

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

March 19, 2009  
Date

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

HB09-1056 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 9, after line 4, insert the following:

2 "SECTION 3. The introductory portion to 30-20-109 (1.5) (c),  
3 Colorado Revised Statutes, is amended, and the said 30-20-109 (1.5) is  
4 further amended BY THE ADDITION OF A NEW PARAGRAPH, to  
5 read:

6 **30-20-109. Commission to promulgate rules - definitions.**  
7 (1.5) (c) EXCEPT AS PROVIDED IN PARAGRAPH (e) OF THIS SUBSECTION  
8 (1.5), an EP waste disposal facility that accepted EP waste on or before  
9 ~~the effective date of this subsection (1.5) JUNE 4, 2008~~, and that ~~has~~ HAD  
10 not begun closure by ~~the effective date of this subsection (1.5) JUNE 4,~~  
11 2008, shall:

12 (e) (I) UPON THE RECOMMENDATION OF THE DEPARTMENT, THE  
13 SOLID AND HAZARDOUS WASTE COMMISSION MAY WAIVE, FOR INDIVIDUAL  
14 IMPOUNDMENTS, THE REQUIREMENT IMPOSED PURSUANT TO PARAGRAPH  
15 (c) OF THIS SUBSECTION (1.5) THAT AN EP WASTE DISPOSAL FACILITY THAT  
16 ACCEPTED EP WASTE ON OR BEFORE JUNE 4, 2008, BUT HAD NOT BEGUN  
17 CLOSURE BY THAT DATE, MUST INSTALL FABRICATED LINERS. THE  
18 DEPARTMENT MAY RECOMMEND A WAIVER ONLY IF ALL OF THE  
19 FOLLOWING CONDITIONS ARE MET:

20 (A) THERE HAVE BEEN NO UNPERMITTED DISCHARGES TO GROUND  
21 WATER OR SURFACE WATER FROM THE OPERATION OF THE FACILITY;

1 (B) EACH IMPOUNDMENT FOR WHICH A WAIVER IS REQUESTED IS  
2 LOCATED MORE THAN ONE THOUSAND FEET FROM ANY PUBLIC OR PRIVATE  
3 WATER WELL OR SURFACE WATER;

4 (C) THE OWNER OR OPERATOR COMPLIES WITH MANDATORY  
5 MONITORING AND REPORTING REQUIREMENTS AS DETERMINED BY THE  
6 DEPARTMENT, INCLUDING, BUT NOT LIMITED TO, INDIVIDUAL  
7 IMPOUNDMENT LEAK DETECTION MONITORING; AND

8 (D) THE OWNER OR OPERATOR IS NOT SUBJECT TO ANY  
9 OUTSTANDING COMPLIANCE ORDERS OR ENFORCEMENT ACTIONS WITH  
10 REGARD TO THE DESIGN, OPERATION, OR CLOSURE OF THE FACILITY.

11 (II) IF, AT ANY TIME, THE DEPARTMENT DETERMINES THAT ONE OR  
12 MORE OF THE CONDITIONS SPECIFIED IN SUBPARAGRAPH (I) OF THIS  
13 PARAGRAPH (e) ARE NO LONGER MET, THE DEPARTMENT MAY BRING THE  
14 RELEVANT INFORMATION TO THE SOLID AND HAZARDOUS WASTE  
15 COMMISSION WITH A RECOMMENDATION TO RESCIND THE WAIVER OF THE  
16 REQUIREMENT TO INSTALL FABRICATED LINERS. IF THE SOLID AND  
17 HAZARDOUS WASTE COMMISSION DETERMINES THAT ONE OR MORE OF THE  
18 CONDITIONS ARE NO LONGER BEING MET, THE SOLID AND HAZARDOUS  
19 WASTE COMMISSION MAY RESCIND THE WAIVER AND INSTRUCT THE  
20 DEPARTMENT TO ESTABLISH A COMPLIANCE SCHEDULE FOR THE OWNER OR  
21 OPERATOR TO INSTALL FABRICATED LINERS."

22 Renumber succeeding section accordingly.

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