

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0516.01 Thomas Morris x4218

HOUSE BILL 14-1352

HOUSE SPONSORSHIP

Tyler and Coram,

SENATE SPONSORSHIP

Todd and King,

House Committees

Transportation & Energy
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE MANAGEMENT OF WASTE TIRES, AND, IN**
102 **CONNECTION THEREWITH, MAKING AND REDUCING**
103 **APPROPRIATIONS.**

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

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.

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 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administration, enforcement, and cleanup fund, and the end users fund and the waste tire market development fund are repealed.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.

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.

1 (2) BY MAY 31, 2015, THE COMMISSION SHALL PROMULGATE
2 RULES FOR THE IMPLEMENTATION AND ENFORCEMENT OF THIS PART 14.
3 UNTIL THE COMMISSION PROMULGATES RULES TO IMPLEMENT AND
4 ENFORCE THIS PART 14, THE COMMISSION'S RULES IN EFFECT ON JULY 1,
5 2014, GOVERNING WASTE TIRES CONTINUE TO APPLY TO THE EXTENT THAT
6 THEY DO NOT CONFLICT WITH THIS PART 14.

7 (3) THE DEPARTMENT SHALL ENFORCE THIS PART 14 THROUGH ITS
8 ENFORCEMENT AUTHORITIES, INCLUDING THOSE SPECIFIED IN SECTIONS
9 30-20-113 AND 30-20-114.

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

26 **30-20-1402. Definitions - repeal.** AS USED IN THIS PART 14,
27 UNLESS THE CONTEXT OTHERWISE REQUIRES:

1 (1) "BENEFICIAL USER" MEANS A PERSON WHO USES SOLID WASTE
2 AS AN INGREDIENT IN A MANUFACTURING PROCESS OR AS AN EFFECTIVE
3 SUBSTITUTE FOR NATURAL OR COMMERCIAL PRODUCTS, IN A MANNER
4 THAT DOES NOT POSE A THREAT TO HUMAN HEALTH OR THE
5 ENVIRONMENT. AVOIDANCE OF PROCESSING OR DISPOSAL COST ALONE
6 DOES NOT CONSTITUTE BENEFICIAL USE.

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

9 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
10 AND ENVIRONMENT.

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

12 (a) USES A TIRE-DERIVED PRODUCT FOR A COMMERCIAL OR
13 INDUSTRIAL PURPOSE; ■

14 (b) USES A WHOLE WASTE TIRE TO GENERATE ENERGY OR FUEL; OR

15 (c) CONSUMES TIRE-DERIVED PRODUCT OR USES TIRE-DERIVED
16 PRODUCT IN ITS FINAL APPLICATION OR IN MAKING NEW MATERIALS.

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

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

26 (7) "PUBLIC PROJECT" MEANS:

27 (a) A PUBLICLY FUNDED CONTRACT ENTERED INTO BY A

1 GOVERNMENTAL BODY OF THE EXECUTIVE BRANCH OF THIS STATE THAT
2 IS SUBJECT TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE
3 24, C.R.S.; AND

4 (b) A PUBLICLY FUNDED CONTRACT ENTERED INTO BY A COUNTY,
5 MUNICIPAL GOVERNMENT, OR SPECIAL DISTRICT, INCLUDING A SCHOOL
6 DISTRICT OR RECREATION DISTRICT.

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

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

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

12 (b) ADHERES TO ESTABLISHED ENGINEERING OR OTHER
13 APPROPRIATE SPECIFICATIONS OR TO ESTABLISHED PRODUCT END USER
14 SPECIFICATIONS OR CUSTOMER CONDITIONS OF ACCEPTANCE;

15 (c) HAS A DEMONSTRATED BENEFIT ASSOCIATED WITH THE END
16 USE;

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

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

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

23 (11) "USED TIRE" MEANS A TIRE THAT WAS PREVIOUSLY USED AS
24 A TIRE AND IS GRADED AND CLASSIFIED FOR REUSE AS A TIRE BASED ON
25 SPECIFICATIONS AND CRITERIA MAINTAINED PURSUANT TO SECTION
26 30-20-1410 (1) (a).

27 (12) "WASTE TIRE" MEANS A TIRE THAT IS MODIFIED FROM ITS

1 ORIGINAL SPECIFICATIONS BUT NOT PROCESSED INTO A TIRE-DERIVED
2 PRODUCT, IS NO LONGER BEING USED FOR ITS INITIAL INTENDED PURPOSE
3 AS A TIRE, AND IS NOT A USED TIRE.

4 (13) "WASTE TIRE CLEANUP PROGRAM" OR "PROGRAM" MEANS THE
5 PROGRAM CREATED BY THIS PART 14.

6 (14) "WASTE TIRE COLLECTION FACILITY" MEANS A FACILITY AT
7 WHICH WASTE TIRES ARE STORED AWAITING PICKUP BY A REGISTERED
8 WASTE TIRE HAULER FOR TRANSPORTATION TO A REGISTERED WASTE TIRE
9 PROCESSOR OR REGISTERED WASTE TIRE MONOFILL.

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

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

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

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

24 **30-20-1403. Waste tire fee - distribution - rules.**

25 (1)(a) RETAILERS OF NEW MOTOR VEHICLE TIRES AND NEW TRAILER TIRES
26 SHALL COLLECT A WASTE TIRE FEE IN AN AMOUNT TO BE SET BY THE
27 COMMISSION, BY RULE, NOT TO EXCEED ONE DOLLAR AND FIFTY CENTS ON

1 THE SALE OF EACH NEW TIRE; EXCEPT THAT, EFFECTIVE ON AND AFTER
2 JANUARY 1, 2018, THE WASTE TIRE FEE IS FIFTY-FIVE CENTS ON THE SALE
3 OF EACH NEW TIRE. THE RECEIPT FROM THE RETAILER TO THE CUSTOMER
4 FOR EVERY NEW TIRE MUST CONTAIN THE FOLLOWING STATEMENT IN THE
5 LARGEST BOLD-FACED TYPE CAPABLE ON EXISTING INVOICE PRINTERS, NOT
6 TO EXCEED FIFTEEN POINTS: "SECTION 30-20-1403, COLORADO REVISED
7 STATUTES, REQUIRES RETAILERS TO COLLECT A WASTE TIRE FEE SET BY
8 THE SOLID AND HAZARDOUS WASTE COMMISSION ON THE SALE OF EACH
9 NEW MOTOR VEHICLE TIRE AND EACH NEW TRAILER TIRE."

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

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

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

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

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

26 (b) EFFECTIVE JANUARY 1, 2018, THE STATE TREASURER SHALL
27 DISTRIBUTE ALL OF THE REVENUE FROM THE FEE ASSESSED IN SUBSECTION

1 (1) OF THIS SECTION TO THE WASTE TIRE ADMINISTRATION, ENFORCEMENT,
2 AND CLEANUP FUND CREATED IN SECTION 30-20-1404.

3 **30-20-1404. Waste tire administration, enforcement, and**
4 **cleanup fund - creation - rules - repeal.** (1) THERE IS HEREBY CREATED
5 IN THE STATE TREASURY THE WASTE TIRE ADMINISTRATION,
6 ENFORCEMENT, AND CLEANUP FUND, REFERRED TO IN THIS SECTION AS THE
7 "FUND", CONSISTING OF THE FEE REVENUE CREDITED PURSUANT TO
8 SECTION 30-20-1403 (2) (a) (I) OR (2) (b) AND ANY OTHER MONEYS
9 APPROPRIATED TO IT. THE GENERAL ASSEMBLY SHALL ANNUALLY
10 APPROPRIATE THE MONEYS IN THE FUND TO THE DEPARTMENT FOR ITS
11 DIRECT AND INDIRECT ADMINISTRATIVE AND ENFORCEMENT COSTS IN
12 ADMINISTERING AND ENFORCING THIS PART 14. THE STATE TREASURER
13 SHALL CREDIT ALL INTEREST EARNED ON THE INVESTMENT OF MONEYS IN
14 THE FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS
15 IN THE FUND AT THE END OF ANY FISCAL YEAR REMAIN IN THE FUND AND
16 DO NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

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

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

19 (b) INSPECTING RETAILERS TO DETERMINE WHETHER ALL FEES ARE
20 BEING COLLECTED;

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

23 (d) DEVELOPING A SYSTEM TO ADDRESS THE RECEIPT BY
24 REGISTERED PERSONS OF UNMANIFESTED WASTE TIRES FROM
25 UNREGISTERED HAULERS;

26 (e) (I) SUBMITTING AN ANNUAL REPORT TO THE COMMITTEES OF
27 REFERENCE IN EACH HOUSE OF THE GENERAL ASSEMBLY WITH

1 JURISDICTION OVER TRANSPORTATION AND PUBLIC HEALTH, THE JOINT
2 BUDGET COMMITTEE, AND THE COMMISSION. THE REPORT MUST INCLUDE,
3 AT A MINIMUM:

- 4 (A) THE NUMBER OF RETAILERS PAYING THE FEE;
- 5 (B) THE DOLLAR AMOUNT OF FEES COLLECTED;
- 6 (C) THE NUMBER OF INSPECTIONS CONDUCTED;
- 7 (D) THE RESULTS OF THE INSPECTIONS;
- 8 (E) THE NUMBER OF TIRES SOLD;
- 9 (F) THE STATUS OF ABATEMENT PROJECTS RANKED PURSUANT TO
10 SUBSECTION (6) OF THIS SECTION; AND
- 11 (G) AN ASSESSMENT OF THE IMPLEMENTATION OF PARAGRAPH (i)
12 OF THIS SUBSECTION (2).

13 (II) PURSUANT TO SECTION 24-1-136 (11), C.R.S., THIS
14 PARAGRAPH (e) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2017.

15 (f) HIRING A CONTRACTOR TO CLEAN UP WASTE TIRES AND
16 TIRE-DERIVED PRODUCT THAT HAVE BEEN ILLEGALLY DISPOSED OF OR
17 HAVE BEEN DISPOSED OF AT A LANDFILL PURSUANT TO SECTION
18 30-20-1009 (2) AND FUNDING A GRANT PROGRAM TO REIMBURSE LOCAL
19 GOVERNING AUTHORITIES FOR CLEANING UP WASTE TIRES AND
20 TIRE-DERIVED PRODUCTS THAT HAVE BEEN ILLEGALLY DISPOSED OF OR
21 HAVE BEEN DISPOSED OF AT A LANDFILL PURSUANT TO SECTION
22 30-20-1009 (2);

23 (g) FINANCING ONE-TIME OR OCCASIONAL COMMUNITY CLEANUP
24 EVENTS WHERE WASTE TIRES ARE ACCEPTED FOR DROP-OFF BY PERSONS
25 NOT ENGAGED IN COMMERCIAL OR INDUSTRIAL ACTIVITY AND WHERE, AT
26 THE CONCLUSION OF THE EVENT, THE WASTE TIRES ARE EITHER PICKED UP
27 BY A REGISTERED WASTE TIRE HAULER OR TRANSPORTED TO A REGISTERED

1 WASTE TIRE HAULER OR TO ANY REGISTERED FACILITY;

2 (h) TRAINING AND HIRING CONTRACTORS TO PROVIDE TRAINING IN
3 THE IMPLEMENTATION OF THIS PART 14;

4 (i) PROVIDING GRANTS TO LAW ENFORCEMENT, FIRE
5 DEPARTMENTS, LOCAL HEALTH DEPARTMENTS, STATE AGENCIES, AND ANY
6 OTHER APPLICABLE ENTITIES FOR PURCHASING EQUIPMENT AND SUPPLIES
7 TO IMPLEMENT THIS PART 14;

8 (j) TRAINING OF AND ENFORCEMENT BY ENTITIES THAT ENFORCE
9 THIS PART 14;

10 (k) AWARDING GRANTS AND DEVELOPING EDUCATIONAL
11 PROGRAMS FOR ENFORCEMENT, FIRE PREVENTION AND SUPPRESSION,
12 PROPER WASTE TIRE MANAGEMENT AND DISPOSAL, TRAINING, AND
13 CUSTOMER TECHNICAL ASSISTANCE;

14 (l) MAINTAINING AN ON-LINE COMPLAINT FORM AND PROCESSES
15 FOR LAW ENFORCEMENT, FIRE DEPARTMENTS, AND CITIZENS TO REPORT
16 POTENTIAL WASTE TIRE VIOLATIONS; █

17 (m) IN CONJUNCTION WITH THE DIVISION OF FIRE PREVENTION AND
18 CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY, DEVELOPING A MODEL
19 FIRE PREVENTION, TRAINING, AND FIREFIGHTING PLAN, HIRING A
20 CONSULTANT TO ASSIST IN DEVELOPING THE PLAN, AND REIMBURSING THE
21 DIVISION OF FIRE PREVENTION FOR ITS TIME SPENT ASSISTING THE
22 DEPARTMENT IN IMPLEMENTING THIS PARAGRAPH (m); AND

23 (n) (I) REIMBURSING THE DEPARTMENT OF REVENUE FOR ITS
24 COSTS, INCLUDING PROGRAMMING, ASSOCIATED WITH THE ENACTMENT OF
25 THIS ARTICLE AND THE REPEAL OF PART 2 OF ARTICLE 17 OF TITLE 25,
26 C.R.S.

27 (II) THIS PARAGRAPH (n) IS REPEALED, EFFECTIVE SEPTEMBER 1,

1 2015.

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

8 (4) (a) IN ADDITION TO ANY PENALTIES ASSESSED, THE
9 DEPARTMENT MAY ISSUE AN ORDER REQUIRING THE OWNER OR OPERATOR
10 TO COMPENSATE THE DEPARTMENT FOR THE COST OF REMEDIATION OF THE
11 SITE, AND THE DEPARTMENT MAY REQUEST THE ATTORNEY GENERAL TO
12 BRING SUIT FOR COMPENSATION FROM THE OWNER OR OPERATOR FOR
13 MONEY EXPENDED REMEDIATING THE SITE. THE DEPARTMENT SHALL USE
14 THE RECOVERED MONEYS TO REIMBURSE THE FUND FOR ACTUAL COSTS OF
15 REMEDIATING THE SITE AND OF SEEKING COMPENSATION PURSUANT TO
16 THIS SECTION. THE STATE TREASURER SHALL CREDIT ALL ADDITIONAL
17 MONEYS TO THE GENERAL FUND.

18 (b) THE DEPARTMENT MAY PLACE A LIEN ON A PROPERTY ON
19 WHICH THE DEPARTMENT FUNDS THE REMEDIATION OF WASTE TIRES
20 PURSUANT TO THIS SECTION UNTIL THE COSTS OF REMEDIATION HAVE BEEN
21 REPAYED TO THE DEPARTMENT. IF COMPLETE REPAYMENT HAS NOT BEEN
22 MADE BEFORE A SALE OF THE PROPERTY, THE DEPARTMENT SHALL BE
23 REPAYED IN FULL, TO THE EXTENT POSSIBLE, FROM PROCEEDS OF THE SALE.

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

27 (b) IN AWARDING CONTRACTS FOR SERVICES PURSUANT TO THIS

1 SECTION, THE DEPARTMENT MAY GIVE PREFERENTIAL BIDDING TREATMENT
2 TO INDIVIDUALS OR ENTITIES THAT WILL RECYCLE, PURSUANT TO RULES OF
3 THE DEPARTMENT CONCERNING RECYCLING, AND REUSE, RATHER THAN
4 DISPOSE OF, THE WASTE TIRES.

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

8 (7) THE DEPARTMENT AND THE DEPARTMENT OF TRANSPORTATION
9 SHALL COORDINATE WITH ONE ANOTHER TO SYSTEMATICALLY
10 INVESTIGATE AND RESEARCH THE USE OF TIRE-DERIVED AGGREGATES IN
11 TECHNICALLY FEASIBLE AND ECONOMICALLY VIABLE CIVIL APPLICATIONS
12 ASSOCIATED WITH THE DEPARTMENT OF TRANSPORTATION'S ROADWAY
13 MISSION. THE DEPARTMENT SHALL INCLUDE ANY FINDINGS REGARDING
14 TIRE-DERIVED AGGREGATES, AS APPROPRIATE, IN THE DEPARTMENT'S
15 ANNUAL REPORT TO THE GENERAL ASSEMBLY.

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

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

- 3 (I) END USERS;
- 4 (II) RETAILERS WHO SELL TIRE-DERIVED PRODUCT; AND
- 5 (III) PROCESSORS OF COLORADO WASTE TIRES WHO SELL THEIR
6 TIRE-DERIVED PRODUCT TO OUT-OF-STATE END USERS.

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

8 (a) THE DEPARTMENT SHALL PAY THE REBATE AMOUNT ON A
9 PER-TON BASIS;

10 (b) ONCE THE DEPARTMENT HAS PAID A REBATE ON A PARTICULAR
11 QUANTITY OF TIRE-DERIVED PRODUCT, EVERY PART OF THAT PARTICULAR
12 QUANTITY OF TIRE-DERIVED PRODUCT IS NO LONGER ELIGIBLE FOR
13 PAYMENT OF THE REBATE;

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

17 (I) THE SAME EACH MONTH FOR EACH SUCCESSIVE TWELVE-MONTH
18 PERIOD;

19 (II) CALCULATED CONSIDERING, AMONG OTHER FACTORS, THE
20 MONTHLY ROLLING WEIGHTED AVERAGE WEIGHT OF WASTE TIRES
21 SUBMITTED FOR A REBATE DURING THE PREVIOUS THIRTY-SIX-MONTH
22 PERIOD PURSUANT TO WHICH THE AVERAGE WEIGHT FROM THE LAST
23 TWELVE MONTHS AFFECTS THE ROLLING AVERAGE MORE THAN THE
24 AVERAGE WEIGHT FROM THE FIRST TWELVE MONTHS; AND

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

1 (d) THE COMMISSION SHALL PROMULGATE RULES GOVERNING
2 ADMINISTRATION OF THE REBATE, WHICH RULES MUST INCLUDE THE
3 FOLLOWING:

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

8 (II) THE DEPARTMENT SHALL QUARTERLY NOTIFY END USERS WHO
9 HAVE SUBMITTED AN APPLICATION FOR A REBATE DURING THE PRECEDING
10 YEAR OF THE DATE ON WHICH THE BALANCE OF THE END USERS FUND IS
11 ANTICIPATED TO BE INSUFFICIENT TO PAY ALL OF THE REBATES APPLIED
12 FOR;

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

15 (f) THE DEPARTMENT SHALL PAY THE REBATE TO AN END USER
16 ONLY IF THE END USER END USES TIRE-DERIVED PRODUCT IN COLORADO
17 OR IF THE END USER USES WHOLE WASTE TIRES TO GENERATE ENERGY OR
18 FUEL IN COLORADO; AND

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

22 (4) UNTIL THE COMMISSION PROMULGATES RULES PURSUANT TO
23 SUBSECTION (3) OF THIS SECTION, THE REBATE AMOUNT IS FORTY
24 DOLLARS PER TON OF WASTE TIRES, SUBJECT TO MODIFICATION AS
25 FOLLOWS:

26 (a) THE DEPARTMENT SHALL INCREASE OR DECREASE THE AMOUNT
27 OF THE REBATE AFTER CONSIDERATION OF ALL OF THE REQUIREMENTS AND

1 LIMITATIONS SPECIFIED IN SUBSECTION (3) OF THIS SECTION; AND

2 (b) THE MAXIMUM AMOUNT OF THE REBATE IS EIGHTY DOLLARS
3 PER TON OF WASTE TIRES.

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

5 **30-20-1406. Waste tire market development fund - creation -
6 incentive programs - legislative declaration - repeal.** (1) THERE IS

7 HEREBY CREATED IN THE STATE TREASURY THE WASTE TIRE MARKET
8 DEVELOPMENT FUND, REFERRED TO IN THIS SECTION AS THE "FUND",
9 CONSISTING OF REVENUES CREDITED PURSUANT TO SECTION 30-20-1403

10 (2) (a) (III) OR (2) (b). THE STATE TREASURER SHALL CREDIT ALL
11 INTEREST AND ANY OTHER RETURN ON THE INVESTMENT OF MONEYS IN
12 THE FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS
13 IN THE FUND AT THE END OF ANY FISCAL YEAR REMAIN IN THE FUND AND
14 DO NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND. THE FUND
15 IS SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO
16 THE DEPARTMENT FOR THE PURPOSES SPECIFIED IN THIS SECTION.

17 (2) THE DEPARTMENT SHALL USE THE FUND:

18 (a) TO ENCOURAGE WASTE TIRE MARKET DEVELOPMENT. THE
19 DEPARTMENT SHALL HIRE A CONTRACTOR TO ASSIST WITH THE
20 IMPLEMENTATION OF A WASTE TIRE MARKETING PLAN, DEVELOPMENT AND
21 IMPLEMENTATION OF FUTURE MARKET DEVELOPMENT PLANS, AND
22 DEVELOPMENT OF THE PROGRAM. THE DEPARTMENT AND CONTRACTOR
23 SHALL BASE THE MARKETING PLAN ON THE COLORADO WASTE TIRE
24 MARKET DEVELOPMENT PLAN PUBLISHED ON BEHALF OF THE DEPARTMENT
25 ON MAY 19, 2013.

26 (b) TO PROVIDE LIMITED FUNDING TO END USERS TO ASSIST IN THE
27 RESEARCH AND DEVELOPMENT OF NEW AND EXISTING WASTE TIRE

1 RECYCLING TECHNOLOGIES;

2 (c) TO PROVIDE LIMITED FUNDING TO END USERS TO ASSIST IN THE
3 INCORPORATION OF TIRE-DERIVED MATERIALS INTO ONE OR MORE
4 TIRE-DERIVED PRODUCTS, INCLUDING GROUND RUBBER, TIRE-DERIVED
5 AGGREGATE, AND TIRE-DERIVED FUEL;

6 (d) TO ASSIST THE DEPARTMENT, THE DEPARTMENT OF
7 TRANSPORTATION, AND OTHER STATE AGENCIES IN THE DEVELOPMENT
8 AND IMPLEMENTATION OF A PUBLIC EDUCATION CAMPAIGN THAT
9 PROMOTES THE BENEFITS OF THE USE OF TIRE-DERIVED PRODUCTS;

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

12 (f) (I) TO FUND RECYCLING INCENTIVE PROGRAMS FOR PUBLIC
13 PROJECTS THAT CONTAIN OR MAKE USE OF TIRE-DERIVED PRODUCTS. THE
14 DEPARTMENT SHALL DETERMINE HOW TO DISTRIBUTE TIRE REUSE OR
15 RECYCLING INCENTIVE MONEYS AMONG APPROVED PROJECTS. ANY STATE
16 AGENCY IS AUTHORIZED TO EXPEND MONEYS DISTRIBUTED PURSUANT TO
17 THIS SECTION.

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

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

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

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

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

8 (g) TO ESTABLISH A WASTE TIRE INNOVATIVE TECHNOLOGY
9 BUSINESS DEVELOPMENT GRANT, LOAN, AND INCENTIVE FUNDING
10 PROGRAM THAT WILL ASSIST IN THE CREATION OF WASTE TIRE BUSINESS
11 OPPORTUNITIES AND MARKET DEVELOPMENT ACTIVITIES AND THE
12 CREATION OF WASTE TIRE RECYCLING JOBS.

13 (3) THE FUND SHALL NOT BE USED:

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

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

17 (4) THE DEPARTMENT SHALL SUBMIT A REPORT TO THE
18 COMMITTEES OF REFERENCE IN EACH HOUSE OF THE GENERAL ASSEMBLY
19 WITH JURISDICTION OVER TRANSPORTATION AND PUBLIC HEALTH
20 ANNUALLY BEGINNING JULY 1, 2015, INCLUDING A DESCRIPTION OF THE
21 STATUS OF THE PROGRAM, A SUMMARY OF THE GRANTS AWARDED TO END
22 USERS, THE NUMBER AND TYPE OF MARKETS DEVELOPED OR TARGETED
23 FOR DEVELOPMENT, AND RECOMMENDATIONS FOR CONTINUED USE OF THE
24 FUND.

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

26 **30-20-1407. Scope.** A PERSON SHALL COMPLY WITH EVERY
27 REQUIREMENT OF THIS PART 14 THAT APPLIES TO THE PERSON'S

1 ACTIVITIES.

2 **30-20-1408. Waste tire haulers.** (1) A PERSON WHO TRANSPORTS
3 TEN OR MORE WASTE TIRES IN ANY ONE LOAD SHALL:

4 (a) TRANSPORT THE WASTE TIRES EITHER OUT OF STATE OR TO A
5 REGISTERED WASTE TIRE GENERATOR, WASTE TIRE HAULER, WASTE TIRE
6 COLLECTION FACILITY, WASTE TIRE PROCESSOR, WASTE TIRE MONOFILL,
7 APPROVED BENEFICIAL USER OF WHOLE WASTE TIRES, MUNICIPAL OR
8 COUNTY-OWNED WASTE TIRE COLLECTION AREA, OR MUNICIPAL OR
9 PRIVATELY OWNED SOLID WASTE LANDFILL IN COMPLIANCE WITH THE
10 RULES PROMULGATED PURSUANT TO THIS ARTICLE.

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

13 (c) AFFIX TO THE VEHICLE USED FOR SUCH TRANSPORTATION A
14 WASTE TIRE HAULER DECAL ACQUIRED FROM THE DEPARTMENT PURSUANT
15 TO SECTION 30-20-1417 (1);

16 (d) COMPLY WITH THE MANIFEST REQUIREMENTS OF SECTION
17 30-20-1417 (2), INCLUDING CREATING AND MAINTAINING, FOR AT LEAST
18 THREE YEARS, RECORDS RELATING TO SUCH TRANSPORTATION;

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

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

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

25 (a) MORE THAN ONE THOUSAND FIVE HUNDRED WASTE TIRES AT
26 ANY ONE TIME;

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

1 (c) WASTE TIRES OUTSIDE THE WASTE HAULER'S VEHICLE OR
2 TRAILER.

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

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

10 (5) NOTHING IN THIS SECTION PROHIBITS A BENEFICIAL USER OF
11 WASTE TIRES FROM TRANSPORTING WASTE TIRES TO A
12 DEPARTMENT-APPROVED BENEFICIAL USE LOCATION.

13 (6) THE DEPARTMENT MAY ISSUE A WAIVER RELATING TO ANY
14 REQUIREMENT OF THIS SECTION.

15 **30-20-1409. Waste tire generators - requirements -**
16 **exemptions.** (1) A WASTE TIRE GENERATOR SHALL, AS SPECIFIED BY THE
17 COMMISSION BY RULE:

18 (a) REGISTER WITH THE DEPARTMENT;

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

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

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

25 (e) DEVELOP AND MAINTAIN WRITTEN CRITERIA FOR
26 DISTINGUISHING WASTE TIRES FROM USED TIRES, KEEP THE CRITERIA ON
27 SITE, AND MAKE THE CRITERIA AVAILABLE FOR INSPECTION;

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

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

6 (2) A WASTE TIRE GENERATOR IS SUBJECT TO THE FOLLOWING
7 REQUIREMENTS:

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

12 (b) A GENERATOR THAT SELLS REPLACEMENT TIRES IN COLORADO
13 SHALL NOT REFUSE TO ACCEPT FROM A CUSTOMER, AT THE POINT OF
14 TRANSFER, WASTE TIRES OF THE SAME GENERAL TYPE AND IN A QUANTITY
15 AT LEAST EQUAL TO THE NUMBER OF NEW TIRES PURCHASED;

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

17 (d) A GENERATOR SHALL COMPLETE AND SUBMIT TO THE
18 DEPARTMENT SELF-CERTIFICATION DOCUMENTATION AS REQUIRED BY THE
19 DEPARTMENT.

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

22 **30-20-1410. Used tire management.** (1) A PERSON WHO
23 ACCUMULATES, STORES, TRANSPORTS, OR DISPENSES USED TIRES SHALL:

24 (a) (I) DEVELOP WRITTEN CRITERIA FOR DISTINGUISHING WASTE
25 TIRES FROM USED TIRES, MAINTAIN THE CRITERIA ON SITE, AND MAKE THE
26 CRITERIA AVAILABLE FOR INSPECTION;

27 (II) CLEARLY IDENTIFY WASTE TIRES AND USED TIRES ACCORDING

1 TO THE CRITERIA DEVELOPED PURSUANT TO SUBPARAGRAPH (I) OF THIS
2 PARAGRAPH (a);

3 (b) (I) DEVELOP WRITTEN CRITERIA FOR DISTINGUISHING USED
4 TIRES BEING HELD FOR SALE IN COLORADO FROM USED TIRES BEING HELD
5 FOR SALE OUTSIDE COLORADO, MAINTAIN THE CRITERIA ON SITE, AND
6 MAKE THE CRITERIA AVAILABLE FOR INSPECTION;

7 (II) CLEARLY IDENTIFY USED TIRES BEING HELD FOR SALE IN
8 COLORADO AND USED TIRES BEING HELD FOR SALE OUTSIDE COLORADO
9 ACCORDING TO THE CRITERIA DEVELOPED PURSUANT TO SUBPARAGRAPH
10 (I) OF THIS PARAGRAPH (b); AND

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

13 (2) A PERSON SHALL NOT SELL A USED TIRE IF DOING SO WOULD
14 VIOLATE ANY OF THE CONDITIONS LISTED IN SECTION 42-4-228, C.R.S.

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

17 **30-20-1411. Waste tire collection facility - requirements -**
18 **exemptions.** (1) A PERSON WHO OWNS OR OPERATES A WASTE TIRE
19 COLLECTION FACILITY SHALL, AS SPECIFIED BY THE COMMISSION BY RULE:

20 (a) ESTABLISH AND MAINTAIN FINANCIAL ASSURANCE;

21 (b) REGISTER WITH THE DEPARTMENT;

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

24 (d) DEVELOP AND MAINTAIN AN ENGINEERING DESIGN AND
25 OPERATIONS PLAN, INCLUDING A FIRE PREVENTION AND CONTROL PLAN
26 AND A PLAN FOR EMERGENCY RESPONSE;

27 (e) MAINTAIN RECORDS, INCLUDING THE MANIFESTS REQUIRED BY

1 SECTION 30-20-1417 (2), RELATING TO THE COLLECTION OF WASTE TIRES;

2 (f) DEVELOP AND MAINTAIN A CLOSURE PLAN;

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

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

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

10 (3) A LOCAL, STATE, OR FEDERAL AGENCY THAT STORES WASTE
11 TIRES AS PART OF A ROADSIDE CLEANUP ACTIVITY IS EXEMPT FROM THIS
12 SECTION IF THE AGENCY STORES FEWER THAN ONE THOUSAND FIVE
13 HUNDRED WASTE TIRES AT THE FACILITY AND THE WASTE TIRES ARE
14 DISPOSED OF OR RECYCLED IN ACCORDANCE WITH THIS PART 14.

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

17 **30-20-1412. Waste tire processors - requirements.** (1) A
18 WASTE TIRE PROCESSOR SHALL, AS SPECIFIED BY THE COMMISSION BY
19 RULE:

20 (a) ESTABLISH AND MAINTAIN FINANCIAL ASSURANCE;

21 (b) REGISTER WITH THE DEPARTMENT;

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

24 (d) DEVELOP, MAINTAIN, KEEP AVAILABLE FOR INSPECTION, AND
25 COMPLY WITH AN ENGINEERING DESIGN AND OPERATIONS PLAN,
26 INCLUDING A FIRE PREVENTION AND CONTROL PLAN, AND A PLAN FOR
27 EMERGENCY RESPONSE;

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

3 (f) DEVELOP AND MAINTAIN A CLOSURE PLAN;

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

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

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

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

11 (I) ONE HUNDRED THOUSAND WASTE TIRES;

12 (II) THE AMOUNT OF WASTE TIRES ALLOWED UNDER LOCAL
13 REQUIREMENTS; OR

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

16 (b) FOLLOWING A ONE-YEAR ACCUMULATION PERIOD, THE WEIGHT
17 OR VOLUME OF WASTE TIRES THAT ARE PROCESSED MUST BE AT LEAST
18 SEVENTY-FIVE PERCENT OF THE TOTAL WEIGHT OR VOLUME OF WASTE
19 TIRES RECEIVED AND CURRENTLY IN STORAGE OVER A THREE-YEAR
20 ROLLING AVERAGE. THE CALCULATION AND ACCUMULATION PERIOD
21 SPECIFIED IN THIS PARAGRAPH (b) MUST BE BASED ON A MEASURE
22 APPROVED BY THE COMMISSION BY RULE.

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

25 **30-20-1413. Mobile processors - requirements.** (1) A MOBILE
26 PROCESSOR SHALL, AS SPECIFIED BY THE COMMISSION BY RULE:

27 (a) ESTABLISH AND MAINTAIN FINANCIAL ASSURANCE IN THE

1 AMOUNT OF TEN THOUSAND DOLLARS IF NOT ALREADY REGISTERED AS A
2 WASTE TIRE COLLECTION FACILITY, WASTE TIRE PROCESSOR, OR WASTE
3 TIRE MONOFILL;

4 (b) REGISTER THE MOBILE PROCESSOR'S PERMANENT BUSINESS
5 ADDRESS WITH THE DEPARTMENT;

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

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

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

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

14 (g) NOT LEASE OR OWN THE PROPERTY ON WHICH THE PROCESSING
15 OCCURS;

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

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

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

24 (I) RECEIVES DEPARTMENT APPROVAL TO PROCESS AT THE
25 LOCATION; AND

26 (II) REMAINS IN COMPLIANCE WITH ALL STATE AND LOCAL
27 ENVIRONMENTAL REQUIREMENTS AT THE LOCATION OF MOBILE

1 PROCESSING; AND

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

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

6 **30-20-1414. Limitations on the disposal of tires.** (1) (a) EXCEPT
7 AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (1), A PERSON SHALL
8 DISPOSE OF WASTE TIRES ONLY BY DELIVERY TO A GENERATOR ENGAGING
9 IN WASTE TIRE COLLECTION, TO A WASTE TIRE PROCESSOR, TO A WASTE
10 TIRE MONOFILL, OR TO A WASTE TIRE COLLECTION FACILITY.

11 (b) IF A PERSON IS ABLE TO ESTABLISH THAT DUE DILIGENCE HAS
12 BEEN CONDUCTED AND NO REASONABLE OPTION FOR DISPOSING OF A
13 WASTE TIRE AS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1) IS
14 AVAILABLE, THEN THE PERSON MAY DISPOSE OF THE WASTE TIRE IN A
15 SOLID WASTES DISPOSAL SITE AND FACILITY OR TRANSFER STATION.

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

20 (3) EACH WASTE TIRE IMPROPERLY DISPOSED OF CONSTITUTES A
21 SEPARATE VIOLATION.

22 **30-20-1415. Waste tire monofills - requirements.** (1) AN
23 OWNER OR OPERATOR OF A WASTE TIRE MONOFILL SHALL, AS SPECIFIED BY
24 THE COMMISSION BY RULE:

25 (a) ESTABLISH AND MAINTAIN FINANCIAL ASSURANCE;

26 (b) REGISTER WITH THE DEPARTMENT;

27 (c) AFFIX A DECAL REQUIRED PURSUANT TO SECTION 30-20-1417

- 1 (1) IN THE REQUIRED LOCATION;
- 2 (d) MAINTAIN A CERTIFICATE OF DESIGNATION THAT CONTAINS AN
3 ENGINEERING DESIGN AND OPERATIONS PLAN, INCLUDING A FIRE
4 PREVENTION AND CONTROL PLAN, PLAN FOR EMERGENCY RESPONSE,
5 INVENTORY REDUCTION PLAN, AND CLOSURE PLAN;
- 6 (e) MAINTAIN RECORDS, INCLUDING THE MANIFESTS REQUIRED BY
7 SECTION 30-20-1417 (2), RELATING TO THE STORAGE OF WASTE TIRES;
- 8 (f) SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT;
- 9 (g) COMPLY WITH THE MONOFILL'S CERTIFICATE OF DESIGNATION;
- 10 (h) COMPLY WITH THE COMMISSION'S RULE ON FINAL DISPOSAL OF
11 WASTE TIRES;
- 12 (i) COMPLETE AND SUBMIT SELF-CERTIFICATION DOCUMENTATION
13 AS REQUIRED BY THE DEPARTMENT;
- 14 (j) ON AN ANNUAL BASIS, FOR EVERY ONE WASTE TIRE RECEIVED,
15 END USE AT LEAST TWO WASTE TIRES, OR PROCESS AT LEAST TWO WASTE
16 TIRES INTO TIRE-DERIVED PRODUCT; AND
- 17 (k) NOT PLACE ANY WASTE TIRES INTO MONOFILL STORAGE AFTER
18 JANUARY 1, 2018, AND CLOSE, OR CAUSE TO BE CLOSED, THE WASTE TIRE
19 MONOFILL BY JULY 1, 2024.
- 20 (2) A GOVERNING BODY HAVING JURISDICTION SHALL NOT GRANT
21 AN APPLICATION FOR A LANDFILL DESIGNATED FOR THE DISPOSAL ONLY OF
22 TIRES. NOTHING IN THIS SECTION LIMITS MODIFICATIONS TO EXISTING
23 LANDFILLS THAT ACCEPT WASTE TIRES.
- 24 (3) THE DEPARTMENT MAY ISSUE A WAIVER RELATING TO ANY
25 REQUIREMENT OF THIS SECTION.
- 26 **30-20-1416. End users.** (1) END USERS WHO USE MORE THAN AN
27 AMOUNT SET BY THE COMMISSION BY RULE OF TIRE-DERIVED PRODUCT OR

1 WHOLE WASTE TIRES USED TO GENERATE ENERGY OR FUEL SHALL, AS
2 SPECIFIED BY THE COMMISSION BY RULE:

- 3 (a) REGISTER WITH THE DEPARTMENT;
- 4 (b) SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT;
- 5 (c) USE ONLY A REGISTERED HAULER TO HAUL WASTE TIRES; AND
- 6 (d) MAINTAIN RECORDS, INCLUDING THE MANIFESTS REQUIRED BY
7 SECTION 30-20-1417 (2), RELATING TO WASTE TIRES.

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

10 **30-20-1417. Decals - manifests. (1) Decals.** (a) A PERSON SHALL
11 NOT STORE IN COLORADO TEN OR MORE WASTE TIRES FOR ANY PURPOSE
12 UNLESS:

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

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

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

24 (c) DECALS ARE VALID FOR A PERIOD DETERMINED BY THE
25 COMMISSION BY RULE. A DECAL ISSUED PURSUANT TO THIS SECTION MUST
26 CONTAIN THE INFORMATION REQUIRED BY RULE PROMULGATED PURSUANT
27 TO SECTION 30-20-1401 (2), INCLUDING AT LEAST AN EXPIRATION DATE

1 AND THE DECAL NUMBER.

2 (2) **Uniform manifests.** (a) A PERSON SHALL NOT ACCEPT FOR
3 TRANSPORTATION TEN OR MORE WASTE TIRES UNLESS THE PERSON HAS
4 COMPLETED A UNIFORM MANIFEST, AVAILABLE FROM THE DEPARTMENT'S
5 WEB SITE, IN A FORM ESTABLISHED BY THE DEPARTMENT CONTAINING THE
6 INFORMATION SPECIFIED BY RULE PROMULGATED PURSUANT TO SECTION
7 30-20-1401 (2), INCLUDING AT LEAST THE FOLLOWING:

8 (I) THE MANIFEST NUMBER;

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

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

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

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

19 (b) A WASTE TIRE HAULER OR MOBILE PROCESSOR SHALL RETAIN
20 ONE COPY OF THE MANIFEST AND, WITHIN A TIME PERIOD ESTABLISHED BY
21 THE COMMISSION BY RULE, SHALL PROVIDE ONE COPY OF THE MANIFEST
22 TO:

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

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

25 (c) (I) THE WASTE TIRE HAULER OR MOBILE PROCESSOR, THE
26 SOURCE OF THE WASTE TIRE, AND THE FACILITY TO WHICH THE WASTE
27 TIRES ARE TRANSPORTED SHALL EACH KEEP A COPY OF THE MANIFEST FOR

1 AT LEAST THREE YEARS AFTER THE DATE STATED ON THE MANIFEST.

2 (II) THE DEPARTMENT MAY ENTER AND INSPECT THE FACILITY OF
3 ANY OF THE ENTITIES NAMED ON THE MANIFEST DURING NORMAL BUSINESS
4 HOURS AND MAY REQUEST A COPY OF THE MANIFEST. FAILURE TO KEEP
5 THE MANIFEST AS REQUIRED BY THIS SUBPARAGRAPH (II) OR TO PRODUCE
6 THE MANIFEST UPON REQUEST BY THE DEPARTMENT OR THE
7 DEPARTMENT'S AGENT IS A VIOLATION OF THIS SECTION.

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

10 **2-3-1203. Sunset review of advisory committees.** (3) The
11 following dates are the dates for which the statutory authorization for the
12 designated advisory committees is scheduled for repeal:

13 (gg) July 1, 2020:

14 (II) ~~The waste tire advisory committee created in section~~
15 ~~25-17-208, C.R.S.;~~

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

18 **24-33.5-1203.5. Powers and duties of director.** (2) In order to
19 carry out the purposes and provisions of this part 12 and ~~section~~
20 ~~25-17-206~~ PART 14 OF ARTICLE 20 OF TITLE 30, C.R.S., the director of the
21 division shall promulgate rules in accordance with article 4 of this title:

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

26 **SECTION 4.** In Colorado Revised Statutes, 25-15-302, **repeal**
27 (4.7) as follows:

1 **25-15-302. Solid and hazardous waste commission - creation**
2 **- membership - rules - fees - administration.** (4.7) ~~The commission~~
3 ~~shall adopt rules pertaining to waste tire haulers pursuant to section~~
4 ~~25-17-204.~~

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

7 **25-17-305. Immunity.** (2) A waste hauler, as that term is defined
8 in section ~~30-20-1001(16)~~ 30-20-1402 (16), C.R.S., or owner or operator
9 of a landfill or transfer station does not violate this part 3 if the hauler,
10 owner, or operator has made a good-faith effort to comply with this part
11 3 by posting and maintaining, in a conspicuous location at the waste
12 hauler's facility, transfer station, or the landfill, a sign stating that
13 electronic devices will not be accepted at the facility, transfer station, or
14 landfill.

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

17 **30-20-113. Inspection - enforcement - nuisances - violations -**
18 **civil penalty.** (1) ~~Not~~ A person shall NOT:

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

21 **SECTION 7.** In Colorado Revised Statutes, 30-20-1001, **amend**
22 (7), (8), and (19); and **repeal** (12), (17), and (18) as follows:

23 **30-20-1001. Definitions.** As used in this part 10, unless the
24 context otherwise requires:

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

27 (8) "Retailer" means any corporation, limited liability company,

1 partnership, individual, sole proprietorship, joint-stock company, joint
2 venture, or other private legal entity that engages in the sale of new
3 lead-acid batteries OR lubricating oil ~~or new tires~~ directly to the end user.

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

7 (17) ~~"Waste tire" has the meaning established in section~~
8 ~~25-17-202 (1), C.R.S.~~

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

12 (19) "Wholesaler" means any corporation, limited liability
13 company, partnership, individual, sole proprietorship, joint-stock
14 company, joint venture, or other private legal entity that sells new
15 lead-acid batteries OR lubricating oil ~~or new tires~~ for resale.

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

18 **30-20-1009. Inspection - enforcement - nuisances - violations**
19 **- civil penalty.** (3) Notwithstanding subsection (1) of this section and
20 sections 30-20-1010 and 30-20-113 (1) (c), any solid wastes disposal site
21 and facility in substantial compliance with its waste characterization plan
22 developed pursuant to section 30-20-110 (1) (g), and rules promulgated
23 thereunder, ~~shall be deemed to be~~ IS in compliance with this part 10 so
24 long as ~~such~~ THE waste characterization plan contains waste acceptance
25 procedures to minimize the disposal of lead-acid batteries AND used oil
26 ~~and waste tires~~ consistent with the requirements of this part 10. ~~Solid~~
27 ~~wastes disposal sites and facilities existing on August 8, 2005, shall~~

1 submit an amended waste characterization plan incorporating such waste
2 acceptance procedures to the department of public health and
3 environment no later than January 1, 2006.

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

6 **39-26-706. Miscellaneous sales and use tax exemptions -**
7 **internet access - refractory materials - precious metal bullion and**
8 **coins.** (5) On and after July 1, 2010, the collection of the waste tire fee
9 pursuant to section ~~25-17-202~~ 30-20-1403, C.R.S., is exempt from
10 taxation under part 1 of this article.

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

13 **SECTION 11.** (1) On July 1, 2014, the state treasurer shall
14 transfer the unobligated balances of the following funds, as they existed
15 on June 30, 2014, and before any transfer of the unexpended and
16 unencumbered moneys in the funds as specified in part 2 of article 17 of
17 title 25, Colorado Revised Statutes, as follows:

18 (a) The balances of the waste tire fee administration cash fund
19 created in section 25-17-202 (3) (c), Colorado Revised Statutes, waste tire
20 cleanup fund created in section 25-17-202.6 (1), Colorado Revised
21 Statutes, waste tire fire prevention fund created in section 25-17-202.8
22 (1), Colorado Revised Statutes, and law enforcement grant fund created
23 in section 25-17-207 (4), Colorado Revised Statutes, to the waste tire
24 administration, enforcement, and cleanup fund created in section
25 30-20-1404 (1), Colorado Revised Statutes;

26 (b) The balance of the processors and end users fund created in
27 section 25-17-202.5 (1), Colorado Revised Statutes, to the end users fund

1 created in section 30-20-1405 (1), Colorado Revised Statutes; and
2 (c) The balance of the waste tire market development fund created
3 in section 25-17-202.9 (1), Colorado Revised Statutes, to the waste tire
4 market development fund created in section 30-20-1406 (1), Colorado
5 Revised Statutes.

6 **SECTION 12.** In Colorado Revised Statutes, 43-2-402, **amend**
7 (5) (a) and (5) (b) as follows:

8 **43-2-402. Noise mitigation measures.** (5) (a) The department
9 shall construct noise mitigation measures on the list of approved measures
10 for which a local government has agreed to provide no less than fifty
11 percent of the necessary moneys in the order of priority established
12 pursuant to subsection (4) of this section, using moneys provided by local
13 governments and any moneys distributed to the department by the
14 department of public health and environment pursuant to part ~~2 of article~~
15 ~~17 of title 25~~ 14 OF ARTICLE 20 OF TITLE 30, C.R.S.

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

23 **SECTION 13.** In Colorado Revised Statutes, **repeal** sections
24 30-20-121, 30-20-1006, 30-20-1007, and 30-20-1008.

25 **SECTION 14. Appropriation - adjustments to 2014 long bill.**
26 (1) For the implementation of this act, appropriations made in the annual
27 general appropriation act to the department of public health and

1 environment for the fiscal year beginning July 1, 2014, are adjusted as
2 follows:

3 (a) The cash funds appropriation from the waste tire cleanup fund
4 created in section 25-17-202.6 (1), Colorado Revised Statutes, for the
5 waste tire cleanup program, is decreased by \$2,183,991 and 1.0 FTE.

6 (b) The cash funds appropriation from the law enforcement grant
7 fund created in section 25-17-207 (4), Colorado Revised Statutes, for law
8 enforcement and waste tire fire prevention, is decreased by \$485,952 and
9 1.0 FTE.

10 (c) The cash funds appropriation from the waste tire fire
11 prevention fund created in section 25-17-202.8 (1), Colorado Revised
12 Statutes, for law enforcement and waste tire fire prevention, is decreased
13 by \$448,398 and 1.1 FTE.

14 (d) The cash funds appropriation from the waste tire market
15 development fund created in section 25-17-202.9 (1), Colorado Revised
16 Statutes, for waste tire market development, is decreased by \$373,852 and
17 0.5 FTE.

18 (e) The cash funds appropriation from the processors and end
19 users fund created in section 25-17-202.5 (1), Colorado Revised Statutes,
20 for processors and end users reimbursement, is decreased by \$3,354,089
21 and 0.5 FTE.

22 (2) In addition to any other appropriation, there is hereby
23 appropriated, out of any moneys in the waste tire administration,
24 enforcement, and cleanup fund created in section 30-20-1404 (1),
25 Colorado Revised Statutes, not otherwise appropriated, to the department
26 of public health and environment, for the fiscal year beginning July 1,
27 2014, the sum of \$2,942,216 and 5.1 FTE, or so much thereof as may be

1 necessary, to be allocated to the hazardous materials and waste
2 management division for the administration and enforcement of the waste
3 tire program, and for the cleanup of waste tires as related to the
4 implementation of this act.

5 (3) In addition to any other appropriation, there is hereby
6 appropriated, out of any moneys in the end users fund created in section
7 30-20-1405 (1), Colorado Revised Statutes, not otherwise appropriated,
8 to the department of public health and environment, for the fiscal year
9 beginning July 1, 2014, the sum of \$3,900,000, or so much thereof as may
10 be necessary, to be allocated to the hazardous materials and waste
11 management division for payment of rebates to waste tire end users,
12 retailers, and processors as related to the implementation of this act.

13 (4) In addition to any other appropriation, there is hereby
14 appropriated, out of any moneys in the waste tire market development
15 fund created in section 30-20-1406 (1), Colorado Revised Statutes, not
16 otherwise appropriated, to the department of public health and
17 environment, for the fiscal year beginning July 1, 2014, the sum of
18 \$386,409, or so much thereof as may be necessary, to be allocated to the
19 hazardous materials and waste management division for waste tire market
20 development as related to the implementation of this act.

21 **SECTION 15. Appropriation - adjustments to 2014 long bill.**

22 (1) For the implementation of this act, appropriations made in the annual
23 general appropriation act to the department of revenue for the fiscal year
24 beginning July 1, 2014, are adjusted as follows:

25 (a) The cash funds appropriation from the waste tire fee
26 administration cash fund created in section 25-17-202 (3) (c), Colorado
27 Revised Statutes, for waste tire fee administration costs, is decreased by

1 \$7,754.

2 (2) In addition to any other appropriation, there is hereby
3 appropriated, out of any moneys in the waste tire administration,
4 enforcement, and cleanup fund created in section 30-20-1404 (1),
5 Colorado Revised Statutes, not otherwise appropriated, to the department
6 of revenue, for the fiscal year beginning July 1, 2014, the sum of \$34,000,
7 or so much thereof as may be necessary, for allocation to the taxation
8 business group for CITA annual maintenance and support related to the
9 implementation of this act.

10 (3) In addition to any other appropriation, there is hereby
11 appropriated, out of any moneys in the waste tire administration,
12 enforcement, and cleanup fund created in section 30-20-1404 (1),
13 Colorado Revised Statutes, not otherwise appropriated, to the department
14 of revenue, for the fiscal year beginning July 1, 2014, the sum of \$17,621
15 and 0.6 FTE, or so much thereof as may be necessary, for allocation to the
16 taxation business group for personal services and operating expenses
17 related to the implementation of this act.

18 **SECTION 16. Effective date - applicability.** This act takes
19 effect July 1, 2014, and applies to conduct occurring on or after said date.

20 **SECTION 17. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.