

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0516.01 Thomas Morris x4218

HOUSE BILL 14-1352

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HOUSE SPONSORSHIP

Tyler and Coram,

SENATE SPONSORSHIP

Todd and King,

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House Committees  
Transportation & Energy

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE MANAGEMENT OF WASTE TIRES.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill repeals and reenacts the state's waste tire laws, consolidating the laws in a new part of the solid waste statutes and all regulatory authority in the department of public health and environment. The department's existing solid waste enforcement authority applies to waste tires.

The solid and hazardous waste commission will set the waste tire fee by rule in an amount not to exceed the current \$1.50 fee. In addition

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

to the existing application of the fee to automobile tires, the fee will also be collected on trailer, truck, motor home, and motorcycle tires. On and after January 1, 2018, the fee is set at 55 cents per tire.

Until December 31, 2017, the fee will be distributed as follows: 30% to the waste tire administration, enforcement, and cleanup fund; 65% to the end users fund; and 5% to the waste tire market development fund. On January 1, 2018, the entire fee is credited to the waste tire administration, enforcement, and cleanup fund, and the end users fund and the waste tire market development fund are repealed.

The commission will set the amount of the rebate payable from the end users fund, not to exceed \$80 per ton in an amount that is: The same each month for each successive 12-month period; based on the monthly rolling average weight of waste tires submitted for a rebate during the previous 36-month period; and calculated to equalize, but not exceed, the amount of rebates paid with the anticipated income to the end users fund during each succeeding 12-month period. The department must pay rebates on a per-ton basis, and the commission's rules governing administration of the rebate must specify that:

- ! If the weight of waste tires submitted for a rebate in any one month multiplied by the amount of the rebate exceeds the balance of the end users fund, the department will pay a reduced per-ton rebate that month; and
- ! The department must quarterly notify end users of the date on which the balance of the end users fund is anticipated to be insufficient to pay all of the rebates applied for.

Rebates can be made to end users, retailers who sell tire-derived product, and processors of Colorado waste tires who sell their tire-derived product to out-of-state end users. To avoid double payment of the rebate, once the department has paid a rebate on a particular quantity of tire-derived product, every part of that particular quantity of tire-derived product is no longer eligible for payment of the rebate.

Waste tire haulers cannot have more than 1,000 waste tires on site or store a waste tire for more than 3 days. Waste tire generators cannot have more than 1,500 waste tires at any one time and must develop and maintain written criteria for distinguishing waste tires from used tires, clearly identify waste tires and used tires according to the criteria, and organize used tires for sale in a manner that allows the inspection of each individual tire. Waste tire collection facilities cannot have on site more than 7,500 waste tires at any one time. Waste tire processors cannot have on site at any one time more than the lesser of 100,000 waste tires, the amount of waste tires allowed under local requirements, or the amount of waste tires anticipated in the waste tire processor's financial assurance instrument. Mobile processors of waste tires must register with the department.

Used tire sellers must distinguish waste tires from used tires,

distinguish used tires being held for sale in Colorado from used tires being held for sale outside Colorado, and organize used tires for sale in a manner that allows the inspection of each individual tire.

Waste tire monofills must:

- ! On an annual basis, for every one waste tire received, end use at least 2 waste tires, process at least 2 waste tires into tire-derived product; and
- ! Not place any waste tires into monofill storage after January 1, 2018, and close the waste tire monofill by July 1, 2024.

The waste tire advisory committee is repealed.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 14 to article  
3 20 of title 30 as follows:

4 PART 14

5 STRATEGIES FOR WASTE TIRES

6 **30-20-1401. Legislative declaration - rules - enforcement -**  
7 **recyclable material.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND  
8 DECLARES THAT, IN ORDER TO PROTECT THE ENVIRONMENT AND THE  
9 PUBLIC HEALTH, THERE IS A SPECIAL NEED TO ADDRESS PROBLEMS  
10 CREATED BY THE DISPOSAL OF WASTE TIRES AND THE LACK OF RECYCLING  
11 AND BENEFICIAL USE OF WASTE TIRES. IT IS THE POLICY OF THIS STATE TO  
12 PURSUE PROPOSALS FOR RECYCLING AND OTHER BENEFICIAL USE OF WASTE  
13 TIRES IN LIEU OF STORAGE OR LANDFILL DISPOSAL, AND, IN ADDITION, IT  
14 IS THE INTENT OF THE GENERAL ASSEMBLY IN ADOPTING THIS PART 14 TO  
15 ENCOURAGE THE DEVELOPMENT OF TECHNIQUES FOR RESOURCE  
16 RECOVERY, RECYCLING, AND REUSE OF WASTE TIRES AND TO PROVIDE FOR  
17 THE MANAGEMENT OF WASTE TIRES.

18 (2) BY MAY 31, 2015, THE COMMISSION SHALL PROMULGATE  
19 RULES FOR THE IMPLEMENTATION AND ENFORCEMENT OF THIS PART 14.

1 UNTIL THE COMMISSION PROMULGATES RULES TO IMPLEMENT AND  
2 ENFORCE THIS PART 14, THE COMMISSION'S RULES IN EFFECT ON JULY 1,  
3 2014, GOVERNING WASTE TIRES CONTINUE TO APPLY TO THE EXTENT THAT  
4 THEY DO NOT CONFLICT WITH THIS PART 14.

5 (3) THE DEPARTMENT SHALL ENFORCE THIS PART 14 THROUGH ITS  
6 ENFORCEMENT AUTHORITIES, INCLUDING THOSE SPECIFIED IN SECTIONS  
7 30-20-113 AND 30-20-114.

8 (4) AFTER TIRES ARE USED FOR THEIR ORIGINAL INTENDED  
9 PURPOSE, THEY MUST BE USED BENEFICIALLY, RECYCLED, OR REUSED;  
10 EXCEPT THAT, IF AUTHORIZED BY SECTION 30-20-1414 (1) (b), THEY MAY  
11 BE DISPOSED OF AT A PERMITTED SOLID WASTE FACILITY. BECAUSE THEY  
12 CAN BE REUSED, REMANUFACTURED, RECLAIMED, OR RECYCLED, WASTE  
13 TIRES ARE A RECYCLABLE MATERIAL AS DEFINED IN SECTION 30-20-101  
14 (4). AS RECYCLABLE MATERIALS, WASTE TIRES MUST BE COLLECTED,  
15 MANAGED, AND TRANSPORTED IN ACCORDANCE WITH THE MANIFEST  
16 SYSTEM REQUIRED BY SECTION 30-20-1417 (2) AND RECYCLED INTO  
17 TIRE-DERIVED PRODUCT, THEREBY BEING TRANSFORMED FROM A  
18 RECYCLABLE MATERIAL INTO A NEW PRODUCT. THE DEPARTMENT SHALL  
19 CONSIDER TIRES THAT HAVE BEEN COLLECTED UNDER A TIRE COLLECTION  
20 PROGRAM REGISTERED PURSUANT TO SECTION 30-20-1411 TO HAVE BEEN  
21 MANAGED UNDER AN APPROVED ESTABLISHED TIRE COLLECTION PROGRAM  
22 FOR PURPOSES OF THE FEDERAL COMMERCIAL INDUSTRIAL SOLID WASTE  
23 INCINERATOR RULES, 40 CFR PART 60 SUBPARTS CCCC AND DDDD.

24 **30-20-1402. Definitions - repeal.** AS USED IN THIS PART 14,  
25 UNLESS THE CONTEXT OTHERWISE REQUIRES:

26 (1) "BENEFICIAL USER" MEANS A PERSON WHO USES SOLID WASTE  
27 AS AN INGREDIENT IN A MANUFACTURING PROCESS OR AS AN EFFECTIVE

1       SUBSTITUTE FOR NATURAL OR COMMERCIAL PRODUCTS, IN A MANNER  
2       THAT DOES NOT POSE A THREAT TO HUMAN HEALTH OR THE  
3       ENVIRONMENT. AVOIDANCE OF PROCESSING OR DISPOSAL COST ALONE  
4       DOES NOT CONSTITUTE BENEFICIAL USE.

5               (2) "COMMISSION" MEANS THE SOLID AND HAZARDOUS WASTE  
6       COMMISSION CREATED IN SECTION 25-15-302, C.R.S.

7               (3) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH  
8       AND ENVIRONMENT.

9               (4) "END USER" MEANS A PERSON WHO:

10              (a)    USES A TIRE-DERIVED PRODUCT FOR A COMMERCIAL OR  
11       INDUSTRIAL PURPOSE; OR

12              (b)    USES A WHOLE WASTE TIRE TO GENERATE ENERGY OR FUEL.

13              (5)    "MOBILE PROCESSOR" MEANS A PERSON WHO PROCESSES  
14       WASTE TIRES AT A LOCATION OTHER THAN THE LOCATION OF THE PERSON'S  
15       CERTIFICATE OF REGISTRATION.

16              (6)    "MOTOR VEHICLE" MEANS A SELF-PROPELLED VEHICLE THAT  
17       IS DESIGNED FOR TRAVEL ON THE PUBLIC HIGHWAYS AND THAT IS  
18       GENERALLY AND COMMONLY USED TO TRANSPORT PERSONS AND  
19       PROPERTY OVER THE PUBLIC HIGHWAYS OR A LOW SPEED ELECTRIC  
20       VEHICLE. "MOTOR VEHICLE" INCLUDES AUTOMOBILES, MINIVANS, ALL  
21       TRUCKS, MOTOR HOMES, AND MOTORCYCLES.

22              (7)    "PUBLIC PROJECT" MEANS:

23              (a)    A PUBLICLY FUNDED CONTRACT ENTERED INTO BY A  
24       GOVERNMENTAL BODY OF THE EXECUTIVE BRANCH OF THIS STATE THAT  
25       IS SUBJECT TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE  
26       24, C.R.S.; AND

27              (b)    A PUBLICLY FUNDED CONTRACT ENTERED INTO BY A COUNTY,

1 MUNICIPAL GOVERNMENT, OR SPECIAL DISTRICT, INCLUDING A SCHOOL  
2 DISTRICT OR RECREATION DISTRICT.

3 (8) "TIRE" MEANS A RUBBER CUSHION THAT FITS AROUND A  
4 WHEEL.

5 (9) "TIRE-DERIVED PRODUCT" MEANS MATTER THAT:

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

8 (b) ADHERES TO ESTABLISHED ENGINEERING OR OTHER  
9 APPROPRIATE SPECIFICATIONS OR TO ESTABLISHED PRODUCT END USER  
10 SPECIFICATIONS OR CUSTOMER CONDITIONS OF ACCEPTANCE;

11 (c) HAS A DEMONSTRATED BENEFIT ASSOCIATED WITH THE END  
12 USE;

13 (d) CAN BE USED AS A SUBSTITUTE FOR OR IN CONJUNCTION WITH  
14 A COMMERCIAL PRODUCT OR RAW MATERIAL; AND

15 (e) HAS EITHER BEEN SOLD AND REMOVED FROM THE FACILITY OF  
16 A PROCESSOR OR HAS BEEN USED ON SITE BY THE PROCESSOR.

17 (10) "TRAILER" MEANS A WHEELED VEHICLE, WITHOUT MOTIVE  
18 POWER, THAT IS DESIGNED TO BE DRAWN BY A MOTOR VEHICLE.

19 (11) "USED TIRE" MEANS A TIRE THAT WAS PREVIOUSLY USED AS  
20 A TIRE AND IS GRADED AND CLASSIFIED FOR REUSE AS A TIRE BASED ON  
21 SPECIFICATIONS AND CRITERIA MAINTAINED PURSUANT TO SECTION  
22 30-20-1410 (1) (a).

23 (12) "WASTE TIRE" MEANS A TIRE THAT IS MODIFIED FROM ITS  
24 ORIGINAL SPECIFICATIONS BUT NOT PROCESSED INTO A TIRE-DERIVED  
25 PRODUCT, IS NO LONGER BEING USED FOR ITS INITIAL INTENDED PURPOSE  
26 AS A TIRE, AND IS NOT A USED TIRE.

27 (13) "WASTE TIRE CLEANUP PROGRAM" OR "PROGRAM" MEANS THE

1 PROGRAM CREATED BY THIS PART 14.

2 (14) "WASTE TIRE COLLECTION FACILITY" MEANS A FACILITY AT  
3 WHICH WASTE TIRES ARE STORED AWAITING PICKUP BY A REGISTERED  
4 WASTE TIRE HAULER FOR TRANSPORTATION TO A REGISTERED WASTE TIRE  
5 PROCESSOR OR REGISTERED WASTE TIRE MONOFILL.

6 (15) "WASTE TIRE GENERATOR" MEANS A PERSON WHO GENERATES  
7 WASTE TIRES. THE TERM INCLUDES NEW TIRE RETAILERS, USED TIRE  
8 RETAILERS, AUTOMOBILE DEALERS, AUTOMOBILE DISMANTLERS, PUBLIC  
9 AND PRIVATE VEHICLE MAINTENANCE SHOPS, GARAGES, SERVICE  
10 STATIONS, CAR CARE CENTERS, AUTOMOTIVE FLEET CENTERS, LOCAL  
11 GOVERNMENT FLEET OPERATORS, AND RENTAL FLEET OPERATORS.

12 (16) "WASTE TIRE HAULER" MEANS A PERSON WHO TRANSPORTS  
13 TEN OR MORE WASTE TIRES IN ANY ONE LOAD.

14 (17) "WASTE TIRE MONOFILL" MEANS PART OR ALL OF A SOLID  
15 WASTES DISPOSAL SITE AND FACILITY THAT HAS BEEN ISSUED A  
16 CERTIFICATE OF DESIGNATION AND AT WHICH ONLY WASTE TIRES ARE  
17 ACCEPTED.

18 (18) "WASTE TIRE PROCESSOR" MEANS A PERSON WHO PROCESSES  
19 A WASTE TIRE INTO A TIRE-DERIVED PRODUCT.

20 **30-20-1403. Waste tire fee - distribution - rules.**

21 (1)(a) RETAILERS OF NEW MOTOR VEHICLE TIRES AND NEW TRAILER TIRES  
22 SHALL COLLECT A WASTE TIRE FEE IN AN AMOUNT TO BE SET BY THE  
23 COMMISSION, BY RULE, NOT TO EXCEED ONE DOLLAR AND FIFTY CENTS ON  
24 THE SALE OF EACH NEW TIRE; EXCEPT THAT, EFFECTIVE ON AND AFTER  
25 JANUARY 1, 2018, THE WASTE TIRE FEE IS FIFTY-FIVE CENTS ON THE SALE  
26 OF EACH NEW TIRE. THE RECEIPT FROM THE RETAILER TO THE CUSTOMER  
27 FOR EVERY NEW TIRE MUST CONTAIN THE FOLLOWING STATEMENT IN THE

1 LARGEST BOLD-FACED TYPE CAPABLE ON EXISTING INVOICE PRINTERS, NOT  
2 TO EXCEED FIFTEEN POINTS: "SECTION 30-20-1403, COLORADO REVISED  
3 STATUTES, REQUIRES RETAILERS TO COLLECT A WASTE TIRE FEE SET BY  
4 THE SOLID AND HAZARDOUS WASTE COMMISSION ON THE SALE OF EACH  
5 NEW MOTOR VEHICLE TIRE AND EACH NEW TRAILER TIRE."

6 (b) THE RETAILER SHALL SUBMIT TO THE DEPARTMENT BY THE  
7 TWENTIETH DAY OF EACH MONTH ALL FEES COLLECTED PURSUANT TO THIS  
8 SECTION IN THE PRECEDING MONTH TOGETHER WITH ANY REPORT  
9 REQUIRED BY THE DEPARTMENT. THE DEPARTMENT SHALL TRANSMIT THE  
10 FEES TO THE STATE TREASURER, WHO SHALL CREDIT THEM IN  
11 ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION OR AS SPECIFIED IN  
12 RULES PROMULGATED BY THE COMMISSION.

13 (2) (a) UNTIL DECEMBER 31, 2017, THE STATE TREASURER SHALL  
14 DISTRIBUTE THE REVENUE FROM THE FEE ASSESSED IN SUBSECTION (1) OF  
15 THIS SECTION AS FOLLOWS:

16 (I) THIRTY PERCENT TO THE WASTE TIRE ADMINISTRATION,  
17 ENFORCEMENT, AND CLEANUP FUND CREATED IN SECTION 30-20-1404;

18 (II) SIXTY-FIVE PERCENT TO THE END USERS FUND CREATED IN  
19 SECTION 30-20-1405; AND

20 (III) FIVE PERCENT TO THE WASTE TIRE MARKET DEVELOPMENT  
21 FUND CREATED IN SECTION 30-20-1406.

22 (b) EFFECTIVE JANUARY 1, 2018, THE STATE TREASURER SHALL  
23 DISTRIBUTE ALL OF THE REVENUE FROM THE FEE ASSESSED IN SUBSECTION  
24 (1) OF THIS SECTION TO THE WASTE TIRE ADMINISTRATION, ENFORCEMENT,  
25 AND CLEANUP FUND CREATED IN SECTION 30-20-1404.

26 **30-20-1404. Waste tire administration, enforcement, and**  
27 **cleanup fund - creation - rules - repeal.** (1) THERE IS HEREBY CREATED



1 IN THE STATE TREASURY THE WASTE TIRE ADMINISTRATION,  
2 ENFORCEMENT, AND CLEANUP FUND, REFERRED TO IN THIS SECTION AS THE  
3 "FUND", CONSISTING OF THE FEE REVENUE CREDITED PURSUANT TO  
4 SECTION 30-20-1403 (2) (a) (I) OR (2) (b) AND ANY OTHER MONEYS  
5 APPROPRIATED TO IT. THE GENERAL ASSEMBLY SHALL ANNUALLY  
6 APPROPRIATE THE MONEYS IN THE FUND TO THE DEPARTMENT FOR ITS  
7 DIRECT AND INDIRECT ADMINISTRATIVE AND ENFORCEMENT COSTS IN  
8 ADMINISTERING AND ENFORCING THIS PART 14. THE STATE TREASURER  
9 SHALL CREDIT ALL INTEREST EARNED ON THE INVESTMENT OF MONEYS IN  
10 THE FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS  
11 IN THE FUND AT THE END OF ANY FISCAL YEAR REMAIN IN THE FUND AND  
12 DO NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

13 (2) THE DEPARTMENT SHALL USE THE MONEYS IN THE FUND FOR:

14 (a) COLLECTING THE FEE ASSESSED IN SECTION 30-20-1403 (1);

15 (b) INSPECTING RETAILERS TO DETERMINE WHETHER ALL FEES ARE  
16 BEING COLLECTED;

17 (c) ENFORCING THE REQUIREMENTS OF THIS PART 14 PURSUANT TO  
18 EXISTING AUTHORITY, INCLUDING SECTIONS 30-20-113 AND 30-20-114;

19 (d) DEVELOPING A SYSTEM TO ADDRESS THE RECEIPT BY  
20 REGISTERED PERSONS OF UNMANIFESTED WASTE TIRES FROM  
21 UNREGISTERED HAULERS;

22 (e) (I) SUBMITTING AN ANNUAL REPORT TO THE COMMITTEES OF  
23 REFERENCE IN EACH HOUSE OF THE GENERAL ASSEMBLY WITH  
24 JURISDICTION OVER TRANSPORTATION AND PUBLIC HEALTH, THE JOINT  
25 BUDGET COMMITTEE, AND THE COMMISSION. THE REPORT MUST INCLUDE,  
26 AT A MINIMUM:

27 (A) THE NUMBER OF RETAILERS PAYING THE FEE;

- 1 (B) THE DOLLAR AMOUNT OF FEES COLLECTED;
- 2 (C) THE NUMBER OF INSPECTIONS CONDUCTED;
- 3 (D) THE RESULTS OF THE INSPECTIONS;
- 4 (E) THE NUMBER OF TIRES SOLD;
- 5 (F) THE STATUS OF ABATEMENT PROJECTS RANKED PURSUANT TO
- 6 SUBSECTION (6) OF THIS SECTION; AND
- 7 (G) AN ASSESSMENT OF THE IMPLEMENTATION OF PARAGRAPH (i)
- 8 OF THIS SUBSECTION (2).
- 9 (II) PURSUANT TO SECTION 24-1-136 (11), C.R.S., THIS
- 10 PARAGRAPH (e) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2017.
- 11 (f) HIRING A CONTRACTOR TO CLEAN UP WASTE TIRES AND
- 12 TIRE-DERIVED PRODUCT THAT HAVE BEEN ILLEGALLY DISPOSED OF OR
- 13 HAVE BEEN DISPOSED OF AT A LANDFILL PURSUANT TO SECTION
- 14 30-20-1009 (2) AND FUNDING A GRANT PROGRAM TO REIMBURSE LOCAL
- 15 GOVERNING AUTHORITIES FOR CLEANING UP WASTE TIRES AND
- 16 TIRE-DERIVED PRODUCTS THAT HAVE BEEN ILLEGALLY DISPOSED OF OR
- 17 HAVE BEEN DISPOSED OF AT A LANDFILL PURSUANT TO SECTION
- 18 30-20-1009 (2);
- 19 (g) FINANCING ONE-TIME OR OCCASIONAL COMMUNITY CLEANUP
- 20 EVENTS WHERE WASTE TIRES ARE ACCEPTED FOR DROP-OFF BY PERSONS
- 21 NOT ENGAGED IN COMMERCIAL OR INDUSTRIAL ACTIVITY AND WHERE, AT
- 22 THE CONCLUSION OF THE EVENT, THE WASTE TIRES ARE EITHER PICKED UP
- 23 BY A REGISTERED WASTE TIRE HAULER OR TRANSPORTED TO A REGISTERED
- 24 WASTE TIRE HAULER OR TO ANY REGISTERED FACILITY;
- 25 (h) TRAINING AND HIRING CONTRACTORS TO PROVIDE TRAINING IN
- 26 THE IMPLEMENTATION OF THIS PART 14;
- 27 (i) PROVIDING GRANTS TO LAW ENFORCEMENT, FIRE

1 DEPARTMENTS, LOCAL HEALTH DEPARTMENTS, STATE AGENCIES, AND ANY  
2 OTHER APPLICABLE ENTITIES FOR PURCHASING EQUIPMENT AND SUPPLIES  
3 TO IMPLEMENT THIS PART 14;

4 (j) TRAINING OF AND ENFORCEMENT BY ENTITIES THAT ENFORCE  
5 THIS PART 14;

6 (k) AWARDING GRANTS AND DEVELOPING EDUCATIONAL  
7 PROGRAMS FOR ENFORCEMENT, FIRE PREVENTION AND SUPPRESSION,  
8 PROPER WASTE TIRE MANAGEMENT AND DISPOSAL, TRAINING, AND  
9 CUSTOMER TECHNICAL ASSISTANCE;

10 (l) MAINTAINING AN ON-LINE COMPLAINT FORM AND PROCESSES  
11 FOR LAW ENFORCEMENT, FIRE DEPARTMENTS, AND CITIZENS TO REPORT  
12 POTENTIAL WASTE TIRE VIOLATIONS; AND

13 (m) IN CONJUNCTION WITH THE DIVISION OF FIRE PREVENTION AND  
14 CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY, DEVELOPING A MODEL  
15 FIRE PREVENTION, TRAINING, AND FIREFIGHTING PLAN, HIRING A  
16 CONSULTANT TO ASSIST IN DEVELOPING THE PLAN, AND REIMBURSING THE  
17 DIVISION OF FIRE PREVENTION FOR ITS TIME SPENT ASSISTING THE  
18 DEPARTMENT IN IMPLEMENTING THIS PARAGRAPH (m).

19 (3) IF THE DEPARTMENT IS DENIED ACCESS OR IF CONSENT TO  
20 ACCESS HAS NOT BEEN GIVEN TO CLEAN UP A SITE WHERE THE  
21 DEPARTMENT REASONABLY BELIEVES WASTE TIRES EXIST ILLEGALLY, THE  
22 DEPARTMENT MAY OBTAIN FROM THE DISTRICT COURT FOR THE JUDICIAL  
23 DISTRICT IN WHICH THE PROPERTY IS LOCATED A WARRANT TO ENTER THE  
24 PROPERTY AND REMOVE THE WASTE TIRES.

25 (4) (a) IN ADDITION TO ANY PENALTIES ASSESSED, THE  
26 DEPARTMENT MAY ISSUE AN ORDER REQUIRING THE OWNER OR OPERATOR  
27 TO COMPENSATE THE DEPARTMENT FOR THE COST OF REMEDIATION OF THE

1 SITE, AND THE DEPARTMENT MAY REQUEST THE ATTORNEY GENERAL TO  
2 BRING SUIT FOR COMPENSATION FROM THE OWNER OR OPERATOR FOR  
3 MONEY EXPENDED REMEDIATING THE SITE. THE DEPARTMENT SHALL USE  
4 THE RECOVERED MONEYS TO REIMBURSE THE FUND FOR ACTUAL COSTS OF  
5 REMEDIATING THE SITE AND OF SEEKING COMPENSATION PURSUANT TO  
6 THIS SECTION. THE STATE TREASURER SHALL CREDIT ALL ADDITIONAL  
7 MONEYS TO THE GENERAL FUND.

8 (b) THE DEPARTMENT MAY PLACE A LIEN ON A PROPERTY ON  
9 WHICH THE DEPARTMENT FUNDS THE REMEDIATION OF WASTE TIRES  
10 PURSUANT TO THIS SECTION UNTIL THE COSTS OF REMEDIATION HAVE BEEN  
11 REPAID TO THE DEPARTMENT. IF COMPLETE REPAYMENT HAS NOT BEEN  
12 MADE BEFORE A SALE OF THE PROPERTY, THE DEPARTMENT SHALL BE  
13 REPAID IN FULL, TO THE EXTENT POSSIBLE, FROM PROCEEDS OF THE SALE.

14 (5) (a) IN PROVIDING ASSISTANCE PURSUANT TO THIS SECTION, THE  
15 DEPARTMENT SHALL GIVE PRIMARY CONSIDERATION TO PROTECTION OF  
16 PUBLIC HEALTH AND THE ENVIRONMENT.

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

22 (6) THE DEPARTMENT SHALL, EITHER ITSELF OR THROUGH A  
23 CONTRACTOR, CREATE A PRIORITY ABATEMENT LIST OF ILLEGAL WASTE  
24 TIRE DISPOSAL SITES.

25 (7) THE DEPARTMENT AND THE DEPARTMENT OF TRANSPORTATION  
26 SHALL COORDINATE WITH ONE ANOTHER TO SYSTEMATICALLY  
27 INVESTIGATE AND RESEARCH THE USE OF TIRE-DERIVED AGGREGATES IN

1     TECHNICALLY FEASIBLE AND ECONOMICALLY VIABLE CIVIL APPLICATIONS  
2     ASSOCIATED WITH THE DEPARTMENT OF TRANSPORTATION'S ROADWAY  
3     MISSION. THE DEPARTMENT SHALL INCLUDE ANY FINDINGS REGARDING  
4     TIRE-DERIVED AGGREGATES, AS APPROPRIATE, IN THE DEPARTMENT'S  
5     ANNUAL REPORT TO THE GENERAL ASSEMBLY.

6             **30-20-1405. End users fund - creation - monthly rebates - rules**  
7     **- repeal.** (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE  
8     END USERS FUND, REFERRED TO IN THIS SECTION AS THE "FUND",  
9     CONSISTING OF THE FEE REVENUE CREDITED PURSUANT TO SECTION  
10    30-20-1403 (2) (a) (II) OR (2) (b). THE STATE TREASURER SHALL CREDIT  
11    ALL INTEREST AND ANY OTHER RETURN ON THE INVESTMENT OF MONEYS  
12    IN THE FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED  
13    MONEYS REMAINING IN THE FUND AT THE END OF ANY FISCAL YEAR  
14    REMAIN IN THE FUND AND DO NOT REVERT TO THE GENERAL FUND OR ANY  
15    OTHER FUND. THE FUND IS SUBJECT TO ANNUAL APPROPRIATION BY THE  
16    GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE PURPOSES SPECIFIED  
17    IN THIS SECTION.

18            (2) THE DEPARTMENT SHALL USE MONEYS IN THE FUND TO  
19    PROVIDE MONTHLY REBATES TO IN-STATE:

- 20            (I) END USERS;
- 21            (II) RETAILERS WHO SELL TIRE-DERIVED PRODUCT; AND
- 22            (III) PROCESSORS OF COLORADO WASTE TIRES WHO SELL THEIR  
23    TIRE-DERIVED PRODUCT TO OUT-OF-STATE END USERS.

24            (3) THE REBATE IS SUBJECT TO THE FOLLOWING RULES:

- 25            (a) THE DEPARTMENT SHALL PAY THE REBATE AMOUNT ON A  
26    PER-TON BASIS;
- 27            (b) ONCE THE DEPARTMENT HAS PAID A REBATE ON A PARTICULAR

1 QUANTITY OF TIRE-DERIVED PRODUCT, EVERY PART OF THAT PARTICULAR  
2 QUANTITY OF TIRE-DERIVED PRODUCT IS NO LONGER ELIGIBLE FOR  
3 PAYMENT OF THE REBATE;

4 (c) THE COMMISSION SHALL ANNUALLY SET THE AMOUNT OF THE  
5 MONTHLY REBATE, NOT TO EXCEED EIGHTY DOLLARS PER TON, IN AN  
6 AMOUNT THAT IS:

7 (I) THE SAME EACH MONTH FOR EACH SUCCESSIVE TWELVE-MONTH  
8 PERIOD;

9 (II) BASED ON THE MONTHLY ROLLING WEIGHTED AVERAGE  
10 WEIGHT OF WASTE TIRES SUBMITTED FOR A REBATE DURING THE PREVIOUS  
11 THIRTY-SIX-MONTH PERIOD PURSUANT TO WHICH THE AVERAGE WEIGHT  
12 FROM THE LAST TWELVE MONTHS AFFECTS THE ROLLING AVERAGE MORE  
13 THAN THE AVERAGE WEIGHT FROM THE FIRST TWELVE MONTHS; AND

14 (III) CALCULATED TO EQUALIZE, BUT NOT EXCEED, THE AMOUNT  
15 OF REBATES PAID WITH THE ANTICIPATED INCOME TO THE END USERS FUND  
16 DURING EACH SUCCEEDING TWELVE-MONTH PERIOD.

17 (d) THE COMMISSION SHALL PROMULGATE RULES GOVERNING  
18 ADMINISTRATION OF THE REBATE, WHICH RULES MUST INCLUDE THE  
19 FOLLOWING:

20 (I) IF THE WEIGHT OF WASTE TIRES SUBMITTED FOR A REBATE IN  
21 ANY ONE MONTH MULTIPLIED BY THE AMOUNT OF THE REBATE EXCEEDS  
22 THE BALANCE OF THE END USERS FUND, THE DEPARTMENT SHALL REDUCE  
23 THE PER-TON AMOUNT OF THE REBATE THAT MONTH PRO RATA; AND

24 (II) THE DEPARTMENT SHALL QUARTERLY NOTIFY END USERS WHO  
25 HAVE SUBMITTED AN APPLICATION FOR A REBATE DURING THE PRECEDING  
26 YEAR OF THE DATE ON WHICH THE BALANCE OF THE END USERS FUND IS  
27 ANTICIPATED TO BE INSUFFICIENT TO PAY ALL OF THE REBATES APPLIED

1 FOR;

2 (e) THE DEPARTMENT SHALL PAY THE REBATE ONLY FOR WASTE  
3 TIRES THAT ARE GENERATED AND PROCESSED IN COLORADO;

4 (f) THE DEPARTMENT SHALL PAY THE REBATE TO AN END USER  
5 ONLY IF THE END USER END USES TIRE-DERIVED PRODUCT IN COLORADO  
6 OR IF THE END USER USES WHOLE WASTE TIRES TO GENERATE ENERGY OR  
7 FUEL IN COLORADO; AND

8 (g) THE DEPARTMENT MAY DENY THE REBATE TO ANY PERSON  
9 WHO IS OUT OF COMPLIANCE WITH ANY STATE OR FEDERAL  
10 ENVIRONMENTAL LAWS, RULES, OR REGULATIONS.

11 (4) UNTIL THE COMMISSION PROMULGATES RULES PURSUANT TO  
12 SUBSECTION (3) OF THIS SECTION, THE REBATE AMOUNT IS EIGHTY  
13 DOLLARS PER TON OF WASTE TIRES; EXCEPT THAT IF THE DEPARTMENT  
14 DETERMINES THAT THERE HAS BEEN OR PROJECTS THAT THERE WILL BE A  
15 SIGNIFICANT INCREASE IN THE NUMBER OF TONS OF WASTE TIRES THAT ARE  
16 SUBMITTED FOR THE REBATE, THE REBATE AMOUNT IS FORTY DOLLARS PER  
17 TON OF WASTE TIRES.

18 (5) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2018.

19 **30-20-1406. Waste tire market development fund - creation -**  
20 **incentive programs - legislative declaration - repeal.** (1) THERE IS  
21 HEREBY CREATED IN THE STATE TREASURY THE WASTE TIRE MARKET  
22 DEVELOPMENT FUND, REFERRED TO IN THIS SECTION AS THE "FUND",  
23 CONSISTING OF REVENUES CREDITED PURSUANT TO SECTION 30-20-1403  
24 (2) (a) (III) OR (2) (b). THE STATE TREASURER SHALL CREDIT ALL  
25 INTEREST AND ANY OTHER RETURN ON THE INVESTMENT OF MONEYS IN  
26 THE FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS  
27 IN THE FUND AT THE END OF ANY FISCAL YEAR REMAIN IN THE FUND AND

1 DO NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND. THE FUND  
2 IS SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO  
3 THE DEPARTMENT FOR THE PURPOSES SPECIFIED IN THIS SECTION.

4 (2) THE DEPARTMENT SHALL USE THE FUND:

5 (a) TO ENCOURAGE WASTE TIRE MARKET DEVELOPMENT. THE  
6 DEPARTMENT SHALL HIRE A CONTRACTOR TO ASSIST WITH THE  
7 IMPLEMENTATION OF A WASTE TIRE MARKETING PLAN, DEVELOPMENT AND  
8 IMPLEMENTATION OF FUTURE MARKET DEVELOPMENT PLANS, AND  
9 DEVELOPMENT OF THE PROGRAM. THE DEPARTMENT AND CONTRACTOR  
10 SHALL BASE THE MARKETING PLAN ON THE COLORADO WASTE TIRE  
11 MARKET DEVELOPMENT PLAN PUBLISHED ON BEHALF OF THE DEPARTMENT  
12 ON MAY 19, 2013.

13 (b) TO PROVIDE LIMITED FUNDING TO END USERS TO ASSIST IN THE  
14 RESEARCH AND DEVELOPMENT OF NEW AND EXISTING WASTE TIRE  
15 RECYCLING TECHNOLOGIES;

16 (c) TO PROVIDE LIMITED FUNDING TO END USERS TO ASSIST IN THE  
17 INCORPORATION OF TIRE-DERIVED MATERIALS INTO ONE OR MORE  
18 TIRE-DERIVED PRODUCTS, INCLUDING GROUND RUBBER, TIRE-DERIVED  
19 AGGREGATE, AND TIRE-DERIVED FUEL;

20 (d) TO ASSIST THE DEPARTMENT, THE DEPARTMENT OF  
21 TRANSPORTATION, AND OTHER STATE AGENCIES IN THE DEVELOPMENT  
22 AND IMPLEMENTATION OF A PUBLIC EDUCATION CAMPAIGN THAT  
23 PROMOTES THE BENEFITS OF THE USE OF TIRE-DERIVED PRODUCTS;

24 (e) TO PROVIDE TECHNICAL ASSISTANCE FOR END USERS IN THE  
25 DEVELOPMENT OF TIRE-DERIVED PRODUCTS;

26 (f) (I) TO FUND RECYCLING INCENTIVE PROGRAMS FOR PUBLIC  
27 PROJECTS THAT CONTAIN OR MAKE USE OF TIRE-DERIVED PRODUCTS. THE



1 DEPARTMENT SHALL DETERMINE HOW TO DISTRIBUTE TIRE REUSE OR  
2 RECYCLING INCENTIVE MONEYS AMONG APPROVED PROJECTS. ANY STATE  
3 AGENCY IS AUTHORIZED TO EXPEND MONEYS DISTRIBUTED PURSUANT TO  
4 THIS SECTION.

5 (II) THE GENERAL ASSEMBLY DECLARES THAT THE PURPOSE OF THE  
6 REUSE AND RECYCLING INCENTIVES UNDER THIS PARAGRAPH (f) IS TO  
7 ENCOURAGE THE USE OF COLORADO TIRE-DERIVED PRODUCT AND IS NOT  
8 INTENDED TO USURP FUNCTIONS PROPERLY PERFORMED BY THE PRIVATE  
9 SECTOR OR TO COMPETE UNFAIRLY WITH PRIVATE BUSINESSES.

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

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

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

19 (C) THE PRODUCT FAILS TO MEET FEDERAL OR STATE HEALTH OR  
20 SAFETY STANDARDS AS SET FORTH IN THE CODE OF FEDERAL REGULATIONS  
21 OR THE COLORADO CODE OF REGULATIONS; AND

22 (g) TO ESTABLISH A WASTE TIRE INNOVATIVE TECHNOLOGY  
23 BUSINESS DEVELOPMENT GRANT, LOAN, AND INCENTIVE FUNDING  
24 PROGRAM THAT WILL ASSIST IN THE CREATION OF WASTE TIRE BUSINESS  
25 OPPORTUNITIES AND MARKET DEVELOPMENT ACTIVITIES AND THE  
26 CREATION OF WASTE TIRE RECYCLING JOBS.

27 (3) THE FUND SHALL NOT BE USED:

1 (a) AS A REBATE PROGRAM OR AS AN END USERS FUND AS SET  
2 FORTH IN SECTION 30-20-1405; OR

3 (b) TO MAKE CAPITAL EQUIPMENT OR INFRASTRUCTURE GRANTS.

4 (4) THE DEPARTMENT SHALL SUBMIT A REPORT TO THE  
5 COMMITTEES OF REFERENCE IN EACH HOUSE OF THE GENERAL ASSEMBLY  
6 WITH JURISDICTION OVER TRANSPORTATION AND PUBLIC HEALTH  
7 ANNUALLY BEGINNING JULY 1, 2015, INCLUDING A DESCRIPTION OF THE  
8 STATUS OF THE PROGRAM, A SUMMARY OF THE GRANTS AWARDED TO END  
9 USERS, THE NUMBER AND TYPE OF MARKETS DEVELOPED OR TARGETED  
10 FOR DEVELOPMENT, AND RECOMMENDATIONS FOR CONTINUED USE OF THE  
11 FUND.

12 (5) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2018.

13 **30-20-1407. Scope.** A PERSON SHALL COMPLY WITH EVERY  
14 REQUIREMENT OF THIS PART 14 THAT APPLIES TO THE PERSON'S  
15 ACTIVITIES.

16 **30-20-1408. Waste tire haulers.** (1) A PERSON WHO TRANSPORTS  
17 TEN OR MORE WASTE TIRES IN ANY ONE LOAD SHALL:

18 (a) TRANSPORT THE WASTE TIRES EITHER OUT OF STATE OR TO A  
19 REGISTERED WASTE TIRE GENERATOR, WASTE TIRE HAULER, WASTE TIRE  
20 COLLECTION FACILITY, WASTE TIRE PROCESSOR, WASTE TIRE MONOFILL,  
21 APPROVED BENEFICIAL USER OF WHOLE WASTE TIRES, MUNICIPAL OR  
22 COUNTY-OWNED WASTE TIRE COLLECTION AREA, OR MUNICIPAL OR  
23 PRIVATELY OWNED SOLID WASTE LANDFILL IN COMPLIANCE WITH THE  
24 RULES PROMULGATED PURSUANT TO THIS ARTICLE.

25 (b) REGISTER WITH THE DEPARTMENT AS A WASTE TIRE HAULER  
26 PURSUANT TO RULES PROMULGATED PURSUANT TO THIS SECTION;

27 (c) AFFIX TO THE VEHICLE USED FOR SUCH TRANSPORTATION A

1 WASTE TIRE HAULER DECAL ACQUIRED FROM THE DEPARTMENT PURSUANT  
2 TO SECTION 30-20-1417 (1);

3 (d) COMPLY WITH THE MANIFEST REQUIREMENTS OF SECTION  
4 30-20-1417 (2), INCLUDING CREATING AND MAINTAINING, FOR AT LEAST  
5 THREE YEARS, RECORDS RELATING TO SUCH TRANSPORTATION;

6 (e) SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT; AND

7 (f) COMPLETE AND SUBMIT SELF-CERTIFICATION DOCUMENTATION  
8 AS REQUIRED BY THE DEPARTMENT.

9 (2) A WASTE TIRE HAULER THAT IS NOT ALSO REGISTERED AS A  
10 WASTE TIRE COLLECTION FACILITY, WASTE TIRE PROCESSOR, OR WASTE  
11 TIRE MONOFILL SHALL NOT HAVE ON SITE:

12 (a) MORE THAN ONE THOUSAND FIVE HUNDRED WASTE TIRES AT  
13 ANY ONE TIME;

14 (b) A WASTE TIRE FOR MORE THAN THREE DAYS; OR

15 (c) WASTE TIRES OUTSIDE THE WASTE HAULER'S VEHICLE OR  
16 TRAILER.

17 (3) LAW ENFORCEMENT OFFICERS HAVE AUTHORITY TO STOP A  
18 PERSON OR PERSONS HAULING WASTE TIRES IN VIOLATION OF THIS  
19 SECTION; IMPOUND THE VEHICLE BEING USED IN VIOLATION OF THIS  
20 SECTION; AND ISSUE A CITATION TO THE DRIVER.

21 (4) A GOVERNMENT ENTITY THAT REMOVES ILLEGALLY DISPOSED  
22 WASTE TIRES IS EXEMPT FROM THIS SECTION IF THE WASTE TIRES ARE  
23 DISPOSED OF OR RECYCLED IN ACCORDANCE WITH THIS PART 14.

24 (5) NOTHING IN THIS SECTION PROHIBITS A BENEFICIAL USER OF  
25 WASTE TIRES FROM TRANSPORTING WASTE TIRES TO A  
26 DEPARTMENT-APPROVED BENEFICIAL USE LOCATION.

27 (6) THE DEPARTMENT MAY ISSUE A WAIVER RELATING TO ANY

1 REQUIREMENT OF THIS SECTION.

2 **30-20-1409. Waste tire generators - requirements -**

3 **exemptions.** (1) A WASTE TIRE GENERATOR SHALL, AS SPECIFIED BY THE  
4 COMMISSION BY RULE:

5 (a) REGISTER WITH THE DEPARTMENT;

6 (b) AFFIX A DECAL REQUIRED PURSUANT TO SECTION 30-20-1417  
7 (1) TO THE REQUIRED LOCATION;

8 (c) MAINTAIN RECORDS, INCLUDING THE MANIFEST REQUIRED BY  
9 SECTION 30-20-1417 (2), RELATING TO SUCH GENERATION;

10 (d) ENGAGE ONLY A REGISTERED WASTE TIRE HAULER TO  
11 TRANSPORT THE WASTE TIRES THE GENERATOR GENERATES;

12 (e) DEVELOP AND MAINTAIN WRITTEN CRITERIA FOR  
13 DISTINGUISHING WASTE TIRES FROM USED TIRES, KEEP THE CRITERIA ON  
14 SITE, AND MAKE THE CRITERIA AVAILABLE FOR INSPECTION;

15 (f) CLEARLY IDENTIFY WASTE TIRES AND USED TIRES ACCORDING  
16 TO THE CRITERIA DEVELOPED PURSUANT TO PARAGRAPH (e) OF THIS  
17 SUBSECTION (1); AND

18 (g) ORGANIZE USED TIRES FOR SALE IN A MANNER THAT ALLOWS  
19 THE INSPECTION OF EACH INDIVIDUAL TIRE.

20 (2) A WASTE TIRE GENERATOR IS SUBJECT TO THE FOLLOWING  
21 REQUIREMENTS:

22 (a) A GENERATOR THAT IS NOT ALSO REGISTERED AS A WASTE TIRE  
23 COLLECTION FACILITY, WASTE TIRE PROCESSOR, OR WASTE TIRE MONOFILL  
24 SHALL NOT HAVE ON SITE MORE THAN ONE THOUSAND FIVE HUNDRED  
25 WASTE TIRES AT ANY ONE TIME;

26 (b) A GENERATOR THAT SELLS REPLACEMENT TIRES IN COLORADO  
27 SHALL NOT REFUSE TO ACCEPT FROM A CUSTOMER, AT THE POINT OF

1 TRANSFER, WASTE TIRES OF THE SAME GENERAL TYPE AND IN A QUANTITY  
2 AT LEAST EQUAL TO THE NUMBER OF NEW TIRES PURCHASED;

3 (c) A GENERATOR MAY ACCEPT WASTE TIRES; AND

4 (d) A GENERATOR SHALL COMPLETE AND SUBMIT TO THE  
5 DEPARTMENT SELF-CERTIFICATION DOCUMENTATION AS REQUIRED BY THE  
6 DEPARTMENT.

7 (3) THE DEPARTMENT MAY ISSUE A WAIVER RELATING TO ANY  
8 REQUIREMENT OF THIS SECTION.

9 **30-20-1410. Used tire management.** (1) A PERSON WHO  
10 ACCUMULATES, STORES, TRANSPORTS, OR DISPENSES USED TIRES SHALL:

11 (a) (I) DEVELOP WRITTEN CRITERIA FOR DISTINGUISHING WASTE  
12 TIRES FROM USED TIRES, MAINTAIN THE CRITERIA ON SITE, AND MAKE THE  
13 CRITERIA AVAILABLE FOR INSPECTION;

14 (II) CLEARLY IDENTIFY WASTE TIRES AND USED TIRES ACCORDING  
15 TO THE CRITERIA DEVELOPED PURSUANT TO SUBPARAGRAPH (I) OF THIS  
16 PARAGRAPH (a);

17 (b) (I) DEVELOP WRITTEN CRITERIA FOR DISTINGUISHING USED  
18 TIRES BEING HELD FOR SALE IN COLORADO FROM USED TIRES BEING HELD  
19 FOR SALE OUTSIDE COLORADO, MAINTAIN THE CRITERIA ON SITE, AND  
20 MAKE THE CRITERIA AVAILABLE FOR INSPECTION;

21 (II) CLEARLY IDENTIFY USED TIRES BEING HELD FOR SALE IN  
22 COLORADO AND USED TIRES BEING HELD FOR SALE OUTSIDE COLORADO  
23 ACCORDING TO THE CRITERIA DEVELOPED PURSUANT TO SUBPARAGRAPH  
24 (I) OF THIS PARAGRAPH (b); AND

25 (c) ORGANIZE USED TIRES FOR SALE IN A MANNER THAT ALLOWS  
26 THE INSPECTION OF EACH INDIVIDUAL TIRE.

27 (2) A PERSON SHALL NOT SELL A USED TIRE IF DOING SO WOULD

1 VIOLATE ANY OF THE CONDITIONS LISTED IN SECTION 42-4-228, C.R.S.

2 (3) THE DEPARTMENT MAY ISSUE A WAIVER RELATING TO ANY  
3 REQUIREMENT OF THIS SECTION.

4 **30-20-1411. Waste tire collection facility - requirements -**  
5 **exemptions.** (1) A PERSON WHO OWNS OR OPERATES A WASTE TIRE  
6 COLLECTION FACILITY SHALL, AS SPECIFIED BY THE COMMISSION BY RULE:

7 (a) ESTABLISH AND MAINTAIN FINANCIAL ASSURANCE;

8 (b) REGISTER WITH THE DEPARTMENT;

9 (c) AFFIX A DECAL REQUIRED PURSUANT TO SECTION 30-20-1417  
10 (1) TO THE REQUIRED LOCATION;

11 (d) DEVELOP AND MAINTAIN AN ENGINEERING DESIGN AND  
12 OPERATIONS PLAN, INCLUDING A FIRE PREVENTION AND CONTROL PLAN  
13 AND A PLAN FOR EMERGENCY RESPONSE;

14 (e) MAINTAIN RECORDS, INCLUDING THE MANIFESTS REQUIRED BY  
15 SECTION 30-20-1417 (2), RELATING TO THE COLLECTION OF WASTE TIRES;

16 (f) DEVELOP AND MAINTAIN A CLOSURE PLAN;

17 (g) SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT; AND

18 (h) COMPLETE AND SUBMIT SELF-CERTIFICATION DOCUMENTATION  
19 AS REQUIRED BY THE DEPARTMENT.

20 (2) A WASTE TIRE COLLECTION FACILITY THAT IS NOT ALSO  
21 REGISTERED AS A WASTE TIRE PROCESSOR OR WASTE TIRE MONOFILL  
22 SHALL NOT HAVE ON SITE MORE THAN SEVEN THOUSAND FIVE HUNDRED  
23 WASTE TIRES AT ANY ONE TIME.

24 (3) A LOCAL, STATE, OR FEDERAL AGENCY THAT STORES WASTE  
25 TIRES AS PART OF A ROADSIDE CLEANUP ACTIVITY IS EXEMPT FROM THIS  
26 SECTION IF THE AGENCY STORES FEWER THAN ONE THOUSAND FIVE  
27 HUNDRED WASTE TIRES AT THE FACILITY AND THE WASTE TIRES ARE

1 DISPOSED OF OR RECYCLED IN ACCORDANCE WITH THIS PART 14.

2 (4) THE DEPARTMENT MAY ISSUE A WAIVER RELATING TO ANY  
3 REQUIREMENT OF THIS SECTION.

4 **30-20-1412. Waste tire processors - requirements.** (1) A  
5 WASTE TIRE PROCESSOR SHALL, AS SPECIFIED BY THE COMMISSION BY  
6 RULE:

7 (a) ESTABLISH AND MAINTAIN FINANCIAL ASSURANCE;

8 (b) REGISTER WITH THE DEPARTMENT;

9 (c) AFFIX A DECAL REQUIRED PURSUANT TO SECTION 30-20-1417  
10 (1) TO THE REQUIRED LOCATION;

11 (d) DEVELOP, MAINTAIN, KEEP AVAILABLE FOR INSPECTION, AND  
12 COMPLY WITH AN ENGINEERING DESIGN AND OPERATIONS PLAN,  
13 INCLUDING A FIRE PREVENTION AND CONTROL PLAN, AND A PLAN FOR  
14 EMERGENCY RESPONSE;

15 (e) MAINTAIN RECORDS, INCLUDING THE MANIFESTS REQUIRED BY  
16 SECTION 30-20-1417 (2), RELATING TO THE COLLECTION OF WASTE TIRES;

17 (f) DEVELOP AND MAINTAIN A CLOSURE PLAN;

18 (g) SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT; AND

19 (h) COMPLETE AND SUBMIT SELF-CERTIFICATION DOCUMENTATION  
20 AS REQUIRED BY THE DEPARTMENT.

21 (2) A WASTE TIRE PROCESSOR IS SUBJECT TO THE FOLLOWING:

22 (a) A WASTE TIRE PROCESSOR THAT IS NOT ALSO REGISTERED AS  
23 A WASTE TIRE MONOFILL SHALL NOT HAVE AT THE PROCESSING FACILITY  
24 AT ANY ONE TIME MORE THAN THE LESSER OF:

25 (I) ONE HUNDRED THOUSAND WASTE TIRES;

26 (II) THE AMOUNT OF WASTE TIRES ALLOWED UNDER LOCAL  
27 REQUIREMENTS; OR

1 (III) THE AMOUNT OF WASTE TIRES ANTICIPATED IN THE WASTE  
2 TIRE PROCESSOR'S FINANCIAL ASSURANCE INSTRUMENT.

3 (b) FOLLOWING A ONE-YEAR ACCUMULATION PERIOD, THE WEIGHT  
4 OR VOLUME OF WASTE TIRES THAT ARE PROCESSED MUST BE AT LEAST  
5 SEVENTY-FIVE PERCENT OF THE TOTAL WEIGHT OR VOLUME OF WASTE  
6 TIRES RECEIVED AND CURRENTLY IN STORAGE OVER A THREE-YEAR  
7 ROLLING AVERAGE. THE CALCULATION AND ACCUMULATION PERIOD  
8 SPECIFIED IN THIS PARAGRAPH (b) MUST BE BASED ON A MEASURE  
9 APPROVED BY THE COMMISSION BY RULE.

10 (3) THE DEPARTMENT MAY ISSUE A WAIVER RELATING TO ANY  
11 REQUIREMENT OF THIS SECTION.

12 **30-20-1413. Mobile processors - requirements.** (1) A MOBILE  
13 PROCESSOR SHALL, AS SPECIFIED BY THE COMMISSION BY RULE:

14 (a) ESTABLISH AND MAINTAIN FINANCIAL ASSURANCE IN THE  
15 AMOUNT OF TEN THOUSAND DOLLARS IF NOT ALREADY REGISTERED AS A  
16 WASTE TIRE COLLECTION FACILITY, WASTE TIRE PROCESSOR, OR WASTE  
17 TIRE MONOFILL;

18 (b) REGISTER THE MOBILE PROCESSOR'S PERMANENT BUSINESS  
19 ADDRESS WITH THE DEPARTMENT;

20 (c) AFFIX A DECAL REQUIRED PURSUANT TO SECTION 30-20-1417  
21 (1) TO THE REQUIRED LOCATION;

22 (d) DEVELOP AND MAINTAIN AN ENGINEERING DESIGN AND  
23 OPERATIONS PLAN, INCLUDING A FIRE PREVENTION AND CONTROL PLAN;

24 (e) MAINTAIN MOBILE PROCESSING RECORDS, INCLUDING THE  
25 MANIFESTS REQUIRED BY SECTION 30-20-1417 (2), RELATING TO THE  
26 MOBILE PROCESSING OF WASTE TIRES;

27 (f) SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT;



1 (g) NOT LEASE OR OWN THE PROPERTY ON WHICH THE PROCESSING  
2 OCCURS;

3 (h) NOT ACCEPT OR ACCUMULATE WASTE TIRES UNLESS ALSO  
4 REGISTERED AS A WASTE TIRE PROCESSOR AT THE PROPERTY ON WHICH  
5 THE PROCESSING OCCURS;

6 (i) NOTIFY AND RECEIVE PERMISSION FROM THE LOCAL GOVERNING  
7 AUTHORITY TO PROCESS WASTE TIRES AT THE LOCATION FOR ANY PERIOD  
8 OF TIME;

9 (j) NOT PROCESS WASTE TIRES AT A LOCATION FOR MORE THAN  
10 THIRTY CONSECUTIVE DAYS UNLESS THE MOBILE PROCESSOR:

11 (I) RECEIVES DEPARTMENT APPROVAL TO PROCESS AT THE  
12 LOCATION; AND

13 (II) REMAINS IN COMPLIANCE WITH ALL STATE AND LOCAL  
14 ENVIRONMENTAL REQUIREMENTS AT THE LOCATION OF MOBILE  
15 PROCESSING; AND

16 (k) COMPLETE AND SUBMIT SELF-CERTIFICATION DOCUMENTATION  
17 AS REQUIRED BY THE DEPARTMENT.

18 (2) THE DEPARTMENT MAY ISSUE A WAIVER RELATING TO ANY  
19 REQUIREMENT OF THIS SECTION.

20 **30-20-1414. Limitations on the disposal of tires.** (1) (a) EXCEPT  
21 AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (1), A PERSON SHALL  
22 DISPOSE OF WASTE TIRES ONLY BY DELIVERY TO A GENERATOR ENGAGING  
23 IN WASTE TIRE COLLECTION, TO A WASTE TIRE PROCESSOR, TO A WASTE  
24 TIRE MONOFILL, OR TO A WASTE TIRE COLLECTION FACILITY.

25 (b) IF A PERSON IS ABLE TO ESTABLISH THAT DUE DILIGENCE HAS  
26 BEEN CONDUCTED AND NO REASONABLE OPTION FOR DISPOSING OF A  
27 WASTE TIRE AS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1) IS

1 AVAILABLE, THEN THE PERSON MAY DISPOSE OF THE WASTE TIRE IN A  
2 SOLID WASTES DISPOSAL SITE AND FACILITY OR TRANSFER STATION.

3 (2) A WASTE TIRE GENERATOR AND AN OWNER OR OPERATOR OF  
4 A WASTE TIRE COLLECTION FACILITY SHALL ARRANGE FOR THE  
5 COMMERCIAL HAULING OF WASTE TIRES ONLY WITH A HAULER WHO IS  
6 CURRENTLY REGISTERED PURSUANT TO SECTION 30-20-1408.

7 (3) EACH WASTE TIRE IMPROPERLY DISPOSED OF CONSTITUTES A  
8 SEPARATE VIOLATION.

9 **30-20-1415. Waste tire monofills - requirements.** (1) AN  
10 OWNER OR OPERATOR OF A WASTE TIRE MONOFILL SHALL, AS SPECIFIED BY  
11 THE COMMISSION BY RULE:

12 (a) ESTABLISH AND MAINTAIN FINANCIAL ASSURANCE;

13 (b) REGISTER WITH THE DEPARTMENT;

14 (c) AFFIX A DECAL REQUIRED PURSUANT TO SECTION 30-20-1417  
15 (1) IN THE REQUIRED LOCATION;

16 (d) MAINTAIN A CERTIFICATE OF DESIGNATION THAT CONTAINS AN  
17 ENGINEERING DESIGN AND OPERATIONS PLAN, INCLUDING A FIRE  
18 PREVENTION AND CONTROL PLAN, PLAN FOR EMERGENCY RESPONSE,  
19 INVENTORY REDUCTION PLAN, AND CLOSURE PLAN;

20 (e) MAINTAIN RECORDS, INCLUDING THE MANIFESTS REQUIRED BY  
21 SECTION 30-20-1417 (2), RELATING TO THE STORAGE OF WASTE TIRES;

22 (f) SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT;

23 (g) COMPLY WITH THE MONOFILL'S CERTIFICATE OF DESIGNATION;

24 (h) COMPLY WITH THE COMMISSION'S RULE ON FINAL DISPOSAL OF  
25 WASTE TIRES;

26 (i) COMPLETE AND SUBMIT SELF-CERTIFICATION DOCUMENTATION  
27 AS REQUIRED BY THE DEPARTMENT;

1 (j) ON AN ANNUAL BASIS, FOR EVERY ONE WASTE TIRE RECEIVED,  
2 END USE AT LEAST TWO WASTE TIRES, OR PROCESS AT LEAST TWO WASTE  
3 TIRES INTO TIRE-DERIVED PRODUCT; AND

4 (k) NOT PLACE ANY WASTE TIRES INTO MONOFILL STORAGE AFTER  
5 JANUARY 1, 2018, AND CLOSE, OR CAUSE TO BE CLOSED, THE WASTE TIRE  
6 MONOFILL BY JULY 1, 2024.

7 (2) A GOVERNING BODY HAVING JURISDICTION SHALL NOT GRANT  
8 AN APPLICATION FOR A LANDFILL DESIGNATED FOR THE DISPOSAL ONLY OF  
9 TIRES. NOTHING IN THIS SECTION LIMITS MODIFICATIONS TO EXISTING  
10 LANDFILLS THAT ACCEPT WASTE TIRES.

11 (3) THE DEPARTMENT MAY ISSUE A WAIVER RELATING TO ANY  
12 REQUIREMENT OF THIS SECTION.

13 **30-20-1416. End users.** (1) END USERS WHO USE MORE THAN AN  
14 AMOUNT SET BY THE COMMISSION BY RULE OF TIRE-DERIVED PRODUCT OR  
15 WHOLE WASTE TIRES USED TO GENERATE ENERGY OR FUEL SHALL, AS  
16 SPECIFIED BY THE COMMISSION BY RULE:

17 (a) REGISTER WITH THE DEPARTMENT;

18 (b) SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT;

19 (c) USE ONLY A REGISTERED HAULER TO HAUL WASTE TIRES; AND

20 (d) MAINTAIN RECORDS, INCLUDING THE MANIFESTS REQUIRED BY  
21 SECTION 30-20-1417 (2), RELATING TO WASTE TIRES.

22 (2) THE DEPARTMENT MAY ISSUE A WAIVER RELATING TO ANY  
23 REQUIREMENT OF THIS SECTION.

24 **30-20-1417. Decals - manifests.** (1) **Decals.** (a) A PERSON SHALL  
25 NOT STORE IN COLORADO TEN OR MORE WASTE TIRES FOR ANY PURPOSE  
26 UNLESS:

27 (I) THE DEPARTMENT HAS ISSUED A DECAL PURSUANT TO THIS

1 SECTION; AND

2 (II) THE PERSON HAS, PURSUANT TO RULES PROMULGATED  
3 PURSUANT TO SECTION 30-20-1401 (2), AFFIXED THE DECAL TO A UNIFORM  
4 LOCATION AT THE ADDRESS USED TO STORE THE WASTE TIRES OR THE  
5 VEHICLE USED TO HAUL WASTE TIRES OR PROCESSING EQUIPMENT.

6 (b) THE DEPARTMENT SHALL ISSUE A DECAL TO A PERSON IF THE  
7 PERSON HAS SUBMITTED AN APPLICATION TO THE DEPARTMENT  
8 CONTAINING ALL INFORMATION REQUIRED BY RULE PROMULGATED  
9 PURSUANT TO SECTION 30-20-1401 (2) AND IS NOT IN VIOLATION OF ANY  
10 REQUIREMENT OF THIS PART 14.

11 (c) DECALS ARE VALID FOR A PERIOD DETERMINED BY THE  
12 COMMISSION BY RULE. A DECAL ISSUED PURSUANT TO THIS SECTION MUST  
13 CONTAIN THE INFORMATION REQUIRED BY RULE PROMULGATED PURSUANT  
14 TO SECTION 30-20-1401 (2), INCLUDING AT LEAST AN EXPIRATION DATE  
15 AND THE DECAL NUMBER.

16 (2) **Uniform manifests.** (a) A PERSON SHALL NOT ACCEPT FOR  
17 TRANSPORTATION TEN OR MORE WASTE TIRES UNLESS THE PERSON HAS  
18 COMPLETED A UNIFORM MANIFEST, AVAILABLE FROM THE DEPARTMENT'S  
19 WEB SITE, IN A FORM ESTABLISHED BY THE DEPARTMENT CONTAINING THE  
20 INFORMATION SPECIFIED BY RULE PROMULGATED PURSUANT TO SECTION  
21 30-20-1401 (2), INCLUDING AT LEAST THE FOLLOWING:

22 (I) THE MANIFEST NUMBER;

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

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

27 (IV) THE CURRENT DATE; THE WASTE TIRE REGISTRATION NUMBER,

1 NAME, ADDRESS, AND TELEPHONE NUMBER OF THE SOURCE OF THE TIRES;  
2 AND THE WASTE TIRE REGISTRATION NUMBER, NAME, ADDRESS, AND  
3 TELEPHONE NUMBER OF THE FACILITY TO WHICH THE WASTE TIRES WILL BE  
4 TRANSPORTED; AND

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

6 (b) A WASTE TIRE HAULER OR MOBILE PROCESSOR SHALL RETAIN  
7 ONE COPY OF THE MANIFEST AND, WITHIN A TIME PERIOD ESTABLISHED BY  
8 THE COMMISSION BY RULE, SHALL PROVIDE ONE COPY OF THE MANIFEST  
9 TO:

10 (I) THE SOURCE OF THE WASTE TIRE; AND

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

12 (c) (I) THE WASTE TIRE HAULER OR MOBILE PROCESSOR, THE  
13 SOURCE OF THE WASTE TIRE, AND THE FACILITY TO WHICH THE WASTE  
14 TIRES ARE TRANSPORTED SHALL EACH KEEP A COPY OF THE MANIFEST FOR  
15 AT LEAST THREE YEARS AFTER THE DATE STATED ON THE MANIFEST.

16 (II) THE DEPARTMENT MAY ENTER AND INSPECT THE FACILITY OF  
17 ANY OF THE ENTITIES NAMED ON THE MANIFEST DURING NORMAL BUSINESS  
18 HOURS AND MAY REQUEST A COPY OF THE MANIFEST. FAILURE TO KEEP  
19 THE MANIFEST AS REQUIRED BY THIS SUBPARAGRAPH (II) OR TO PRODUCE  
20 THE MANIFEST UPON REQUEST BY THE DEPARTMENT OR THE  
21 DEPARTMENT'S AGENT IS A VIOLATION OF THIS SECTION.

22 **SECTION 2.** In Colorado Revised Statutes, 2-3-1203, **repeal** (3)  
23 (gg) (II) as follows:

24 **2-3-1203. Sunset review of advisory committees.** (3) The  
25 following dates are the dates for which the statutory authorization for the  
26 designated advisory committees is scheduled for repeal:

27 (gg) July 1, 2020:

1           (II) ~~The waste tire advisory committee created in section~~  
2 ~~25-17-208, C.R.S.;~~

3           **SECTION 3.** In Colorado Revised Statutes, 24-33.5-1203.5,  
4 **amend** (2) introductory portion and (2) (b) as follows:

5           **24-33.5-1203.5. Powers and duties of director.** (2) In order to  
6 carry out the purposes and provisions of this part 12 and ~~section~~  
7 ~~25-17-206~~ PART 14 OF ARTICLE 20 OF TITLE 30, C.R.S., the director of the  
8 division shall promulgate rules in accordance with article 4 of this title:

9           (b) Adopting nationally recognized standards that the director of  
10 the division reasonably finds necessary to carry out the purposes and  
11 provisions of this part 12 and sections 12-28-108 AND 12-47.1-516 and  
12 ~~25-17-206~~ PART 14 OF ARTICLE 20 OF TITLE 30, C.R.S.

13           **SECTION 4.** In Colorado Revised Statutes, 25-15-302, **repeal**  
14 (4.7) as follows:

15           **25-15-302. Solid and hazardous waste commission - creation**  
16 **- membership - rules - fees - administration.** (4.7) ~~The commission~~  
17 ~~shall adopt rules pertaining to waste tire haulers pursuant to section~~  
18 ~~25-17-204.~~

19           **SECTION 5.** In Colorado Revised Statutes, 25-17-305, **amend**  
20 (2) as follows:

21           **25-17-305. Immunity.** (2) A waste hauler, as that term is defined  
22 in section ~~30-20-1001(16)~~ 30-20-1402 (16), C.R.S., or owner or operator  
23 of a landfill or transfer station does not violate this part 3 if the hauler,  
24 owner, or operator has made a good-faith effort to comply with this part  
25 3 by posting and maintaining, in a conspicuous location at the waste  
26 hauler's facility, transfer station, or the landfill, a sign stating that  
27 electronic devices will not be accepted at the facility, transfer station, or

1 landfill.

2 **SECTION 6.** In Colorado Revised Statutes, 30-20-113, **amend**  
3 (1) introductory portion; and **add** (1) (e) as follows:

4 **30-20-113. Inspection - enforcement - nuisances - violations -**  
5 **civil penalty.** (1) ~~Not~~ A person shall NOT:

6 (e) VIOLATE ANY PROVISION OF PART 14 OF THIS ARTICLE 20 OR  
7 ANY RULE ADOPTED PURSUANT TO PART 14 OF THIS ARTICLE 20.

8 **SECTION 7.** In Colorado Revised Statutes, 30-20-1001, **amend**  
9 (7), (8), and (19); and **repeal** (12), (17), and (18) as follows:

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

12 (7) "Residentially generated" means used lead-acid batteries AND  
13 used oil ~~and waste tires~~ generated by a person.

14 (8) "Retailer" means any corporation, limited liability company,  
15 partnership, individual, sole proprietorship, joint-stock company, joint  
16 venture, or other private legal entity that engages in the sale of new  
17 lead-acid batteries OR lubricating oil ~~or new tires~~ directly to the end user.

18 (12) ~~"Tire" means a pneumatic rubber covering designed to~~  
19 ~~encircle the wheel of a vehicle in which a person or property is or may be~~  
20 ~~transported or drawn upon a highway.~~

21 (17) ~~"Waste tire" has the meaning established in section~~  
22 ~~25-17-202 (1), C.R.S.~~

23 (18) ~~"Waste tire monofill" means any duly licensed and permitted~~  
24 ~~solid wastes disposal site and facility or section of solid wastes disposal~~  
25 ~~site and facility at which only waste tires are accepted.~~

26 (19) "Wholesaler" means any corporation, limited liability  
27 company, partnership, individual, sole proprietorship, joint-stock

1 company, joint venture, or other private legal entity that sells new  
2 lead-acid batteries OR lubricating oil ~~or new tires~~ for resale.

3 **SECTION 8.** In Colorado Revised Statutes, 30-20-1009, **amend**  
4 (3) as follows:

5 **30-20-1009. Inspection - enforcement - nuisances - violations**  
6 **- civil penalty.** (3) Notwithstanding subsection (1) of this section and  
7 sections 30-20-1010 and 30-20-113 (1) (c), any solid wastes disposal site  
8 and facility in substantial compliance with its waste characterization plan  
9 developed pursuant to section 30-20-110 (1) (g), and rules promulgated  
10 thereunder, ~~shall be deemed to be~~ IS in compliance with this part 10 so  
11 long as ~~such~~ THE waste characterization plan contains waste acceptance  
12 procedures to minimize the disposal of lead-acid batteries AND used oil  
13 ~~and waste tires~~ consistent with the requirements of this part 10. Solid  
14 ~~wastes disposal sites and facilities existing on August 8, 2005, shall~~  
15 ~~submit an amended waste characterization plan incorporating such waste~~  
16 ~~acceptance procedures to the department of public health and~~  
17 ~~environment no later than January 1, 2006.~~

18 **SECTION 9.** In Colorado Revised Statutes, 39-26-706, **amend**  
19 (5) as follows:

20 **39-26-706. Miscellaneous sales and use tax exemptions -**  
21 **internet access - refractory materials - precious metal bullion and**  
22 **coins.** (5) On and after July 1, 2010, the collection of the waste tire fee  
23 pursuant to section ~~25-17-202~~ 30-20-1403, C.R.S., is exempt from  
24 taxation under part 1 of this article.

25 **SECTION 10.** In Colorado Revised Statutes, **repeal** part 2 of  
26 article 17 of title 25.

27 **SECTION 11.** In Colorado Revised Statutes, 43-2-402, **amend**



1 (5) (a) and (5) (b) as follows:

2 **43-2-402. Noise mitigation measures.** (5) (a) The department  
3 shall construct noise mitigation measures on the list of approved measures  
4 for which a local government has agreed to provide no less than fifty  
5 percent of the necessary moneys in the order of priority established  
6 pursuant to subsection (4) of this section, using moneys provided by local  
7 governments and any moneys distributed to the department by the  
8 department of public health and environment pursuant to ~~part 2 of article~~  
9 ~~17 of title 25~~ 14 OF ARTICLE 20 OF TITLE 30, C.R.S.

10 (b) After the construction of noise mitigation measures in  
11 accordance with paragraph (a) of this subsection (5), the department shall  
12 use any moneys provided by local governments or distributed to the  
13 department pursuant to ~~part 2 of article 17 of title 25~~ 14 OF ARTICLE 20 OF  
14 TITLE 30, C.R.S., to construct other noise mitigation measures on the list  
15 of approved measures in the order of priority established pursuant to  
16 subsection (4) of this section.

17 **SECTION 12.** In Colorado Revised Statutes, **repeal** sections  
18 30-20-121, 30-20-1006, 30-20-1007, and 30-20-1008.

19 **SECTION 13. Effective date - applicability.** This act takes  
20 effect July 1, 2014, and applies to conduct occurring on or after said date.

21 **SECTION 14. Safety clause.** The general assembly hereby finds,  
22 determines, and declares that this act is necessary for the immediate  
23 preservation of the public peace, health, and safety.