

**Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 12-0122.01 Thomas Morris x4218

HOUSE BILL 12-1078

HOUSE SPONSORSHIP

Vigil, Baumgardner, Sonnenberg, Swerdfeger, Wilson

SENATE SPONSORSHIP

Schwartz, Brophy, Giron, Hodge, Roberts

House Committees

Local Government

Senate Committees

Agriculture, Natural Resources, and Energy

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Water Resources Review Committee. Current law requires a drinking water treatment facility that stores, treats, or processes solid wastes originating at the facility to get a certificate of designation from the local municipality or board of county commissioners. Such facilities are regulated by both the solid and hazardous waste commission and the water quality control commission.

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.

SENATE
Am ended 2nd Reading
February 15, 2012

HOUSE
3rd Reading Unam ended
January 25, 2012

HOUSE
Am ended 2nd Reading
January 24, 2012

The bill exempts these facilities from the requirement to get a certificate of designation, regardless of when the solid wastes were handled, and allows them to dispose of their own solid wastes on the facility's property in compliance with the rules of the solid and hazardous waste commission for waste impoundments and solid wastes disposal.

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

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

4 **30-20-102. Unlawful to operate site and facility without**
5 **certificate of designation - exceptions.** (1) ~~Any~~ EXCEPT AS OTHERWISE
6 SPECIFIED IN THIS SECTION, A person who owns or operates a solid wastes
7 disposal site and facility shall first obtain a certificate of designation from
8 the governing body having jurisdiction over the area in which such site
9 and facility is located.

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

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

1 on the person's own property.

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

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

22 (7.5) (a) ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION
23 (7.5), A GOVERNING BODY HAVING JURISDICTION SHALL NOT REQUIRE A
24 CERTIFICATE OF DESIGNATION FOR WASTE IMPOUNDMENTS OR OTHER
25 SOLID WASTES DISPOSAL OPERATIONS OF DRINKING WATER TREATMENT
26 RESIDUALS GENERATED ON-SITE AT A DRINKING WATER TREATMENT
27 FACILITY. A CERTIFICATE OF DESIGNATION FOR WASTE IMPOUNDMENTS OR

1 OTHER SOLID WASTES DISPOSAL OPERATIONS OF DRINKING WATER
2 TREATMENT RESIDUALS GENERATED ON-SITE AT A DRINKING WATER
3 TREATMENT FACILITY ISSUED BEFORE THE EFFECTIVE DATE OF THIS
4 SUBSECTION (7.5) IS VOIDABLE AT THE OPTION OF THE FACILITY.

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

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

14 **SECTION 2. Act subject to petition - effective date -**
15 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
16 the expiration of the ninety-day period after final adjournment of the
17 general assembly (August 8, 2012, if adjournment sine die is on May 9,
18 2012); except that, if a referendum petition is filed pursuant to section 1
19 (3) of article V of the state constitution against this act or an item, section,
20 or part of this act within such period, then the act, item, section, or part
21 will not take effect unless approved by the people at the general election
22 to be held in November 2012 and will take effect on the date of the
23 official declaration of the vote thereon by the governor.

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