

CHAPTER 48

GOVERNMENT - COUNTY

HOUSE BILL 12-1078

BY REPRESENTATIVE(S) Vigil, Baumgardner, Sonnenberg, Swerdfeger, Wilson, Barker, Becker, DelGrosso, Duran, Fields, Fischer, Hamner, Hullinghorst, Kagan, Labuda, Nikkel, Pabon, Schafer S., Scott, Summers, Todd, Jones, Pace; also SENATOR(S) Schwartz, Brophy, Giron, Hodge, Roberts, Newell.

AN ACT

CONCERNING THE EXEMPTION OF DRINKING WATER TREATMENT FACILITIES FROM THE REQUIREMENT TO OBTAIN A CERTIFICATE OF DESIGNATION.

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

SECTION 1. In Colorado Revised Statutes, 30-20-102, **amend** (1), (2), (3), (4), and (6); and **add** (7.5) as follows:

30-20-102. Unlawful to operate site and facility without certificate of designation - exceptions. (1) ~~Any~~ EXCEPT AS OTHERWISE SPECIFIED IN THIS SECTION, A person who owns or operates a solid wastes disposal site and facility shall first obtain a certificate of designation from the governing body having jurisdiction over the area in which such site and facility is located.

(2) EXCEPT AS OTHERWISE SPECIFIED IN THIS SECTION, solid wastes disposal by any person is prohibited except on or at a solid wastes disposal site and facility for which a certificate of designation has been obtained as provided in section 30-20-105.

(3) ~~Notwithstanding subsections (1) and (2) of this section, any~~ A person other than a governmental unit may dispose of the person's own solid wastes on the person's own property, as long as such solid wastes disposal site and facility complies with the rules of the solid and hazardous waste commission and does not constitute a public nuisance. For the purposes of this part 1, such solid wastes disposal site and facility shall be an approved site for which obtaining a certificate of designation under ~~the provisions of~~ section 30-20-105 ~~shall be~~ is unnecessary. This subsection (3) ~~shall~~ DOES not preclude any person from applying for a certificate of designation for the disposal of the person's own solid wastes on the

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

person's own property.

(4) ~~Notwithstanding the provisions of subsections (1) and (2) of this section, any~~ A person who is engaged in mining operations pursuant to a permit issued by the mined land reclamation board or office of mined land reclamation ~~which~~ THAT contains an approved plan of reclamation may dispose of solid wastes generated by such operations within the permitted area for such operations. For the purposes of this part 1, such solid wastes disposal site and facility ~~shall be~~ IS an approved site for which obtaining a certificate of designation under ~~the provisions of~~ section 30-20-105 ~~shall be~~ IS unnecessary.

(6) ~~Notwithstanding the provisions of subsections (1) and (2) of this section,~~ The final use for beneficial purposes, including fertilizer, soil conditioner, fuel, and livestock feed, of biosolids that have been processed and certified or designated as meeting all applicable rules of the solid and hazardous waste commission and the department of agriculture ~~shall~~ DOES not require a certificate of designation for such final use. In addition, the use of manure as a fertilizer or soil conditioner or the composting on the site of generation of manure with other compatible materials necessary for effective composting as part of a standard agricultural practice ~~shall~~ DOES not require a certificate of designation.

(7.5) (a) ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (7.5), A GOVERNING BODY HAVING JURISDICTION SHALL NOT REQUIRE A CERTIFICATE OF DESIGNATION FOR WASTE IMPOUNDMENTS OR OTHER SOLID WASTES DISPOSAL OPERATIONS OF DRINKING WATER TREATMENT RESIDUALS GENERATED ON-SITE AT A DRINKING WATER TREATMENT FACILITY. A CERTIFICATE OF DESIGNATION FOR WASTE IMPOUNDMENTS OR OTHER SOLID WASTES DISPOSAL OPERATIONS OF DRINKING WATER TREATMENT RESIDUALS GENERATED ON-SITE AT A DRINKING WATER TREATMENT FACILITY ISSUED BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (7.5) IS VOIDABLE AT THE OPTION OF THE FACILITY.

(b) A DRINKING WATER TREATMENT FACILITY THAT DOES NOT REQUIRE A CERTIFICATE OF DESIGNATION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (7.5) SHALL COMPLY WITH THE RULES OF THE SOLID AND HAZARDOUS WASTE COMMISSION FOR WASTE IMPOUNDMENTS AND SOLID WASTES DISPOSAL.

(c) NOTHING IN PARAGRAPH (a) OR (b) OF THIS SUBSECTION (7.5) LIMITS THE APPLICATION OF OTHER LOCAL GOVERNMENT LAND USE REGULATIONS TO WASTE IMPOUNDMENTS OR SOLID WASTES DISPOSAL OPERATIONS AT A DRINKING WATER TREATMENT FACILITY.

SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) The provisions of this act apply to solid wastes impounded or disposed of before, on, or after the applicable effective date of this act.

Approved: March 22, 2012