

# **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

## **Solid and Hazardous Waste Commission/Hazardous Materials and Waste Management Division**

**6 CCR 1007-2**

**(Adopted by the Solid and Hazardous Waste Commission on August 16, 2011)**

### **STATEMENT OF BASIS AND PURPOSE AND SPECIFIC STATUTORY AUTHORITY FOR**

#### **Amendments to the Regulations Pertaining to Solid Waste Sites and Facilities (6 CCR 1007-2, Part 1) – Amendment of Section 1.7.4(C) {Solid Waste User Fee – Allowable expenditures and reporting}**

##### **Basis and Purpose**

This amendment to 6 CCR 1007-2, Section 1.7.4(C) is made pursuant to the authority granted to the Solid and Hazardous Waste Commission in Sections 25-15-302(4.5) and 30-20-109, C.R.S.

This amendment revises the current reference to Section 25-16-104.5(3)(b), C.R.S. in paragraph 1.7.4(C) to the proper reference of Section 25-16-104.5(2)(a.5), C.R.S. for statutory authority to use tipping fees for local jurisdictions' response activity expenses.

Pursuant to House Bill 10-1329, section 25-16-104.5(3) was repealed (as specified in section 25-16-104.5(7)) "effective upon the date that the fee adopted pursuant to subsection (1.7) of this section takes effect or on July 1, 2011, whichever occurs first." Amendments to the Section 1.7.4 Solid Waste User Fee regulations were adopted by the Solid and Hazardous Waste Commission on November 16, 2010.

Paragraph 1.7.4(C) is being revised at this time to replace the repealed section 25-16-104.5(3)(b) reference with a reference to Section 25-16-104.5(2)(a.5), which states "notwithstanding any provision of law to the contrary, one hundred percent of the moneys collected pursuant to subparagraph (II) of paragraph (a) of subsection (1.7) of this section from persons disposing of solid waste at an attended solid waste disposal site where a local government solid waste disposal fee is imposed to fund hazardous substance response activities at sites designated on the national priority list pursuant to the federal act shall be transmitted to the owner of the solid waste disposal site to the extent that the moneys are used to fund the response activities at the sites on the national priority list. The balance of any moneys described under this paragraph (a.5) that are not used to fund such response activities shall be credited to the hazardous substance response fund created in section 25-16-104.6."