteria for awarding grants shall be developed in consultation with the pollution prevention advisory board assistance committee created in section 25-16.5-105.5 (2), enacted by House Bill 07-1288, enacted at the first regular session of the sixty-sixth general assembly. The board, in consultation with the committee shall adopt a policy for the expenditure of such moneys, which shall contain priorities and the criteria for providing research funding and technology transfer.~~

~~(c) Notwithstanding the provisions of section 24-1-136 (11), C.R.S., the board shall biennially report to the general assembly about the status of financing the efforts described in paragraph (b) of this subsection (2), including an assessment of the activities of individuals or entities receiving grants from the advanced technology fund.~~

~~(d) Notwithstanding any provision of this subsection (2) to the contrary, on March 5, 2003, the state treasurer shall deduct eight hundred eighty-six thousand one hundred eighty-nine dollars and fifty-one cents from the advanced technology fund and transfer such sum to the general fund.~~

~~(e) Notwithstanding any other provision of this subsection (2), on May 31, 2007, the state treasurer shall transfer forty percent of the unencumbered balance of the advanced technology fund to the innovative higher education research fund created in section 23-19.7-104, C.R.S.~~

**SECTION 4.** 25-16.5-106.5 (1) and (2), Colorado Revised Statutes, are amended to read:

**25-16.5-106.5. Recycling resources economic opportunity fund - creation - repeal.** (1) (a) 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:

(I) (A) Moneys collected for the fund pursuant to sections 25-16-104.5 (3.9) ~~(b)~~ (a) and 25-17-202 ~~(1)(a)(IV)~~ (3) (a) (VI) and credited to the fund in accordance with ~~the provisions of section 25-16-104.5 (3.9) (b).~~ THIS SUB-SUBPARAGRAPH (A) IS REPEALED, EFFECTIVE JULY 1, 2011.

(B) EFFECTIVE JULY 1, 2011, MONEYS COLLECTED FOR THE FUND PURSUANT TO SECTION 25-16-104.5 (3.9) (a) AND CREDITED TO THE FUND IN ACCORDANCE WITH SECTION 25-16-104.5 (3.9) (b).

(II) Any moneys appropriated to the fund by the general assembly; and

(III) All other moneys that may be available to the fund, including moneys made available from gifts, grants, or bequests.

(b) 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~~ IN THE FUND 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)~~ PURSUANT TO SUBSECTION (1) OF THIS SECTION 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) and grant program oversight authorized by section 25-16.5-105.5 (3).

**SECTION 5.** 25-17-202, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

**25-17-202. Waste tire fees - definitions - repeal.** (1) AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COMMISSION" MEANS THE SOLID AND HAZARDOUS WASTE COMMISSION CREATED IN SECTION 25-15-302.

(b) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(c) "END USER" MEANS A PERSON WHO USES PROCESSED WASTE TIRES FOR A COMMERCIAL OR INDUSTRIAL PURPOSE.

(d) "PROCESSOR" MEANS A PERSON WHO PROCESSES WASTE TIRES IN COLORADO FOR RECYCLING OR BENEFICIAL USE.

(e) "PUBLIC PROJECT" MEANS:

(I) ANY PUBLICLY FUNDED CONTRACT ENTERED INTO BY A GOVERNMENTAL BODY OF THE EXECUTIVE BRANCH OF THIS STATE THAT IS SUBJECT TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S.; AND

(II) ANY PUBLICLY FUNDED CONTRACT ENTERED INTO BY ANY POLITICAL SUBDIVISION OF THE STATE.

(f) "TIRE" MEANS A TIRE FOR ANY PASSENGER VEHICLE, INCLUDING ANY TRUCK, WEIGHING LESS THAN FIFTEEN THOUSAND POUNDS, AND FOR ANY TRUCK, INCLUDING ANY TRUCK TRACTOR, TRAILER, OR SEMITRAILER, WEIGHING MORE THAN FIFTEEN THOUSAND POUNDS; EXCEPT THAT "TIRE" DOES NOT INCLUDE:

(I) TIRES THAT ARE RECAPPED OR OTHERWISE REPROCESSED FOR USE; OR

(II) TIRES THAT ARE USED FOR:

(A) FARM EQUIPMENT EXEMPT FROM SALES AND USE TAXES PURSUANT TO SECTION 39-26-716, C.R.S.; OR

(B) A FARM TRACTOR OR IMPLEMENT OF HUSBANDRY EXEMPT FROM REGISTRATION PURSUANT TO SECTION 42-3-104, C.R.S.

(g) "TIRE-DERIVED PRODUCT" MEANS MATTER THAT:

(I) IS DERIVED FROM A PROCESS THAT USES WHOLE TIRES AS A FEEDSTOCK, INCLUDING SHREDDING, CRUMBING, AND CHIPPING; AND

(II) HAS BEEN SOLD AND REMOVED FROM THE FACILITY OF A PROCESSOR.

(h) (I) "WASTE TIRE" MEANS A TIRE THAT IS NO LONGER MOUNTED ON A MOTOR VEHICLE AND IS NO LONGER SUITABLE FOR USE AS A TIRE DUE TO WEAR, DAMAGE, OR DEVIATION FROM THE MANUFACTURER'S ORIGINAL SPECIFICATIONS.

(II) "WASTE TIRE" INCLUDES THE FOLLOWING TYPES OF TIRES THAT ARE NOT ORGANIZED FOR RESALE BY SIZE IN A RACK OR A STACK IN A MANNER THAT ALLOWS THE INSPECTION OF EACH INDIVIDUAL TIRE: A REPAIRABLE TIRE, SCRAP TIRE, ALTERED WASTE TIRE, AND A USED TIRE.

(III) "WASTE TIRE" DOES NOT INCLUDE A TIRE-DERIVED PRODUCT OR CRUMB RUBBER.

(i) "WASTE TIRE CLEANUP PROGRAM" OR "PROGRAM" MEANS THE PROGRAM CREATED BY THIS PART 2.

(j) (I) "WASTE TIRE FACILITY" MEANS:

(A) A WASTE TIRE MONOFILL, AS THAT TERM IS DEFINED IN SECTION 30-20-1001, C.R.S.;

(B) A FACILITY OF AN END USER OR PROCESSOR;

(C) A FACILITY OF A TIRE RETAILER OR TIRE WHOLESALER THAT IS A SOURCE OF WASTE TIRES PURSUANT TO SECTION 30-20-1007 OR 30-20-1008, C.R.S.;

(D) A COLLECTION FACILITY, AS THAT TERM IS DEFINED BY THE COMMISSION BY RULE; OR

(E) ANY OTHER FACILITY AT WHICH A QUANTITY OF WASTE TIRES IN EXCESS OF A LIMIT ESTABLISHED BY RULE BY THE COMMISSION ARE STORED FOR AT LEAST NINETY DAYS, PROCESSED, OR DISPOSED OF.

(II) "WASTE TIRE FACILITY" DOES NOT INCLUDE THE FACILITY OF A WASTE TIRE HAULER UNLESS THE HAULER STORES A QUANTITY OF WASTE TIRES IN EXCESS OF A LIMIT ESTABLISHED BY RULE BY THE COMMISSION AT THE FACILITY FOR AT LEAST NINETY DAYS.

(k) "WASTE TIRE HAULER" MEANS A PERSON WHO TRANSPORTS WASTE TIRES FOR COMPENSATION.

(2) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, AS AMENDED, RETAILERS OF NEW TIRES SHALL COLLECT A WASTE TIRE FEE OF ONE DOLLAR AND FIFTY CENTS ON THE SALE OF EACH NEW TIRE. THE RECEIPT FROM THE RETAILER TO THE CUSTOMER FOR EVERY NEW TIRE SHALL CONTAIN THE FOLLOWING STATEMENT IN THE LARGEST BOLD-FACED PRINT CAPABLE ON EXISTING INVOICE PRINTERS, NOT TO EXCEED FIFTEEN POINTS: "SECTION 25-17-202, COLORADO REVISED STATUTES, REQUIRES RETAILERS TO COLLECT A \$1.50 WASTE TIRE FEE ON THE SALE OF EACH NEW MOTOR VEHICLE TIRE."

(b) THE RETAILER SHALL SUBMIT TO THE DEPARTMENT OF REVENUE ALL FEES COLLECTED PURSUANT TO THIS SECTION TOGETHER WITH ANY REPORT REQUIRED BY THE DEPARTMENT OF REVENUE IN CONJUNCTION WITH THE REMITTANCE OF ANY SALES TAX IN ACCORDANCE WITH ARTICLE 26 OF TITLE 39, C.R.S.

(c) A PERSON WHO FAILS TO COMPLY WITH THIS SECTION SHALL BE SUBJECT TO SECTION 39-21-118, C.R.S. THE DEPARTMENT OF REVENUE SHALL NOTIFY RETAILERS OF NEW TIRES CONCERNING THE NEW REQUIREMENTS IN THIS SECTION ENACTED BY SENATE BILL 09-289, ENACTED IN 2009.

(3) (a) THE DEPARTMENT OF REVENUE SHALL TRANSMIT THE FEES, TOGETHER WITH A REPORT OF ITS DIRECT AND INDIRECT ADMINISTRATIVE COSTS IN COMPLYING WITH THIS SECTION, TO THE STATE TREASURER AT THE END OF EACH CALENDAR QUARTER. THE STATE TREASURER SHALL PAY TO THE DEPARTMENT OF REVENUE AN AMOUNT EQUAL TO THE DEPARTMENT OF REVENUE'S DIRECT AND INDIRECT ADMINISTRATIVE COSTS SPECIFIED IN THIS PARAGRAPH (a); EXCEPT THAT THIS AMOUNT SHALL NOT EXCEED ONE AND TWO-THIRDS PERCENT OF THE TOTAL AMOUNT OF FEES CREDITED PURSUANT TO THIS PARAGRAPH (a). THE STATE TREASURER SHALL, SUBJECT TO PARAGRAPH (b) OF THIS SUBSECTION (3), CREDIT THE REMAINING FEES AS FOLLOWS:

(I) (A) THIRTY AND THIRTY-THREE ONE-HUNDREDTHS PERCENT TO THE PROCESSORS AND END USERS FUND CREATED IN SECTION 25-17-202.5 AND SIX AND SIXTY-SEVEN ONE-HUNDREDTHS PERCENT TO THE INNOVATIVE HIGHER EDUCATION RESEARCH FUND CREATED IN SECTION 23-19.7-104, C.R.S. THIS SUB-SUBPARAGRAPH (A) IS REPEALED, EFFECTIVE JULY 1, 2014.

(B) EFFECTIVE JULY 1, 2014, THIRTY-SEVEN PERCENT TO THE PROCESSORS AND END USERS FUND CREATED IN SECTION 25-17-202.5;

(II) THIRTY-NINE AND SIXTY-SIX ONE-HUNDREDTHS PERCENT TO THE WASTE TIRE CLEANUP FUND CREATED IN SECTION 25-17-202.6;

(III) (A) SIX AND SIXTY-SEVEN ONE-HUNDREDTHS PERCENT TO THE WASTE TIRE FIRE PREVENTION FUND CREATED IN SECTION 25-17-202.8. THIS SUB-SUBPARAGRAPH (A) IS REPEALED, EFFECTIVE JULY 1, 2011.

(B) EFFECTIVE JULY 1, 2011, EIGHT PERCENT TO THE WASTE TIRE FIRE PREVENTION FUND CREATED IN SECTION 25-17-202.8;

(IV) EFFECTIVE JULY 1, 2011, SIX AND SIXTY-SEVEN ONE-HUNDREDTHS PERCENT TO THE WASTE TIRE MARKET DEVELOPMENT FUND CREATED IN SECTION 25-17-202.9;

(V) EFFECTIVE JULY 1, 2011, EIGHT AND SIXTY-SEVEN ONE-HUNDREDTHS PERCENT TO THE LAW ENFORCEMENT GRANT FUND CREATED IN SECTION 25-17-207 (4); AND

(VI) SIXTEEN AND SIXTY-SEVEN ONE-HUNDREDTHS PERCENT TO THE RECYCLING RESOURCES ECONOMIC OPPORTUNITY FUND CREATED IN SECTION 25-16.5-106.5. THIS SUBPARAGRAPH (VI) IS REPEALED, EFFECTIVE JULY 1, 2011.

(b) THE DEPARTMENT MAY REALLOCATE UNCOMMITTED MONEYS AMONG FUNDING CATEGORIES DESCRIBED IN THIS SUBSECTION (3) AT THE END OF EACH FISCAL QUARTER.

(4) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE DEPARTMENT SHALL DISTRIBUTE, WHETHER BY GRANT, REIMBURSEMENT, OR OTHERWISE, FEES COLLECTED PURSUANT TO THIS SECTION ONLY TO A PERSON OR ENTITY THAT IS LOCATED IN AND HAS OPERATIONS IN COLORADO, AND SHALL NOT DISTRIBUTE ANY SUCH FEES TO A PERSON OR ENTITY LOCATED OUTSIDE OF COLORADO.

**SECTION 6.** 25-17-202.5 (1), Colorado Revised Statutes, is amended to read:

**25-17-202.5. Processors and end users fund created - rules - 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~~ CREDITED pursuant to section 25-17-202 ~~(1) (a) (H)~~ (3) (a) (I); YEAR-END SURPLUSES TRANSFERRED PURSUANT TO SECTIONS 25-17-202.6 (1), 25-17-202.8 (1), 25-17-202.9 (1), AND 25-17-207 (4); AND TRANSFERS BY THE STATE TREASURER ON THE EFFECTIVE DATE OF THIS SECTION, AS AMENDED, OF THE BALANCES OF THE UNEXPENDED AND UNENCUMBERED MONEYS IN THE WASTE TIRE CLEANUP FUND FORMERLY CREATED IN SECTION 24-32-117, C.R.S., AND THE ADVANCED TECHNOLOGY FUND FORMERLY CREATED IN SECTION 25-16.5-105 (2) (a), AS SUCH BALANCES EXISTED ON THE EFFECTIVE DATE OF THIS SECTION, AS AMENDED, AND AS SUCH FUNDS EXISTED PRIOR TO THEIR REPEAL. ALL INTEREST OR ANY OTHER RETURN ON THE INVESTMENT OF MONEYS IN THE FUND SHALL BE DEPOSITED IN THE FUND. Any moneys in the fund not expended or encumbered from any appropriation at the end of any fiscal year shall 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~~ MONTHLY PARTIAL REIMBURSEMENT TO PROCESSORS AND END USERS, UP TO A MAXIMUM OF SIXTY-FIVE DOLLARS FOR EACH TON OF RAW COLORADO WASTE TIRES THAT ARE PROCESSED OR USED. THE PURPOSE OF SUCH PARTIAL REIMBURSEMENTS SHALL BE TO ASSIST NEW AND EXISTING WASTE TIRE RECYCLING TECHNOLOGIES TO BECOME ECONOMICALLY FEASIBLE AND TO THEREBY ENCOURAGE THE USE OF WASTE TIRES AND REDUCE THE STORAGE OF WASTE TIRES IN COLORADO.

~~(a) Seventy-two percent shall be used for the purposes described in section 24-32-114 (1) (c), C.R.S.~~

~~(b) Twenty-eight percent shall be used for the purposes described in section 24-32-114 (1) (b), C.R.S.~~

**SECTION 7.** Part 2 of article 17 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

**25-17-202.6. Waste tire cleanup fund - rules.** (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE WASTE TIRE CLEANUP FUND, REFERRED TO IN THIS SECTION AS THE "FUND", CONSISTING OF REVENUES CREDITED PURSUANT TO SECTION 25-17-202 (3) (a) (II). ALL INTEREST OR ANY OTHER RETURN ON THE INVESTMENTS SHALL BE DEPOSITED IN THE FUND. AT THE END OF EACH FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND TO THE PROCESSORS AND END USERS FUND CREATED IN SECTION 25-17-202.5, EXCEPT FOR AN AMOUNT EQUAL TO THIRTY-THREE PERCENT OF THE DEPARTMENT'S PRIOR YEAR DIRECT AND INDIRECT COSTS. THE GENERAL ASSEMBLY SHALL MAKE ANNUAL APPROPRIATIONS OUT OF THE FUND TO THE DEPARTMENT IN AN AMOUNT EQUAL TO THE DEPARTMENT'S DIRECT AND INDIRECT ADMINISTRATIVE COSTS INCURRED PURSUANT TO THIS PART 2, NOT TO EXCEED TWENTY PERCENT OF THE ANNUAL INCOME TO THE FUND AND TO THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY FOR ITS ADMINISTRATIVE COSTS PURSUANT TO SECTION 25-17-206 (3).

(2) THE DEPARTMENT SHALL USE THE REMAINING MONEYS IN THE FUND AS FOLLOWS:

(a) UP TO TWO-THIRDS MAY BE EXPENDED TO PROVIDE GRANTS TO COUNTIES AND MUNICIPALITIES FOR THE DISPOSAL, RECYCLING, OR REUSE OF WASTE TIRES THAT HAVE BEEN ILLEGALLY DUMPED OR ABANDONED OR ARE OTHERWISE NOT ELIGIBLE FOR REIMBURSEMENTS FROM A FUND CREATED IN THIS ARTICLE AND ALLOW FOR PARTIAL REIMBURSEMENT TO PROCESSORS AND END USERS UP TO A MAXIMUM OF SIXTY-FIVE DOLLARS FOR EACH TON OF COLORADO RAW WASTE TIRES THAT ARE PROCESSED OR USED AT A WASTE TIRE FACILITY;

(b) (I) UP TO ONE-THIRD MAY BE EXPENDED TO PROVIDE FOR TIRE REUSE OR RECYCLING INCENTIVES IN PUBLIC PROJECTS FOR PRODUCTS THAT CONTAIN OR MAKE USE OF RECYCLED, RECAPPED, AND OTHER PREVIOUSLY USED WASTE TIRES, INCLUDING TIRE-DERIVED PRODUCTS. THE DEPARTMENT SHALL DETERMINE HOW MONEYS FOR SUCH INCENTIVES SHALL BE DISTRIBUTED AMONG PROJECTS. ANY STATE AGENCY IS AUTHORIZED TO EXPEND TIRE REUSE OR RECYCLING INCENTIVE MONEYS DISTRIBUTED PURSUANT TO THIS SECTION.

(II) THE GENERAL ASSEMBLY HEREBY FINDS THAT THE PURPOSE OF THE TIRE REUSE OR RECYCLING INCENTIVES UNDER THIS PARAGRAPH (b) IS TO ENCOURAGE THE BENEFICIAL REUSE AND RECYCLING OF COLORADO WASTE TIRES AND IS NOT INTENDED TO USURP FUNCTIONS PROPERLY PERFORMED BY THE PRIVATE SECTOR OR TO COMPETE UNFAIRLY WITH PRIVATE BUSINESSES.

(III) FOR THE PURPOSE OF EXPENDING TIRE REUSE OR RECYCLING INCENTIVES UNDER THIS PARAGRAPH (b), THE STATE PURCHASING DIRECTOR AND ANY PURCHASING AGENT HAVE THE AUTHORITY TO PURCHASE TIRE-DERIVED PRODUCTS UNLESS ANY OF THE FOLLOWING CONDITIONS EXIST:

(A) THE PRODUCT IS NOT AVAILABLE WITHIN A REASONABLE PERIOD OF TIME;

(B) THE PRODUCT FAILS TO MEET EXISTING PURCHASING RULES, INCLUDING ANY APPLICABLE SPECIFICATIONS; OR

(C) THE PRODUCT FAILS TO MEET FEDERAL OR STATE HEALTH OR SAFETY STANDARDS AS SET FORTH IN THE CODE OF FEDERAL REGULATIONS OR THE COLORADO CODE OF REGULATIONS.

(c) PER DIEM EXPENSES FOR THE ADVISORY COMMITTEE CREATED IN SECTION 25-17-208. FOR EACH MEMBER, PER DIEM PAYMENTS ARE CAPPED AT NINETY-NINE DOLLARS PER DAY.

(3) ALL MONEYS ENCUMBERED BY JUNE 30 OF A FISCAL YEAR SHALL ROLL FORWARD FOR EXPENDITURE IN THE FOLLOWING FISCAL YEAR.

(4) IN PROVIDING ASSISTANCE TO COUNTIES PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL GIVE PRIMARY CONSIDERATION TO THE NUMBER OF ILLEGAL WASTE TIRE DUMPS OR STORAGE FACILITIES OTHER THAN MONOFILLS IN EACH COUNTY AND WHETHER FACILITIES ARE AVAILABLE TO RECYCLE SUCH WASTE TIRES.

(5) (a) COUNTIES AND MUNICIPALITIES RECEIVING GRANTS PURSUANT TO THIS SECTION MAY USE SUCH GRANTS TO FUND THE REMOVAL AND DISPOSAL OR RECYCLING OF WASTE TIRES WITH COUNTY OR MUNICIPAL PERSONNEL OR MAY CONTRACT WITH PRIVATE ENTITIES, OTHER LOCAL GOVERNMENTS, OR OTHER GOVERNMENTAL AGENCIES FOR SUCH ACTIVITIES IF SUCH CONTRACTS ARE OTHERWISE IN ACCORDANCE WITH LAW. THE USE OF INMATE LABOR SHALL BE PURSUED WHENEVER FEASIBLE, AT THE SOLE DISCRETION OF THE BOARD OF COUNTY COMMISSIONERS OR THE GOVERNING BODY OF THE MUNICIPALITY.

(b) IN AWARDING CONTRACTS FOR SERVICES PURSUANT TO THIS SECTION, A COUNTY OR MUNICIPALITY MAY GIVE PREFERENTIAL BIDDING TREATMENT TO INDIVIDUALS OR ENTITIES THAT WILL RECYCLE, PURSUANT TO RULES OF THE DEPARTMENT CONCERNING RECYCLING, AND REUSE, RATHER THAN DISPOSE OF, THE WASTE TIRES.

(c) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT IT IS THE POLICY OF THIS STATE TO PURSUE PROPOSALS FOR RECYCLING AND MAKING OTHER BENEFICIAL USE OF WASTE TIRES, IN LIEU OF STORAGE OR LANDFILL DISPOSAL, WHENEVER FEASIBLE.

(6) (a) NO LATER THAN JANUARY 1, 2011, AND BIENNIALLY THEREAFTER, EACH COUNTY AND MUNICIPALITY IN THE STATE THAT HAS RECEIVED FUNDS PURSUANT TO THIS SECTION SHALL SUBMIT A REPORT TO THE DEPARTMENT CONCERNING:

(I) THE QUANTITY, EXPRESSED IN WEIGHT OR AS A NUMBER, OF TIRES REMOVED FROM ILLEGAL DUMPS OR STORAGE FACILITIES IN THE COUNTY OR MUNICIPALITY AND DISPOSED OF AT APPROVED FACILITIES OR IN RECYCLING OR REUSE PROJECTS;

(II) THE METHOD IN WHICH SUCH DISPOSAL WAS ACCOMPLISHED AND THE METHOD OF RECYCLING OR REUSE, IF ANY; AND

(III) THE QUANTITY OF WASTE TIRES IN THE COUNTY OR MUNICIPALITY REMAINING TO BE LEGALLY DISPOSED OF OR RECYCLED IN FUTURE YEARS.

(b) (I) THE DEPARTMENT SHALL CREATE A PRIORITY ABATEMENT LIST OF WASTE TIRE STORAGE OR DISPOSAL FACILITIES AND COORDINATE THE LIST WITH THE TEN-YEAR MONOFILL TIRE LANDFILL ELIMINATION PLAN REQUIRED BY SECTION 30-20-121 (4), C.R.S. ABATEMENT PROJECTS SHALL BE RANKED BASED ON THE POTENTIAL ENVIRONMENTAL DAMAGE OF THE INDIVIDUAL WASTE TIRE FACILITIES. THE DEPARTMENT SHALL PROVIDE AN ANNUAL UPDATE TO THE GENERAL ASSEMBLY OF THE ABATEMENT PROJECTS.

(II) THE DEPARTMENT, IN CONJUNCTION WITH THE WASTE TIRE ADVISORY COMMITTEE CREATED IN SECTION 25-17-208, EITHER ITSELF OR THROUGH A CONTRACTOR:

(A) SHALL PROVIDE EDUCATIONAL PROGRAMS TO COUNTIES AND THE PUBLIC REGARDING METHODS FOR PROPER DISPOSAL OF TIRES AND THE USE AND AVAILABILITY OF TIRE-DERIVED PRODUCTS; AND

(B) MAY CONDUCT FEASIBILITY STUDIES, INCLUDING SITE-SPECIFIC FEASIBILITY STUDIES AND LIFE CYCLE ASSESSMENTS, ON POTENTIAL USES OF WASTE TIRES, INCLUDING AS SOIL ABSORPTION MEDIA, LIGHTWEIGHT FILL USED IN ROADBEDS AND OTHER TYPES OF CIVIL ENGINEERING PROJECTS, SUBSTITUTE MATERIAL FOR AGGREGATE OR SOIL MATERIALS, RUBBERIZED ASPHALT FOR ROAD CONSTRUCTION PROJECTS, GEOSYNTHETIC LINED LANDFILLS, AND AS TIRE-DERIVED FUEL AT ELECTRIC UTILITIES IN CONJUNCTION WITH BOTTOM ASH, EXISTING PORTLAND CEMENT PLANTS, AND COAL-FIRED BOILERS.

(7) THE COMMISSION MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION.

**25-17-202.8. Waste tire fire prevention fund.** (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE WASTE TIRE FIRE PREVENTION FUND, REFERRED TO IN THIS SECTION AS THE "FUND", CONSISTING OF REVENUES CREDITED PURSUANT TO SECTION 25-17-202 (3) (a) (III). ALL INTEREST OR ANY OTHER RETURN ON THE INVESTMENT OF MONEYS IN THE FUND SHALL BE DEPOSITED IN THE FUND. AT THE END OF EACH FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND TO THE PROCESSORS AND END USERS FUND CREATED IN SECTION 25-17-202.5, EXCEPT FOR AN AMOUNT EQUAL TO THIRTY-THREE PERCENT OF THE DEPARTMENT'S PRIOR YEAR DIRECT AND INDIRECT COSTS.

(2) THE DEPARTMENT SHALL USE THE FUND FOR:

(a) TRAINING FIRE DEPARTMENTS IN AND PURCHASING EQUIPMENT AND SUPPLIES FOR THE PREVENTION OF, PREPARATION FOR, AND THE RESPONSE TO AND PROPER HANDLING OF WASTE TIRE FIRES; AND

(b) TRAINING FOR AND ENFORCEMENT BY THE STATE PATROL, SHERIFFS' OFFICES, POLICE DEPARTMENTS, AND LOCAL DEPARTMENTS OF HEALTH TO ENFORCE WASTE TIRE DISPOSAL, REGISTRATION, DECAL, AND MANIFEST REQUIREMENTS OF SECTIONS 25-17-204 TO 25-17-206, 30-20-121 (3), AND 30-20-1006, C.R.S.

**25-17-202.9. Waste tire market development fund.** (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE WASTE TIRE MARKET DEVELOPMENT FUND, REFERRED TO IN THIS SECTION AS THE "FUND", CONSISTING OF REVENUES CREDITED PURSUANT TO SECTION 25-17-202 (3) (a) (IV). ALL INTEREST OR ANY OTHER RETURN ON THE INVESTMENT OF MONEYS IN THE FUND SHALL BE DEPOSITED IN THE FUND. AT THE END OF EACH FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND TO THE PROCESSORS AND END USERS FUND CREATED IN SECTION 25-17-202.5.

(2) THE DEPARTMENT SHALL USE THE FUND TO ENCOURAGE WASTE TIRE MARKET DEVELOPMENT PURSUANT TO A MARKET DEVELOPMENT PLAN DEVELOPED BY THE WASTE TIRE ADVISORY COMMITTEE CREATED IN SECTION 25-17-208. THE DEPARTMENT MAY USE THE FUND TO HIRE A CONTRACTOR IN CONNECTION WITH IMPLEMENTATION OF THE PLAN.

**SECTION 8.** The introductory portion to 25-17-204 (1), Colorado Revised Statutes, is amended, and the said 25-17-204 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

**25-17-204. Waste tire haulers - registration - rules - violations.** (1) No person shall ~~for commercial purposes~~; transport A QUANTITY OF waste tires IN EXCESS OF A LIMIT ESTABLISHED BY THE COMMISSION BY RULE for storage or disposal to any location in this state:

(c) UNLESS THE PERSON:

(I) HAS AFFIXED TO THE VEHICLE USED FOR SUCH TRANSPORTATION A DECAL ACQUIRED FROM THE DEPARTMENT PURSUANT TO SECTION 25-17-205; AND

(II) COMPLIES WITH THE MANIFEST REQUIREMENTS OF SECTION 25-17-205.

**SECTION 9.** 25-17-204 (2), the introductory portion to 25-17-204 (3), and 25-17-204 (3) (a), Colorado Revised Statutes, are amended to read:

**25-17-204. Waste tire haulers - registration - rules - violations.** (2) Nothing in this section shall prohibit a person from transporting ~~a waste tire~~ A QUANTITY OF WASTE TIRES THAT IS NOT IN EXCESS OF A LIMIT ESTABLISHED BY THE COMMISSION BY RULE DURING ANY ONE TRIP 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~~ IN COMPLIANCE WITH SECTION 25-17-206 (4) (b). NO PERSON SHALL TRANSPORT A QUANTITY OF WASTE TIRES IN EXCESS OF THE LIMIT ESTABLISHED BY THE COMMISSION BY RULE DURING ANY ONE TRIP UNLESS THE PERSON IS REGISTERED PURSUANT TO THIS SECTION.

(3) The ~~solid and hazardous waste~~ commission shall promulgate rules to implement this section, including:

(a) Requirements that persons who transport A CERTAIN NUMBER OR MORE OF waste tires for storage or disposal:

(I) Create and maintain records, INCLUDING THE MANIFEST REQUIRED BY SECTION 25-17-205 (2), 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 annually provide a copy of the currently valid registration to each retailer of motor vehicle tires from whom the person accepts ~~for commercial purposes~~ a waste tire ~~and FOR HAULING;~~

(III) Post a bond in a form and an amount set by the ~~solid and hazardous waste~~ commission, not to exceed ten thousand dollars; AND

(IV) AFFIX A DECAL REQUIRED PURSUANT TO SECTION 25-17-205 (1) ON EACH VEHICLE USED TO TRANSPORT WASTE TIRES.

**SECTION 10.** Part 2 of article 17 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

**25-17-205. Decals - manifests. (1) Decals. (a)** ON AND AFTER A DATE SPECIFIED BY RULE PROMULGATED PURSUANT TO SECTION 25-17-207 (1), NO PERSON SHALL STORE A QUANTITY OF WASTE TIRES IN EXCESS OF A LIMIT ESTABLISHED BY THE COMMISSION IN COLORADO FOR ANY PURPOSE UNLESS:

(I) THE DEPARTMENT HAS ISSUED TO THE PERSON A DECAL PURSUANT TO THIS SECTION; AND

(II) THE PERSON HAS, PURSUANT TO RULES PROMULGATED PURSUANT TO SECTION 25-17-207 (1), AFFIXED THE DECAL TO A UNIFORM LOCATION AT THE ADDRESS USED TO STORE THE WASTE TIRES.

(b) ON AND AFTER A DATE SPECIFIED BY RULE PROMULGATED PURSUANT TO SECTION 25-17-207 (1), NO PERSON SHALL TRANSPORT A QUANTITY OF WASTE TIRES IN EXCESS OF A LIMIT ESTABLISHED BY THE COMMISSION IN COLORADO UNLESS:

(I) THE DEPARTMENT HAS ISSUED TO THE PERSON A DECAL PURSUANT TO THIS SECTION; AND

(II) THE PERSON HAS, PURSUANT TO RULES PROMULGATED PURSUANT TO SECTION 25-17-207 (1), AFFIXED THE DECAL TO THE VEHICLE USED TO TRANSPORT WASTE TIRES AT A UNIFORM LOCATION.

(c) THE DEPARTMENT SHALL ISSUE A DECAL TO A PERSON IF THE PERSON HAS SUBMITTED AN APPLICATION TO THE DEPARTMENT CONTAINING ALL INFORMATION REQUIRED BY THE COMMISSION BY RULE PROMULGATED PURSUANT TO SECTION 25-17-207 (1).

(d) DECALS SHALL BE VALID FOR A PERIOD DETERMINED BY THE COMMISSION BY RULE, NOT TO EXCEED FIVE YEARS. A DECAL ISSUED PURSUANT TO THIS SECTION SHALL CONTAIN THE INFORMATION REQUIRED BY RULE PROMULGATED PURSUANT TO SECTION 25-17-207 (1), INCLUDING AT LEAST AN EXPIRATION DATE AND THE DECAL NUMBER.

(2) **Uniform manifests.** (a) ON AND AFTER A DATE SPECIFIED BY RULE PROMULGATED PURSUANT TO SECTION 25-17-207(1), NO PERSON SHALL ACCEPT FOR TRANSPORTATION A QUANTITY OF WASTE TIRES IN EXCESS OF A LIMIT ESTABLISHED BY THE COMMISSION BY RULE UNLESS THE PERSON HAS COMPLETELY FILLED OUT IN TRIPPLICATE A UNIFORM MANIFEST, AVAILABLE FROM THE DEPARTMENT'S WEB SITE, IN A FORM ESTABLISHED BY THE DEPARTMENT CONTAINING THE INFORMATION SPECIFIED BY RULE PROMULGATED PURSUANT TO SECTION 25-17-207(1), INCLUDING AT LEAST THE FOLLOWING:

(I) THE MANIFEST NUMBER;

(II) THE DECAL NUMBER OF THE VEHICLE USED TO TRANSPORT THE TIRES;

(III) THE PERSON'S SIGNATURE UNDER PENALTY OF PERJURY, NAME, ADDRESS, AND TELEPHONE NUMBER;

(IV) THE CURRENT DATE; THE WASTE TIRE FACILITY REGISTRATION NUMBER, NAME, ADDRESS, AND TELEPHONE NUMBER OF THE SOURCE OF THE TIRES; AND THE WASTE TIRE FACILITY REGISTRATION NUMBER, NAME, ADDRESS, AND TELEPHONE NUMBER OF THE WASTE TIRE FACILITY TO WHICH THE WASTE TIRES WILL BE TRANSPORTED; AND

(V) THE NUMBER OR WEIGHT OF TIRES IN THE LOAD.

(b) THE PERSON SHALL RETAIN ONE COPY OF THE MANIFEST AND SHALL PROVIDE ONE COPY OF THE MANIFEST TO:

(I) THE SOURCE OF THE WASTE TIRE; AND

(II) THE WASTE TIRE FACILITY TO WHICH THE WASTE TIRES ARE TRANSPORTED.

(c) (I) THE PERSON, THE SOURCE OF THE WASTE TIRE, AND THE WASTE TIRE FACILITY TO WHICH THE WASTE TIRES ARE TRANSPORTED SHALL EACH KEEP A COPY OF THE MANIFEST FOR AT LEAST THREE YEARS AFTER THE DATE STATED ON THE MANIFEST.

(II) THE DEPARTMENT MAY ENTER AND INSPECT THE FACILITY OF ANY OF THE ENTITIES NAMED ON THE MANIFEST DURING NORMAL WORKING HOURS AND MAY REQUEST A COPY OF THE MANIFEST. FAILURE TO KEEP THE MANIFEST AS REQUIRED BY THIS PARAGRAPH (c) OR TO PRODUCE THE MANIFEST UPON REQUEST BY THE DEPARTMENT OR THE DEPARTMENT'S AGENT IS A VIOLATION OF THIS SECTION.

**25-17-206. Registration of waste tire facilities - definitions.** (1) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "LOCAL FIRE AUTHORITY" MEANS EITHER:

(a) THE CHIEF OF A FIRE DEPARTMENT, IF THE WASTE TIRE FACILITY IS LOCATED IN A FIRE PROTECTION DISTRICT;

(b) THE SHERIFF OF THE COUNTY IN WHICH THE WASTE TIRE FACILITY IS LOCATED, ACTING AS FIRE WARDEN, IF THE FACILITY IS LOCATED IN THE UNINCORPORATED

PORTION OF A COUNTY AND IS NOT LOCATED IN A FIRE PROTECTION DISTRICT;

(c) THE CHIEF OF A MUNICIPAL FIRE DEPARTMENT, IF THE WASTE TIRE FACILITY IS LOCATED IN THE INCORPORATED PORTION OF A COUNTY THAT IS PROTECTED BY A MUNICIPAL FIRE DEPARTMENT; OR

(d) THE GOVERNING BODY OF A MUNICIPALITY, IF THE WASTE TIRE FACILITY IS LOCATED IN THE INCORPORATED PORTION OF A COUNTY AND IS NOT LOCATED IN A FIRE PROTECTION DISTRICT OR PROTECTED BY A MUNICIPAL FIRE DEPARTMENT.

(2) ON AND AFTER A DATE SPECIFIED BY RULE PROMULGATED PURSUANT TO SECTION 25-17-207 (1), NO PERSON SHALL CONSTRUCT OR MAINTAIN A WASTE TIRE FACILITY UNLESS THE PERSON HAS REGISTERED WITH THE DEPARTMENT.

(3) (a) (I) ON AND AFTER A DATE SPECIFIED BY RULE PROMULGATED PURSUANT TO SECTION 25-17-207 (1), A WASTE TIRE FACILITY SHALL HAVE A FIRE PREVENTION, TRAINING, AND FIREFIGHTING PROGRAM AS DETERMINED BY THE COMMISSION BY RULE; EXCEPT THAT THIS SUBSECTION (3) SHALL NOT APPLY TO:

(A) A WASTE TIRE FACILITY THAT IS OPERATING WITH AN EXISTING CERTIFICATE OF DESIGNATION AND THAT IS IN COMPLIANCE WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS AND LAWS ON THE EFFECTIVE DATE OF THIS SECTION; EXCEPT THAT, UPON THE RENEWAL OF OR RE-APPLICATION FOR A CERTIFICATE OF DESIGNATION BY A WASTE TIRE FACILITY, THE WASTE TIRE FACILITY SHALL BE REQUIRED TO COMPLY WITH THIS SUBSECTION (3); OR

(B) A TIRE RETAILER OR TIRE WHOLESALER THAT IS A SOURCE OF WASTE TIRES PURSUANT TO SECTION 30-20-1007 OR 30-20-1008, C.R.S.

(II) (A) THE LOCAL FIRE AUTHORITY SHALL REVIEW THE PROGRAM IN ACCORDANCE WITH RULES AND, IF APPROPRIATE, RECOMMEND CHANGES NECESSARY TO APPROVE THE PROGRAM.

(B) UPON REQUEST OF THE LOCAL FIRE AUTHORITY, THE DIRECTOR OF THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF PUBLIC SAFETY SHALL HIRE A CONTRACTOR TO PROVIDE TECHNICAL ASSISTANCE IN THE REVIEW OF THE PROGRAM AND, IF APPROPRIATE, RECOMMEND CHANGES NECESSARY FOR THE LOCAL FIRE AUTHORITY TO APPROVE THE PROGRAM.

(b) IF THE LOCAL FIRE AUTHORITY APPROVES THE PROGRAM, IT SHALL CERTIFY THAT FACT TO THE DEPARTMENT. IF THE LOCAL FIRE AUTHORITY RECOMMENDS CHANGES NECESSARY TO APPROVE THE PROGRAM AND THE WASTE TIRE FACILITY FAILS TO IMPLEMENT THE CHANGES, IT SHALL CERTIFY THAT FACT TO THE DEPARTMENT. THE DEPARTMENT SHALL REVOKE THE REGISTRATION OF A WASTE TIRE FACILITY THAT DOES NOT HAVE AN APPROVED FIRE PREVENTION, TRAINING, AND FIREFIGHTING PROGRAM.

(4) (a) ON AND AFTER A DATE SPECIFIED BY RULE PROMULGATED PURSUANT TO SECTION 25-17-207 (1), EACH WASTE TIRE MONOFILL SHALL:

(I) BY AN ANNUAL DATE ESTABLISHED BY RULE, SUBMIT TO THE DEPARTMENT A

WASTE TIRE INVENTORY REDUCTION PLAN THAT COMPLIES WITH RULES ESTABLISHED BY THE COMMISSION. THE DEPARTMENT SHALL HOLD ANY INFORMATION OR DATA SUBMITTED TO IT BY A WASTE TIRE MONOFILL OR FACILITY OF AN END USER OR PROCESSOR PURSUANT TO THIS SUBPARAGRAPH (I) 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 7-74-102 AND 18-4-408 (2), 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.

(II) COMPLY WITH THE INVENTORY REDUCTION PLAN AS APPROVED BY THE DEPARTMENT BY THE END OF THE FOLLOWING YEAR.

(b) ON AND AFTER A DATE SPECIFIED BY RULE PROMULGATED PURSUANT TO SECTION 25-17-207 (1), DURING EACH CALENDAR YEAR, AND AS DETERMINED BY RULE:

(I) A PROCESSOR SHALL PROCESS INTO TIRE-DERIVED PRODUCT AT LEAST SEVENTY-FIVE PERCENT OF THE THREE-YEAR ROLLING AVERAGE ANNUAL AMOUNT, BY WEIGHT OR NUMBER, OF WASTE TIRES THAT THE PROCESSOR ACCEPTED DURING THE PREVIOUS THREE CALENDAR YEARS;

(II) AN END USER SHALL CONVERT INTO AN END PRODUCT AT LEAST SEVENTY-FIVE PERCENT OF THE THREE-YEAR ROLLING AVERAGE ANNUAL AMOUNT BY WEIGHT OF TIRE-DERIVED PRODUCT THAT THE END USER ACCEPTED DURING THE PREVIOUS THREE CALENDAR YEARS;

(III) A WASTE TIRE MONOFILL SHALL ARRANGE FOR THE PROCESSING INTO TIRE-DERIVED PRODUCT OF AT LEAST SEVENTY-FIVE PERCENT OF THE THREE-YEAR ROLLING AVERAGE ANNUAL AMOUNT, BY WEIGHT OR NUMBER, OF WASTE TIRES THAT THE WASTE TIRE MONOFILL ACCEPTED DURING THE PREVIOUS THREE CALENDAR YEARS.

(c) THE DEPARTMENT SHALL REVOKE THE REGISTRATION OF A WASTE TIRE FACILITY THAT VIOLATES THIS SUBSECTION (4), AND SUCH FACILITY IS INELIGIBLE FOR REIMBURSEMENTS FROM THE PROCESSORS AND END USERS FUND CREATED IN SECTION 25-17-202.5 AND THE WASTE TIRE CLEANUP FUND CREATED IN SECTION 25-17-202.6 UNTIL THE DEPARTMENT REINSTATES THE REGISTRATION.

(5) (a) EXCEPT AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (5), ON AND AFTER A DATE SPECIFIED BY RULE PROMULGATED PURSUANT TO SECTION 25-17-207 (1), A WASTE TIRE FACILITY SHALL:

(I) HAVE AN OPERATIONS PLAN, INCLUDING SITE SECURITY MEASURES THAT INCLUDE LOCKED GATES AND AT LEAST A SIX-FOOT FENCE SURROUNDING THE FACILITY;

(II) HAVE AN EMERGENCY RESPONSE PLAN;

(III) HAVE A FACILITY CLOSURE PLAN;

(IV) POST A BOND IN A FORM AND AMOUNT SET BY THE SOLID AND HAZARDOUS WASTE COMMISSION, USING ONE OR MORE OF THE FOLLOWING FINANCIAL MECHANISMS, TO COVER RECLAMATION OF THE FACILITY, IF APPLICABLE, AND TO FINANCIALLY ASSURE FULL PAYMENT OF ALL CLOSURE, POST-CLOSURE, AND, IF APPLICABLE, CORRECTIVE ACTION ESTIMATED COSTS:

- (A) TRUST FUND;
- (B) LETTER OF CREDIT;
- (C) SURETY BOND;
- (D) INSURANCE;
- (E) CORPORATE FINANCIAL TEST;
- (F) LOCAL GOVERNMENT FINANCIAL TEST;
- (G) CORPORATE GUARANTEE;
- (H) LOCAL GOVERNMENT GUARANTEE; OR

(I) ONE OF THE FOLLOWING STATE-APPROVED MECHANISMS: CERTIFICATE OF DEPOSIT; MULTIPLE FINANCIAL MECHANISMS; OR OTHER METHODS AS APPROVED BY THE DEPARTMENT AND THE GOVERNING BODY HAVING JURISDICTION;

(V) HAVE AN ADEQUATE WATER SUPPLY AVAILABLE FOR USE BY THE LOCAL FIRE AUTHORITY IN THE EVENT OF A FIRE. OWNERS AND OPERATORS OF WASTE TIRE FACILITIES MAY DEMONSTRATE COMPLIANCE WITH THIS REQUIREMENT THROUGH ALTERNATIVE METHODS AS APPROVED BY THE LOCAL FIRE AUTHORITY.

(VI) MEET THE STANDARDS AND CONDITIONS FOR THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AS DETERMINED BY THE LOCAL FIRE AUTHORITY. IN MAKING SUCH DETERMINATION, THE FIRE CODE ADOPTED PURSUANT TO SECTION 24-33.5-1203.5, C.R.S., BY THE DIVISION OF FIRE SAFETY WITHIN THE DEPARTMENT OF PUBLIC SAFETY SHALL BE USED AS THE MINIMUM FIRE SAFETY STANDARD FOR WASTE TIRE FACILITIES.

(b) THE REQUIREMENTS OF PARAGRAPH (a) OF THIS SUBSECTION (5):

(I) SHALL BE IMPLEMENTED BY THE DEPARTMENT IN CONSULTATION WITH THE LOCAL FIRE OFFICIALS AND IN ACCORDANCE WITH THE ADOPTED MINIMUM FIRE SAFETY STANDARDS; AND

(II) SHALL NOT APPLY TO:

(A) A WASTE TIRE FACILITY THAT IS OPERATING WITH AN EXISTING CERTIFICATE OF DESIGNATION AND THAT IS IN COMPLIANCE WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS AND LAWS ON THE EFFECTIVE DATE OF THIS SECTION; EXCEPT THAT, UPON THE RENEWAL OF OR RE-APPLICATION FOR A CERTIFICATE OF DESIGNATION BY A WASTE TIRE FACILITY, THE WASTE TIRE FACILITY SHALL BE

REQUIRED TO COMPLY WITH PARAGRAPH (a) OF THIS SUBSECTION (5); OR

(B) A TIRE RETAILER OR TIRE WHOLESALER THAT IS A SOURCE OF WASTE TIRES PURSUANT TO SECTION 30-20-1007 OR 30-20-1008, C.R.S.

**25-17-207. Rules - penalties - enforcement - fund.** (1) (a) THE COMMISSION SHALL ADOPT RULES AS NECESSARY AND CONVENIENT FOR THE ADMINISTRATION OF THIS PART 2.

(b) ONCE THE RULES HAVE BEEN PROMULGATED, THE DEPARTMENT SHALL REPORT TO THE TRANSPORTATION LEGISLATION REVIEW COMMITTEE, CREATED IN SECTION 43-2-145, C.R.S., ON THE PROMULGATION OF THE RULES.

(c) THE DEPARTMENT SHALL ANNUALLY REPORT TO THE HOUSE TRANSPORTATION AND ENERGY COMMITTEE AND THE SENATE TRANSPORTATION COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, ON THE STATUS OF THE WASTE TIRE CLEANUP PROGRAM.

(2) A PEACE OFFICER AND THE DEPARTMENT SHALL ENFORCE THE REQUIREMENTS OF THIS PART 2 IN CONNECTION WITH SECTIONS 30-20-113 AND 30-20-114, C.R.S.

(3) THE DEPARTMENT SHALL DEVELOP AN ON-LINE COMPLAINT FORM AND PROCESSES FOR LAW ENFORCEMENT, FIRE DEPARTMENTS, AND CITIZENS TO REPORT POTENTIAL WASTE TIRE VIOLATIONS.

(4) THERE IS HEREBY CREATED IN THE STATE TREASURY THE LAW ENFORCEMENT GRANT FUND, CONSISTING OF THE FEE REVENUE CREDITED PURSUANT TO SECTION 25-17-202 (3) (a) (V) AND ALL PENALTIES ASSESSED PURSUANT TO THIS PART 2. ALL INTEREST OR ANY OTHER RETURN ON THE INVESTMENTS SHALL BE PAID INTO THE FUND. AT THE END OF EACH FISCAL YEAR, THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND TO THE PROCESSORS AND END USERS FUND CREATED IN SECTION 25-17-202.5. THE DEPARTMENT SHALL USE THE FUND FOR GRANTS TO AN EDUCATIONAL PROGRAMS FOR COUNTY SHERIFFS, THE STATE PATROL, POLICE DEPARTMENTS, FIRE DEPARTMENTS, AND LOCAL HEALTH DEPARTMENTS FOR ENFORCEMENT, FIRE PREVENTION AND SUPPRESSION, TRAINING, AND OVERSIGHT OF WASTE TIRE FACILITIES.

**25-17-208. Waste tire advisory committee - repeal.** (1) THERE IS HEREBY CREATED, UNDER THE COMMISSION, A WASTE TIRE ADVISORY COMMITTEE CONSISTING OF THE FOLLOWING NINE MEMBERS:

(a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

(b) THE FOLLOWING EIGHT MEMBERS APPOINTED BY THE GOVERNOR WITH THE CONSENT OF THE SENATE:

(I) ONE MEMBER REPRESENTING LAW ENFORCEMENT FROM JURISDICTIONS THAT HAVE A WASTE TIRE FACILITY;

(II) ONE MEMBER REPRESENTING TIRE RETAILERS;

(III) ONE MEMBER REPRESENTING END USERS;

(IV) ONE MEMBER REPRESENTING TIRE MANUFACTURERS;

(V) ONE MEMBER REPRESENTING WASTE TIRE HAULERS;

(VI) ONE MEMBER REPRESENTING WASTE TIRE PROCESSORS;

(VII) ONE MEMBER REPRESENTING WASTE TIRE MONOFILLS THAT ARE OPERATING IN COMPLIANCE WITH THEIR CERTIFICATES OF DESIGNATION; AND

(VIII) ONE MEMBER REPRESENTING LOCAL FIRE AUTHORITIES THAT HAVE A WASTE TIRE FACILITY WITHIN THEIR JURISDICTION.

(2) THE ADVISORY COMMITTEE SHALL MEET ONCE PER QUARTER FOR THE FIRST FOUR YEARS AFTER JULY 1, 2010, TO PROVIDE INPUT AND ASSESSMENT OF THE WASTE TIRE CLEANUP PROGRAM, PROPOSE NEW RULES, AND RECOMMEND TO THE DEPARTMENT AND COMMISSION POTENTIAL RULES TO EFFECTIVELY MANAGE THE WASTE TIRE CLEANUP PROGRAM. THE ADVISORY COMMITTEE SHALL ADVISE THE COMMISSION AND THE DEPARTMENT ON CRITERIA AND PRIORITIES FOR WASTE TIRE-RELATED FUNDING; REPORT TO THE TRANSPORTATION AND ENERGY COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE TRANSPORTATION COMMITTEE OF THE SENATE, OR THEIR SUCCESSOR COMMITTEES, WITH RECOMMENDATIONS REGARDING PENALTIES FOR WASTE TIRE DISPOSAL, STORAGE, AND TRANSPORTATION VIOLATIONS BY JANUARY 1, 2011, AND REGARDING ALLOCATION OF THE WASTE TIRE FEE BY JANUARY 1, 2013, AND AS APPROPRIATE THEREAFTER; MAKE RECOMMENDATIONS TO THE DEPARTMENT CONCERNING EDUCATIONAL PROGRAMS AND FEASIBILITY STUDIES AS CONTEMPLATED BY SECTION 25-17-202.6 (6) (b) (II); AND ASSIST THE DEPARTMENT AS NEEDED WITH MAKING GRANTS RELATED TO WASTE TIRE CLEANUP. THE COMMITTEE SHALL DETERMINE THE FREQUENCY OF ITS MEETINGS AFTER JULY 1, 2014. THE FOCUS FOR THE COMMITTEE IS TO:

(a) PROTECT THE SAFETY AND WELFARE OF THE CITIZENS, WILDLIFE, AND ENVIRONMENT ADJACENT TO WASTE TIRE FACILITIES;

(b) DEVELOP SOUND ENFORCEMENT PRACTICES AND RISK MITIGATION PRACTICES TO PREVENT THE LOSS OF LIFE, PROPERTY, AND THE ENVIRONMENT CAUSED BY WASTE TIRES;

(c) PREVENT THE ILLEGAL TRANSPORTATION AND DISPOSAL OF WASTE TIRES;

(d) DEVELOP MARKETS FOR TIRE-DERIVED PRODUCTS; AND

(e) PROVIDE A LONG-TERM PLAN TO REDUCE WASTE TIRE STOCKPILES AND A WASTE TIRE MARKET DEVELOPMENT PLAN.

(3) THE ADVISORY COMMITTEE SHALL HAVE A CHAIR AND VICE-CHAIR AND SHALL REPORT TO THE COMMISSION, ON AN ANNUAL BASIS, CONCERNING THE PROGRESS OF THE WASTE TIRE CLEANUP PROGRAM. THE ADVISORY COMMITTEE SHALL TRACK THE VIOLATIONS ALLEGED PURSUANT TO THIS PART 2 AND REPORT A SUMMARY OF THE COMPLAINTS IN THE ANNUAL REPORT TO THE COMMISSION. THE DEPARTMENT SHALL

PROVIDE STAFF SUPPORT, AS APPROPRIATE, TO THE ADVISORY COMMITTEE.

(4) APPOINTED MEMBERS OF THE ADVISORY COMMITTEE SHALL SERVE THREE-YEAR TERMS; EXCEPT THAT, OF THE INITIAL APPOINTEES, TWO SHALL BE APPOINTED FOR ONE-YEAR TERMS; THREE SHALL BE APPOINTED FOR TWO-YEAR TERMS; AND THREE SHALL BE APPOINTED FOR THREE-YEAR TERMS. THE GOVERNOR SHALL DESIGNATE THE LENGTH OF TERMS FOR EACH OF THE MEMBERS FIRST APPOINTED IN ACCORDANCE WITH THIS SUBSECTION (4). VACANCIES SHALL BE FILLED BY APPOINTMENT FOR THE DURATION OF THE UNEXPIRED TERM.

(5) MEMBERS OF THE ADVISORY COMMITTEE SHALL HOLD THEIR FIRST MEETING NO LATER THAN OCTOBER 10, 2010.

(6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020. PRIOR TO SUCH REPEAL, THE ADVISORY COMMITTEE SHALL BE REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203, C.R.S.

**SECTION 11.** 2-3-1203 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**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:

(gg) JULY 1, 2020: THE WASTE TIRE ADVISORY COMMITTEE CREATED IN SECTION 25-17-208, C.R.S.

**SECTION 12.** The introductory portion to 24-33.5-1203.5 (2) and 24-33.5-1203.5 (2) (b), Colorado Revised Statutes, are amended to read:

**24-33.5-1203.5. Powers and duties of director.** (2) In order to carry out the purposes and provisions of this part 12 AND SECTION 25-17-206, C.R.S., the director of the division shall promulgate rules in accordance with article 4 of this title:

(b) Adopting nationally recognized standards that the director of the division reasonably finds necessary to carry out the purposes and provisions of this part 12 AND SECTION 25-17-206, C.R.S.

**SECTION 13.** 30-20-1001 (17), Colorado Revised Statutes, is amended to read:

**30-20-1001. Definitions.** As used in this part 10, unless the context otherwise requires:

(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.~~ HAS THE MEANING ESTABLISHED IN SECTION 25-17-202 (1), C.R.S.

(b) ~~"Waste tire" does not include waste tires from any device moved exclusively by human power.~~

**SECTION 14.** 39-26-706, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**39-26-706. Miscellaneous sales and use tax exemptions - cigarettes - internet access - refractory materials - precious metal bullion and coins - waste tires.** (5) ON AND AFTER JULY 1, 2010, THE COLLECTION OF THE WASTE TIRE FEE PURSUANT TO SECTION 25-17-202, C.R.S., IS EXEMPT FROM TAXATION UNDER PART 1 OF THIS ARTICLE.

**SECTION 15.** 43-2-402 (5), Colorado Revised Statutes, is amended to read:

**43-2-402. Noise mitigation measures.** (5) (a) The department shall construct noise mitigation measures on the list of approved measures for which a local government has agreed to provide no less than fifty percent of the necessary moneys in the order of priority established pursuant to subsection (4) of this section, using moneys provided by local governments and any moneys distributed to the department by ~~the director of the division of local government in the department of local affairs~~ PUBLIC HEALTH AND ENVIRONMENT pursuant to ~~section 24-32-114 (1) (b), C.R.S.~~ PART 2 OF ARTICLE 17 OF TITLE 25, C.R.S.

(b) After the construction of noise mitigation measures in accordance with paragraph (a) of this subsection (5), the department shall use any moneys provided by local governments or distributed to the department pursuant to ~~section 24-32-114 (1) (b), C.R.S.~~ PART 2 OF ARTICLE 17 OF TITLE 25, C.R.S., to construct other noise mitigation measures on the list of approved measures in the order of priority established pursuant to subsection (4) of this section.

(c) If a noise mitigation measure on the list of approved measures is not constructed in a state fiscal year, the applicant may submit an application for the noise mitigation measure for the next state fiscal year.

**SECTION 16.** 25-16.5-106.5 (1) and (2), Colorado Revised Statutes, as amended by House Bill 10-1052, are amended to read:

**25-16.5-106.5. Recycling resources economic opportunity fund - creation - repeal.** (1) (a) 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:

(I) (A) Moneys collected for the fund pursuant to sections 25-16-104.5 (3.9) ~~(b)~~ (a) and ~~prior to July 1, 2011, 25-17-202 (1) (a) (IV) (3) (a) (VI)~~ and credited to the fund in accordance with ~~the provisions of~~ section 25-16-104.5 (3.9) (b). THIS SUB-SUBPARAGRAPH (A) IS REPEALED, EFFECTIVE JULY 1, 2011.

(B) EFFECTIVE JULY 1, 2011, MONEYS COLLECTED FOR THE FUND PURSUANT TO SECTION 25-16-104.5 (3.9) (a) AND CREDITED TO THE FUND IN ACCORDANCE WITH SECTION 25-16-104.5 (3.9) (b).

(II) Any moneys appropriated to the fund by the general assembly; and

(III) All other moneys that may be available to the fund, including moneys made

available from gifts, grants, or bequests.

(b) 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~~ IN THE FUND 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, prior to July 1, 2011, 25-17-202 (1) (a) (IV)~~ PURSUANT TO SUBSECTION (1) OF THIS SECTION 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) and grant program oversight authorized by section 25-16.5-105.5 (3).

**SECTION 17. Repeal.** Sections 5 and 6 of House Bill 10-1052, are repealed.

**SECTION 18. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the waste tire cleanup fund created in section 25-17-202.6 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2010, the sum of one million eight hundred seventy-one thousand two hundred sixty-five dollars (\$1,871,265) and 2.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2010, the sum of fifteen thousand seventy-six dollars (\$15,076) and 0.2 FTE, 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 reappropriated funds received from the department of public health and environment out of the appropriation made in subsection (1) of this section.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the processors and end users fund created in section 25-17-202.5 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2010, the sum of one million four hundred thirty-one thousand five hundred twenty-seven dollars (\$1,431,527) and 0.4 FTE, or so much thereof as may be necessary, for the implementation of this act.

(4) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the recycling resources economic opportunity fund created in section 25-16.5-106.5 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2010, the sum of thirteen thousand four hundred thirty-seven dollars (\$13,437), or so much thereof as may be necessary, for the implementation of this act.

(5) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the innovative higher education research fund created in section

23-19.7-104 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2010, the sum of three hundred fourteen thousand eight hundred thirteen dollars (\$314,813), or so much thereof as may be necessary, for the implementation of this act.

(6) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the waste tire fire prevention fund created in section 25-17-202.8 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2010, the sum of three hundred fourteen thousand eight hundred thirteen dollars (\$314,813), or so much thereof as may be necessary, for the implementation of this act.

(7) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the waste tire fire prevention fund created in section 25-17-202.8 (1), Colorado Revised Statutes, not otherwise appropriated, to the department of public safety, for the fiscal year beginning July 1, 2010, the sum of seventy-one thousand nine hundred seventy dollars (\$71,970), or so much thereof as may be necessary, for the implementation of this act.

(8) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2010, shall be adjusted as follows:

(a) The appropriation to the department of local affairs, division of local government, for waste tire recycling, reuse and removal grants, is decreased by four million two hundred thousand dollars (\$4,200,000) cash funds and 0.7 FTE. Of said sum, two million six hundred thousand dollars (\$2,600,000) shall be from the waste tire recycling development cash fund created in section 25-17-202 (3) (a), Colorado Revised Statutes, eight hundred thousand dollars (\$800,000) shall be from the processors and end users of waste tires cash fund created in section 25-17-202.5 (1), Colorado Revised Statutes, and eight hundred thousand dollars (\$800,000) shall be from the waste tire cleanup fund created in section 24-32-114 (1), Colorado Revised Statutes.

(b) The informational appropriation to the department of public health and environment, division of administration and support, for advanced technology research grants, is decreased by four hundred ninety-five thousand dollars (\$495,000) cash funds. Said sum shall be cash funds from the advanced technology fund created in section 25-16.5-105 (2), Colorado Revised Statutes.

**SECTION 19. Specified effective date - applicability.** This act shall take effect upon passage and shall apply to conduct occurring on or after said date; except that sections 16 and 17 of this act shall take effect July 1, 2010, but only if House Bill 10-1052 is enacted and becomes law.

**SECTION 20. 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 10, 2010