A BILL FOR AN ACT

CONCERNING THE DEVELOPMENT OF A STATEWIDE ORGANICS MANAGEMENT PLAN TO PROMOTE COMPOST USE.

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://leg.colorado.gov.)

Zero Waste and Recycling Interim Study Committee. The bill tasks the executive director of the department of public health and environment (executive director) or the executive director's designee and the commissioner of agriculture (commissioner) or the commissioner's designee with developing an organics management plan (plan) on or before September 1, 2022. The department of public health and
environment may incorporate the plan into the department's existing work regarding organics management if its existing work meets the standards established for the organics management plan.

In developing the plan, the executive director and the commissioner are required to study and make recommendations regarding organic waste management practices to encourage compost use on soil to promote carbon storage.

The executive director and the commissioner must also complete 2 statewide surveys as part of the plan, with one survey examining end uses for the major categories of organic waste feedstock generated within the state and the other survey examining existing organic waste generation facilities and processing capacity.

On or before February 1, 2023, the executive director, in collaboration with the commissioner, shall submit a report summarizing the plan to the legislative committees with jurisdiction over energy or agricultural matters.

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

SECTION 1. In Colorado Revised Statutes, add article 17.5 to title 25 as follows:

ARTICLE 17.5
Organics Management for Compost

25-17.5-101. Definitions. As used in this article 17.5, unless the context otherwise requires:

(1) "Carbon storage" means, with respect to the agriculture sector, the capacity of agricultural lands and forests to remove carbon dioxide from the atmosphere through photosynthesis whereby the carbon dioxide is absorbed by, and stored as carbon in, biomass within tree trunks, branches, foliage, roots, and soils.

(2) "Commissioner" means the commissioner of agriculture or the commissioner's designee.

(3) "Compost" has the same meaning as set forth in section
35-12-103 (6).

(4) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(5) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

(6) "GREENHOUSE GAS" MEANS CARBON DIOXIDE, METHANE, NITROUS OXIDE, HYDROFLUOROCARBONS, PERFLUOROCARBONS, NITROGEN TRIFLUORIDE, AND SULFUR HEXAFLUORIDE, EXPRESSED AS CARBON DIOXIDE EQUIVALENT.

25-17.5-102. Organics management plan - surveys - study - collaboration with health department - reporting. (1) (a) On or before September 1, 2022, the executive director, in collaboration with the commissioner, shall develop an organics management plan to study and make recommendations regarding organic waste management practices to encourage compost use on Colorado soils to promote carbon storage. In developing the plan, the executive director and commissioner shall work with a diverse group of stakeholders.

(b) The department may incorporate the plan described in subsection (1)(a) of this section into the work the department is already doing with regard to organics management if the department's existing work regarding organics management meets the standards set forth in this article 17.5.

(2) The plan developed pursuant to subsection (1) of this section must include the following components:

(a) The completion of the following comprehensive, statewide surveys:
(I) An end-market survey to examine the costs, revenues, and greenhouse gas impacts associated with current end uses for the major categories of organic waste feedstock generated within the state, which categories are:

(A) Source-separated municipal solid waste organics;

(B) Biosolids;

(C) Dairy and feedlot manure; and

(D) Forest waste including urban forest waste.

(II) A survey of existing organic waste generation facilities and processing capacity;

(b) A statewide organics management study to examine and address the need for organics processing infrastructure expansion and increased compost utilization by various end users including end use for agricultural purposes. The study must include an examination of the following:

(I) With regard to the development of new or expanded organics processing infrastructure and compost utilization throughout the state:

(A) The climate change impacts arising from such new or expanded infrastructure and utilization; and

(B) A cost-benefit analysis;

(II) An exploration of various mechanisms to increase and promote infrastructure expansion, including:

(A) The identification of new and existing compost facilities as enterprise zone projects that are eligible for investment tax credit under section 39-30-104 as Colorado income taxpayer contributions under the Colorado Office of

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ECONOMIC DEVELOPMENT'S ENTERPRISE ZONE CONTRIBUTION PROJECT PROGRAM;

(B) POTENTIAL POLICY CHANGES THAT MAKE IT EASIER TO BUILD NEW COMPOST FACILITIES;

(C) POTENTIAL SOURCES OF FUNDING TO PROVIDE TECHNICAL SUPPORT FOR RURAL COMPOST FACILITIES THAT SERVE AGRICULTURE; AND

(D) SUSTAINABLE FUNDING OPTIONS THAT MAY BE USED TO PROMOTE THE DEVELOPMENT OF INFRASTRUCTURE;

(c) RECOMMENDATIONS REGARDING:

(I) HOW TO INCREASE THE END-MARKET DEMAND AND UTILIZATION OF COMPOST FROM VARIOUS FEEDSTOCKS. THE RECOMMENDATIONS MAY INCLUDE:

(A) INNOVATIVE WAYS TO CREATE FINANCIAL INCENTIVES OR OTHER INCENTIVES TO ENCOURAGE THE VOLUNTARY USE OF COMPOST IN AGRICULTURE TO PROMOTE CARBON STORAGE IN SOIL AND INCENTIVES FOR OTHER END USES, INCLUDING CONDUCTING A STUDY OF CARBON STORAGE POTENTIAL IN COLORADO SOILS, DEVELOPING GOALS, MANAGING DATA, IDENTIFYING GRANT OPPORTUNITIES, AND PROVIDING TECHNICAL ASSISTANCE;

(B) A STATE PROCUREMENT STANDARD ESTABLISHING A REQUIREMENT THAT A STATE-FUNDED PUBLIC PROJECT THAT SPECIFIES A SOIL AMENDMENT USE COMPOST THAT IS SOURCED FROM A STATE-PERMITTED COMPOST FACILITY AND CERTIFIED BY A NATIONALLY RECOGNIZED THIRD PARTY; AND

(C) THE DEVELOPMENT OF SAMPLE PROCUREMENT LANGUAGE THAT A LOCAL GOVERNMENT COULD USE IN ITS PROCUREMENT PROCESS, SUCH AS LANGUAGE REQUIRING A MINIMUM OF FIVE PERCENT ORGANIC
MATTER IN CONSTRUCTION AND LANDSCAPING PROJECTS.

(II) STRATEGIES THAT MUNICIPAL AND COMMERCIAL
SOURCE-SEPARATED POST-CONSUMER ORGANIC WASTE COLLECTORS AND
PROCESSORS COULD UTILIZE TO REDUCE CONTAMINATION, SUCH AS
EDUCATIONAL OUTREACH PROGRAMS.

(3) (a) ON OR BEFORE FEBRUARY 1, 2023, THE EXECUTIVE
DIRECTOR, IN COLLABORATION WITH THE COMMISSIONER, SHALL SUBMIT
A REPORT SUMMARIZING THE PLAN DEVELOPED PURSUANT TO SUBSECTION
(2) OF THIS SECTION TO:

(I) THE ENERGY AND ENVIRONMENT COMMITTEE AND RURAL
AFFAIRS AND AGRICULTURE COMMITTEE OF THE HOUSE OF
REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES; AND

(II) THE AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND
THE TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR THEIR
SUCCESSOR COMMITTEES.

(b) THE EXECUTIVE DIRECTOR SHALL PUBLISH THE REPORT
CREATED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION ON THE
DEPARTMENT'S PUBLIC WEBSITE.

25-17.5-103. Repeal of article. This article 17.5 is repealed,
effective September 1, 2023.

SECTION 2. Act subject to petition - effective date. This act
takes effect at 12:01 a.m. on the day following the expiration of the
ninety-day period after final adjournment of the general assembly (August
5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
referendum petition is filed pursuant to section 1 (3) of article V of the
state constitution against this act or an item, section, or part of this act
within such period, then the act, item, section, or part will not take effect
unless approved by the people at the general election to be held in
November 2020 and, in such case, will take effect on the date of the
official declaration of the vote thereon by the governor.