

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 10-0605.02 Kate Meyer

HOUSE BILL 10-1125

HOUSE SPONSORSHIP

Hullinghorst,

SENATE SPONSORSHIP

Schwartz,

House Committees

Transportation & Energy
Appropriations

Senate Committees

Local Government and Energy
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF THE DEPARTMENT OF PUBLIC**
102 **HEALTH AND ENVIRONMENT TO REGULATE CERTAIN ACTIVITIES**
103 **WITH RESPECT TO WASTE GREASE DERIVED FROM FOOD**
104 **PREPARATION, AND MAKING AN APPROPRIATION THEREFOR.**

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 empowers the Colorado department of public health and environment (department) to regulate the collection, transportation, and

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.*

HOUSE
Amended 3rd Reading
March 22, 2010

HOUSE
Amended 2nd Reading
March 19, 2010

disposal of trap grease and yellow grease (jointly referred to as "grease"). Specifically, the bill requires persons, facilities, and vehicles engaged in the collection, transportation, storage, processing, or disposal of grease to register annually with the department, which registration shall include completing an application, paying a fee, and posting a surety bond or other debt instrument or method of financial assurance. Individuals employed or engaged by other persons to collect, transport, store, process, or dispose of grease are not required to separately register. Registered facilities and vehicles must display department-issued decals. In addition, registrants will be required to complete manifests containing certain information related to grease collection, transportation, and disposal, maintain certain records for a period of 2 years and furnish the records to the department upon request, and submit timely annual reports to the department.

In order to administer the laws related to grease regulation, the bill requires the solid and hazardous waste commission (commission) in the department to promulgate rules by December 31, 2011, and periodically thereafter.

Personal use of grease requires separate registration under the bill. "Personal use" is triggered when:

- ! A person intends to use the grease the person is transporting or possessing;
- ! The person is transporting or possessing a minimum quantity of grease, as determined by the commission by rule; and
- ! The person is transporting no more than 55 gallons at one time or possessing no more than 165 gallons of grease at one time.

Persons registering as personal users are prohibited from bartering, trading, or selling their grease. A personal user is prohibited from taking grease from a registrant unless the registrant gives the personal user written permission to do so.

The bill applies to the existing provisions regarding solid waste-related inspection, enforcement, nuisance actions, violations, and civil and criminal penalties with respect to laws regulating grease.

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

2 **SECTION 1.** 30-20-113 (1), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **30-20-113. Inspection - enforcement - nuisances - violations -**
5 **civil penalty.** (1) No person shall:

1 (d) COLLECT, TRANSPORT, STORE, PROCESS, OR DISPOSE OF TRAP
2 GREASE OR YELLOW GREASE IN ANY MANNER THAT VIOLATES SECTION
3 30-20-123 OR ANY RULE PROMULGATED PURSUANT THERETO.

4 **SECTION 2.** 30-20-118 (1), Colorado Revised Statutes, is
5 amended to read:

6 **30-20-118. Solid waste management fund - created.** (1) There
7 is hereby created in the state treasury a fund to be known as the solid
8 waste management fund, which shall consist of moneys collected
9 pursuant to sections 30-20-103.7, and 30-20-109, AND 30-20-123, as well
10 as that portion of the fee designated for solid waste management under
11 section 25-16-104.5 (2), C.R.S. Such moneys shall be appropriated
12 annually to the department by the general assembly. Except as provided
13 in section 25-15-314, C.R.S., the moneys in the solid waste management
14 fund shall not be credited or transferred to the general fund or any other
15 fund of the state.

16 **SECTION 3.** Part 1 of article 20 of title 30, Colorado Revised
17 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
18 read:

19 **30-20-123. Trap grease and yellow grease - registration - fees**
20 **- record-keeping - violations - rules - definitions - legislative**
21 **declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES,
22 AND DECLARES THAT THE SAFE AND PROPER COLLECTION,
23 TRANSPORTATION, AND DISPOSAL OF YELLOW GREASE AND TRAP GREASE
24 IS A MATTER OF STATEWIDE CONCERN AND THAT STATE OVERSIGHT OF
25 PERSONS AND VEHICLES ENGAGED IN SUCH ACTIONS IS NECESSARY TO
26 PROTECT THE PUBLIC HEALTH AND ENVIRONMENT. THE GENERAL
27 ASSEMBLY FURTHER DECLARES THAT THE STATE'S SHARING OF DATA

1 GENERATED UNDER THIS SECTION WITH LOCAL ENTITIES THAT REGULATE
2 WASTE DISPOSAL WILL ENHANCE PROTECTION OF THE PUBLIC HEALTH AND
3 ENVIRONMENT, AND, TO THAT END, THE DEPARTMENT IS ENCOURAGED TO
4 SHARE SUCH INFORMATION WITH SUCH OTHER REGULATING ENTITIES.

5 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7 (a) "COLLECT" MEANS TO GATHER; EXCEPT THAT "COLLECT" DOES
8 NOT INCLUDE MOVING GREASE FROM ONE AREA OR CONTAINER TO
9 ANOTHER AREA OR CONTAINER ON THE SAME PREMISES.

10 (b) "COMMISSION" MEANS THE SOLID AND HAZARDOUS WASTE
11 COMMISSION CREATED IN SECTION 25-15-302, C.R.S.

12 (c) "FACILITY" MEANS ANY REAL PROPERTY LOCATION USED FOR
13 THE COLLECTION, TRANSPORTATION, STORAGE, PROCESSING, OR DISPOSAL
14 OF GREASE, INCLUDING, WITHOUT LIMITATION, A PROCESSING PLANT,
15 TRANSFER STATION, OR TRANS-SHIPMENT LOCATION. "FACILITY" DOES
16 NOT INCLUDE A DOMESTIC WASTEWATER TREATMENT WORKS AS DEFINED
17 IN SECTION 25-8-103, C.R.S., THAT PROCESSES WASTE GREASE AS PART OF
18 ITS OPERATIONS THAT ARE REGULATED BY THE DEPARTMENT PURSUANT
19 TO ARTICLE 8 OF TITLE 25, C.R.S.

20 (d) "GREASE" MEANS TRAP GREASE OR YELLOW GREASE IN A
21 QUANTITY IN EXCESS OF AN AMOUNT DETERMINED BY THE COMMISSION BY
22 RULE.

23 (e) "MANIFEST" MEANS THE DOCUMENT USED FOR IDENTIFYING
24 THE QUANTITY, COMPOSITION, ORIGIN, ROUTING, AND DESTINATION OF
25 GREASE DURING ITS TRANSPORTATION FROM THE POINT OF GENERATION TO
26 THE POINT OF STORAGE, TREATMENT, OR DISPOSAL.

27 (f) "REGISTRANT" MEANS A PERSON REGISTERED UNDER

1 SUBSECTION (3) OF THIS SECTION.

2 (g) "STORE" MEANS TO POSSESS, IMPOUND, CONTAIN, OR CONTROL
3 GREASE; EXCEPT THAT "STORE" DOES NOT APPLY TO THE TEMPORARY
4 RETENTION OF GREASE ON THE PREMISES WHERE THE GREASE WAS
5 INITIALLY GENERATED.

6 (h) "TRANSPORT" MEANS TO USE A VEHICLE TO HAUL, SHIP, CARRY,
7 CONVEY, OR TRANSFER GREASE FROM ONE PLACE TO ANOTHER.
8 "TRANSPORT" DOES NOT INCLUDE MOVING GREASE GENERATED ON SITE
9 INTO ANOTHER ON-SITE CONTAINER, WHETHER INDOORS OR OUTDOORS.

10 (i) "TRAP GREASE" MEANS THE RESIDUAL YELLOW GREASE, WASTE
11 WATER, AND DEBRIS PRINCIPALLY DERIVED FROM FOOD PREPARATION OR
12 PROCESSING, OR WASTE THAT IS INTERCEPTED BY AND CONTAINED IN
13 GREASE TRAPS OR GREASE INTERCEPTORS.

14 (j) "YELLOW GREASE" MEANS USED COOKING OIL, SPENT
15 SHORTENINGS, OR ANY OTHER INEDIBLE KITCHEN GREASE OR WASTE
16 VEGETABLE OIL PRODUCED BY RESTAURANT AND FOOD FACILITIES.

17 (3) (a) **Registration.** (I) ON AND AFTER THE DATE SPECIFIED BY
18 RULE OF THE COMMISSION PURSUANT TO SUBPARAGRAPH (III) OF
19 PARAGRAPH (a) OF SUBSECTION (9) OF THIS SECTION:

20 (A) NO PERSON SHALL COLLECT, TRANSPORT, STORE, PROCESS, OR
21 DISPOSE OF GREASE UNLESS THE PERSON IS VALIDLY REGISTERED WITH THE
22 DEPARTMENT IN ACCORDANCE WITH THIS SECTION AND RULES ADOPTED
23 BY THE COMMISSION UNDER THIS SECTION;

24 (B) NO FACILITY, INCLUDING A TRANSFER STATION, SHALL ACCEPT
25 GREASE FOR PROCESSING, HANDLING, OR STORAGE UNLESS THE FACILITY
26 IS VALIDLY REGISTERED WITH THE DEPARTMENT IN ACCORDANCE WITH
27 THIS SECTION AND RULES ADOPTED BY THE COMMISSION UNDER THIS

1 SECTION AND PROMINENTLY DISPLAYS A DECAL ISSUED PURSUANT TO
2 PARAGRAPH (b) OF THIS SUBSECTION (3); AND

3 (C) NO VEHICLE SHALL BE USED TO TRANSPORT GREASE UNLESS
4 THE VEHICLE IS VALIDLY REGISTERED WITH THE DEPARTMENT IN
5 ACCORDANCE WITH THIS SECTION AND RULES ADOPTED BY THE
6 COMMISSION UNDER THIS SECTION AND DISPLAYS A DECAL ISSUED UNDER
7 PARAGRAPH (b) OF THIS SUBSECTION (3).

8 (II) A PERSON REGISTERING A PERSON, VEHICLE, OR FACILITY
9 UNDER THIS SUBSECTION (3) SHALL:

10 (A) SUBMIT TO THE DEPARTMENT A REGISTRATION APPLICATION
11 CONTAINING ALL THE INFORMATION REQUIRED BY THE COMMISSION, IN
12 THE FORM AND MANNER SPECIFIED BY THE COMMISSION;

13 (B) PAY AN ANNUAL REGISTRATION FEE, IN A REASONABLE
14 AMOUNT TO COVER THE DIRECT AND INDIRECT COSTS INCURRED BY THE
15 DEPARTMENT IN ADMINISTERING THIS SECTION, AS DETERMINED BY RULE
16 OF THE COMMISSION IN ACCORDANCE WITH PARAGRAPH (a.5) OF
17 SUBSECTION (9) OF THIS SECTION; AND

18 (C) POST, AT THE TIME OF REGISTRATION, A SURETY BOND OR
19 OTHER DEBT INSTRUMENT OR METHOD OF FINANCIAL ASSURANCE, AS
20 DETERMINED BY RULE OF THE COMMISSION, WITH THE DEPARTMENT IN AN
21 AMOUNT DETERMINED BY THE DEPARTMENT TO BE REASONABLY
22 SUFFICIENT TO REMEDIATE ANY ENVIRONMENTAL OR HEALTH HARM
23 CAUSED BY NONCOMPLIANT DISPOSAL, DUMPING, OR OTHER RELEASE OF
24 GREASE.

25 (III) EACH PERSON, FACILITY, AND VEHICLE ENGAGED IN THE
26 COLLECTION, TRANSPORTATION, PROCESSING, STORAGE, OR DISPOSAL OF
27 GREASE SHALL BE SEPARATELY REGISTERED; EXCEPT THAT, IF A PERSON

1 SO ENGAGED EMPLOYS ANOTHER PERSON TO COLLECT, TRANSPORT,
2 PROCESS, STORE, OR DISPOSE OF GREASE, THE INDIVIDUAL SO EMPLOYED
3 IS NOT REQUIRED TO BE SEPARATELY REGISTERED.

4 (IV) UPON RECEIVING THE APPLICATION, FEE, AND BOND OR OTHER
5 INSTRUMENT OF FINANCIAL ASSURANCE REQUIRED UNDER SUBPARAGRAPH
6 (II) OF THIS PARAGRAPH (a), THE DEPARTMENT SHALL REGISTER THE
7 PERSON, FACILITY, OR VEHICLE. AT THAT TIME, THE DEPARTMENT SHALL
8 PROVIDE TO THE REGISTRANT ANY NECESSARY DECALS AS DESCRIBED
9 UNDER PARAGRAPH (b) OF THIS SUBSECTION (3).

10 (b) **Decals.** (I) UPON REGISTRATION OF A FACILITY OR VEHICLE
11 UNDER PARAGRAPH (a) OF THIS SUBSECTION (3), THE DEPARTMENT SHALL
12 ISSUE TO THE REGISTRANT DECALS NECESSARY TO COMPLY WITH THIS
13 SUBSECTION (3), WHICH THE REGISTRANT SHALL PROMPTLY AFFIX TO THE
14 REGISTERED FACILITY OR VEHICLE.

15 (II) DECALS SHALL BE VALID FOR A PERIOD DETERMINED BY THE
16 COMMISSION BY RULE, NOT TO EXCEED FIVE YEARS. A DECAL ISSUED
17 PURSUANT TO THIS SECTION SHALL CONTAIN THE INFORMATION REQUIRED
18 BY RULE PROMULGATED BY THE COMMISSION, INCLUDING AT LEAST AN
19 EXPIRATION DATE AND THE DECAL NUMBER.

20 (c) **Uniform manifests.** (I) NO REGISTRANT SHALL ACCEPT
21 GREASE FOR TRANSPORTATION UNLESS THE REGISTRANT HAS COMPLETELY
22 FILLED OUT A UNIFORM MANIFEST ON A FORM ESTABLISHED OR
23 APPROVED BY THE DEPARTMENT AND CONTAINING THE INFORMATION
24 SPECIFIED BY RULE PROMULGATED BY THE COMMISSION, INCLUDING AT
25 LEAST THE FOLLOWING:

26 (A) THE MANIFEST NUMBER;

27 (B) THE DECAL NUMBER OF THE REGISTERED VEHICLE USED TO

1 TRANSPORT THE GREASE;

2 (C) THE REGISTRANT'S SIGNATURE UNDER PENALTY OF PERJURY,
3 NAME, ADDRESS, TELEPHONE NUMBER, AND REGISTRATION NUMBER;

4 (D) THE CURRENT DATE; THE FACILITY REGISTRATION NUMBER,
5 NAME, ADDRESS, AND TELEPHONE NUMBER OF THE SOURCE OF THE
6 GREASE; AND THE FACILITY REGISTRATION NUMBER, NAME, ADDRESS, AND
7 TELEPHONE NUMBER OF THE FACILITY TO WHICH THE GREASE WILL BE
8 TRANSPORTED; AND

9 (E) THE AMOUNT OF GREASE IN THE LOAD.

10 (II) THE REGISTRANT TRANSPORTING THE GREASE SHALL RETAIN
11 ONE COPY OF THE MANIFEST AND SHALL PROVIDE ONE COPY OF THE
12 MANIFEST TO THE SOURCE OF THE GREASE AND THE REGISTERED FACILITY
13 TO WHICH THE GREASE IS TRANSPORTED.

14 (III) THE REGISTRANT TRANSPORTING THE GREASE AND THE
15 REGISTERED FACILITY TO WHICH THE GREASE IS TRANSPORTED SHALL
16 EACH KEEP A COPY OF THE MANIFEST FOR AT LEAST THREE YEARS AFTER
17 THE DATE STATED ON THE MANIFEST.

18 (IV) THE UNIFORM MANIFEST REQUIRED UNDER THIS SECTION
19 SHALL BE AVAILABLE FROM THE DEPARTMENT'S WEB SITE IN SUCH A
20 MANNER THAT ENABLES A PERSON TO EITHER PRINT A HARD COPY OF THE
21 MANIFEST OR COMPLETE, STORE, AND SUBMIT THE MANIFEST
22 ELECTRONICALLY. A UNIFORM MANIFEST SHALL BE MAINTAINED USING
23 THE SAME MEDIUM IN WHICH IT WAS FILLED OUT AND IN ACCORDANCE
24 WITH THIS SECTION AND RULES PROMULGATED BY THE COMMISSION.

25 (4) A REGISTRANT SHALL KEEP AND MAINTAIN, FOR AT LEAST TWO
26 CALENDAR YEARS, CERTAIN RECORDS AS PRESCRIBED BY THE COMMISSION,
27 INCLUDING MANIFESTS PURSUANT TO PARAGRAPH (c) OF SUBSECTION (3)

1 OF THIS SECTION. THE RECORDS SHALL BE MADE AVAILABLE TO THE
2 DEPARTMENT FOR INSPECTION UPON REQUEST.

3 (5) A REGISTRANT SHALL SUBMIT, ON OR BEFORE A DATE SPECIFIED
4 BY RULE OF THE COMMISSION, AN ANNUAL REPORT TO THE DEPARTMENT
5 REGARDING THE REGISTRANT'S COLLECTION, TRANSPORTATION, STORAGE,
6 PROCESSING, OR DISPOSAL OF GREASE. THE INFORMATION REQUIRED IN
7 THE REPORT SHALL BE SPECIFIED BY RULE OF THE COMMISSION. THE
8 DEPARTMENT SHALL KEEP CONFIDENTIAL VOLUMETRIC AND PROPRIETARY
9 INFORMATION CONTAINED IN THE REPORT.

10 (6) A PERSON ARRANGING FOR THE TRANSPORTATION OR DISPOSAL
11 OF GREASE SHALL NOT CONTRACT WITH, ENGAGE, EMPLOY, OR OTHERWISE
12 USE A PERSON OTHER THAN A REGISTRANT FOR SUCH PURPOSES.

13 (7) (a) A PERSON COLLECTING OR TRANSPORTING GREASE FOR
14 PERSONAL USE SHALL COMPLY WITH THIS SUBSECTION (7).

15 (b) AS USED IN THIS SUBSECTION (7), "PERSONAL USE" MEANS
16 THAT THE PERSON COLLECTING OR TRANSPORTING THE GREASE INTENDS
17 TO USE THE GREASE, AND THAT SUCH GREASE IS LIMITED TO:

18 (I) THE TRANSPORTATION OF AT LEAST A MINIMUM QUANTITY OF
19 GREASE, AS DETERMINED BY RULE OF THE COMMISSION, AND NO MORE
20 THAN FIFTY-FIVE GALLONS OF GREASE AT A TIME; AND

21 (II) THE POSSESSION OF AT LEAST A MINIMUM QUANTITY OF
22 GREASE, AS DETERMINED BY RULE OF THE COMMISSION, AND NO MORE
23 THAN ONE HUNDRED SIXTY-FIVE GALLONS OF GREASE AT A TIME, WHICH
24 AMOUNT INCLUDES THE QUANTITY OF GREASE BEING TRANSPORTED UNDER
25 SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).

26 (c) ON AND AFTER THE DATE SPECIFIED IN SUBPARAGRAPH (III) OF
27 PARAGRAPH (a) OF SUBSECTION (9) OF THIS SECTION, A PERSON

1 COLLECTING OR TRANSPORTING GREASE FOR PERSONAL USE SHALL
2 REGISTER ANNUALLY WITH THE DEPARTMENT AS A PERSONAL USER. THE
3 REGISTRATION SHALL INCLUDE IDENTIFICATION OF ANY VEHICLES OR
4 PHYSICAL LOCATIONS INVOLVED IN THE PERSONAL USE. A PERSON
5 REGISTERING UNDER THIS SECTION SHALL PAY A FEE, IN AN AMOUNT
6 SUFFICIENT TO RECOVER THE DIRECT AND INDIRECT COSTS OF
7 ADMINISTERING THIS SECTION AS DETERMINED BY THE COMMISSION IN
8 ACCORDANCE WITH PARAGRAPH (a.5) OF SUBSECTION (9) OF THIS SECTION,
9 AT THE TIME OF REGISTRATION.

10 (d) A PERSON COLLECTING OR TRANSPORTING GREASE UNDER THIS
11 SUBSECTION (7) SHALL NOT:

12 (I) BARTER, TRADE, OR SELL ANY PORTION OF THE GREASE TO ANY
13 PERSON; OR

14 (II) TAKE ANY GREASE FROM ANY CONTAINER OWNED BY A
15 REGISTRANT WITHOUT THE REGISTRANT'S WRITTEN PERMISSION.

16 (8) ALL FEES COLLECTED PURSUANT TO THIS SECTION SHALL BE
17 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
18 TO THE SOLID WASTE MANAGEMENT FUND CREATED IN SECTION 30-20-118.

19 (9) (a) BY DECEMBER 31, 2011, THE COMMISSION SHALL
20 PROMULGATE REASONABLE RULES TO IMPLEMENT AND ADMINISTER THIS
21 SECTION, INCLUDING RULES SPECIFYING:

22 (I) APPROPRIATE METHODS TO COLLECT, TRANSPORT, STORE,
23 PROCESS, AND DISPOSE OF GREASE;

24 (II) THE MINIMUM AMOUNT OF GREASE, THE COLLECTION OR
25 TRANSPORTATION OF WHICH REQUIRES A PERSON TO REGISTER AS A
26 PERSONAL USER UNDER SUBSECTION (7) OF THIS SECTION; AND

27 (III) THE DATE BY WHICH PERSONS ENGAGED IN COLLECTING,

1 TRANSPORTING, OR DISPOSING OF GREASE MUST BE REGISTERED UNDER
2 SUBSECTION (3) OR (7) OF THIS SECTION, WHICH DATE SHALL BE NINETY
3 DAYS AFTER THE DATE THAT THE RULES ARE ADOPTED.

4 (a.5) THE FEE AMOUNTS ESTABLISHED BY THE COMMISSION UNDER
5 THIS SECTION SHALL NOT EXCEED:

6 (I) ONE THOUSAND ONE HUNDRED FORTY DOLLARS PER
7 NONVEHICLE REGISTRANT;

8 (II) FIVE HUNDRED SEVENTY DOLLARS PER VEHICLE; AND

9 (III) NINETY-SIX DOLLARS PER PERSON REGISTERING AS A
10 PERSONAL USER UNDER SUBSECTION (7) OF THIS SECTION.

11 (b) THE COMMISSION MAY PROMULGATE RULES PERIODICALLY AS
12 IT DEEMS NECESSARY OR CONVENIENT FOR THE ADMINISTRATION OF THIS
13 SECTION.

14 (10) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE
15 REGISTRATION BY ANY PERSON WHO IS NEITHER ENGAGED IN THE BUSINESS
16 OF, NOR OTHERWISE KNOWINGLY, COLLECTING, TRANSPORTING, OR
17 DISPOSING OF GREASE. HOWEVER, IF A SOLID WASTE HAULER DISCOVERS
18 GREASE THAT THE HAULER REASONABLY BELIEVES IS IN A QUANTITY
19 REGULATED BY THE DEPARTMENT, THE HAULER SHALL IMMEDIATELY
20 NOTIFY THE DEPARTMENT. THE DEPARTMENT SHALL THEN DETERMINE
21 WHETHER THE HAULER IS REQUIRED TO REGISTER UNDER THIS SECTION IN
22 ORDER TO COLLECT, TRANSPORT, OR DISPOSE OF THE GREASE.

23 (11) THE DEPARTMENT MAY MAKE THE DATA IT COLLECTS UNDER
24 THIS SECTION AVAILABLE TO REGULATING ENTITIES.

25 **SECTION 4.** Part 2 of article 20 of title 8, Colorado Revised
26 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
27 read:

1 **8-20-236. Grease kept on premises.** NOTWITHSTANDING ANY
2 PROVISION OF LAW TO THE CONTRARY, A PERSON REGISTERED AS A
3 PERSONAL USER UNDER SECTION 30-20-123 (7), C.R.S., MAY STORE
4 GREASE, AS DEFINED IN SECTION 30-20-123, C.R.S., THAT IS INTENDED TO
5 BE USED AS MOTOR VEHICLE FUEL, ON THE PERSON'S PROPERTY.

6 **SECTION 5.** 8-20.5-302 (3), Colorado Revised Statutes, is
7 amended to read:

8 **8-20.5-302. Duties of director of division of oil and public**
9 **safety.** (3) (a) ~~Within one hundred twenty days after January 1, 2008,~~
10 The director of the division of oil and public safety shall promulgate, and
11 the division shall enforce, rules concerning the placement of aboveground
12 storage tanks that contain renewable fuels. Such rules shall be
13 promulgated with the purpose of developing a uniform statewide standard
14 of issuing permits for aboveground storage tanks to promote the use of
15 renewable fuels so that the process of obtaining a permit for an
16 aboveground storage tank that contains renewable fuels may be more
17 efficient and affordable.

18 (b) RULES PROMULGATED UNDER THIS SUBSECTION (3) SHALL
19 ENSURE THAT A PERSON REGISTERED AS A PERSONAL USER UNDER SECTION
20 30-20-123 (7), C.R.S., MAY STORE GREASE, AS DEFINED IN SECTION
21 30-20-123, C.R.S., THAT IS INTENDED TO BE USED AS MOTOR VEHICLE
22 FUEL, ON THE PERSON'S PROPERTY.

23 **SECTION 6. Appropriation.** (1) In addition to any other
24 appropriation, there is hereby appropriated, out of any moneys in the solid
25 waste management cash fund created in section 30-20-118, Colorado
26 Revised Statutes, not otherwise appropriated, to the department of public
27 health and environment, for allocation to the hazardous materials and

1 waste management division, for the fiscal year beginning July 1, 2010, the
2 sum of sixty-one thousand nine hundred sixty-four dollars (\$61,964) and
3 0.7 FTE, or so much thereof as may be necessary, for the implementation
4 of this act.

5 (2) In addition to any other appropriation, there is hereby
6 appropriated to the department of law, for the fiscal year beginning July
7 1, 2010, the sum of seven thousand five hundred thirty-eight dollars
8 (\$7,538), or so much thereof as may be necessary, for the provision of
9 legal services to the department of public health and environment related
10 to the implementation of this act. Said sum shall be from reappropriated
11 funds received from the department of public health and environment out
12 of the appropriation made in subsection (1) of this section.

13 **SECTION 7. Act subject to petition - effective date -**
14 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
15 following the expiration of the ninety-day period after final adjournment
16 of the general assembly (August 11, 2010, if adjournment sine die is on
17 May 12, 2010); except that, if a referendum petition is filed pursuant to
18 section 1 (3) of article V of the state constitution against this act or an
19 item, section, or part of this act within such period, then the act, item,
20 section, or part shall not take effect unless approved by the people at the
21 general election to be held in November 2010 and shall take effect on the
22 date of the official declaration of the vote thereon by the governor.

23 (2) The provisions of this act shall apply to conduct occurring on
24 or after the applicable effective date of this act.