

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 20-0311.01 Jennifer Berman x3286

HOUSE BILL 20-1047

HOUSE SPONSORSHIP

Cutter and Froelich,

SENATE SPONSORSHIP

Priola,

House Committees

Energy & Environment
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE DEVELOPMENT OF A STATEWIDE ORGANICS**
102 **MANAGEMENT PLAN TO PROMOTE COMPOST USE, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 35-12-103 (6).

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

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

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

10 **25-17.5-102. Organics management plan - surveys - study -**
11 **collaboration with health department - reporting.** (1) (a) (I) ON OR
12 BEFORE SEPTEMBER 1, 2022, THE EXECUTIVE DIRECTOR, IN
13 COLLABORATION WITH THE COMMISSIONER, SHALL DEVELOP AN ORGANICS
14 MANAGEMENT PLAN TO STUDY AND MAKE RECOMMENDATIONS
15 REGARDING ORGANIC WASTE MANAGEMENT PRACTICES TO ENCOURAGE
16 COMPOST USE ON COLORADO SOILS TO PROMOTE CARBON STORAGE. IN
17 DEVELOPING THE PLAN, THE EXECUTIVE DIRECTOR AND COMMISSIONER
18 SHALL WORK WITH A DIVERSE GROUP OF STAKEHOLDERS.

19 (II) AS USED IN SUBSECTION (1)(a)(I) OF THIS SECTION, DIVERSE
20 STAKEHOLDERS MAY INCLUDE, BUT ARE NOT LIMITED TO,
21 REPRESENTATIVES OF:

22 (A) A STATEWIDE ORGANIZATION REPRESENTING FARMERS;

23 (B) A STATEWIDE ORGANIZATION REPRESENTING CHEMISTS;

24 (C) GROUPS REPRESENTING THE FOUR MAJOR CATEGORIES OF
25 ORGANIC WASTE FEEDSTOCK GENERATED WITHIN THE STATE, AS LISTED IN
26 SUBSECTION (2)(a)(I) OF THIS SECTION, INCLUDING FEDERAL
27 LABORATORIES, MUNICIPALITIES, RESTAURANTS, GROCERY STORES,

- 1 UNIVERSITIES, AND COLLEGES;
- 2 (D) FINISHED COMPOST END USERS;
- 3 (E) STATE AGENCIES INCLUDING THE DEPARTMENT OF
- 4 TRANSPORTATION AND THE DEPARTMENT OF LOCAL AFFAIRS;
- 5 (F) THE AGRICULTURAL SECTOR;
- 6 (G) LAND MANAGERS;
- 7 (H) ZERO WASTE ADVOCATES;
- 8 (I) SOIL HEALTH ADVOCATES;
- 9 (J) COMPOSTABLE PRODUCT MANUFACTURERS, CERTIFIERS, AND
- 10 DISTRIBUTORS;
- 11 (K) THE STATE CONSERVATION BOARD CREATED IN SECTION
- 12 35-70-103; AND
- 13 (L) THE STATE PURCHASING AND CONTRACTS OFFICE IN THE
- 14 DEPARTMENT OF PERSONNEL.

15 (b) THE DEPARTMENT MAY INCORPORATE THE PLAN DESCRIBED IN
16 SUBSECTION (1)(a)(I) OF THIS SECTION INTO THE WORK THE DEPARTMENT
17 IS ALREADY DOING WITH REGARD TO ORGANICS MANAGEMENT IF THE
18 DEPARTMENT'S EXISTING WORK REGARDING ORGANICS MANAGEMENT
19 MEETS THE STANDARDS SET FORTH IN THIS ARTICLE 17.5.

20 (2) THE PLAN DEVELOPED PURSUANT TO SUBSECTION (1) OF THIS
21 SECTION MUST INCLUDE THE FOLLOWING COMPONENTS:

22 (a) THE COMPLETION OF THE FOLLOWING COMPREHENSIVE,
23 STATEWIDE SURVEYS:

24 (I) AN END-MARKET SURVEY TO EXAMINE THE COSTS, REVENUES,
25 AND GREENHOUSE GAS IMPACTS ASSOCIATED WITH CURRENT END USES
26 FOR THE MAJOR CATEGORIES OF ORGANIC WASTE FEEDSTOCK GENERATED
27 WITHIN THE STATE, WHICH CATEGORIES ARE:

- 1 (A) SOURCE-SEPARATED MUNICIPAL SOLID WASTE ORGANICS;
- 2 (B) BIOSOLIDS;
- 3 (C) DAIRY AND FEEDLOT MANURE; AND
- 4 (D) FOREST WASTE INCLUDING URBAN FOREST WASTE.
- 5 (II) A SURVEY OF EXISTING ORGANIC WASTE GENERATION
- 6 FACILITIES AND PROCESSING CAPACITY;
- 7 (b) A STATEWIDE ORGANICS MANAGEMENT STUDY TO EXAMINE
- 8 AND ADDRESS THE NEED FOR ORGANICS PROCESSING INFRASTRUCTURE
- 9 EXPANSION AND INCREASED COMPOST UTILIZATION BY VARIOUS END
- 10 USERS INCLUDING END USE FOR AGRICULTURAL PURPOSES. THE STUDY
- 11 MUST INCLUDE AN EXAMINATION OF THE FOLLOWING:
- 12 (I) WITH REGARD TO THE DEVELOPMENT OF NEW OR EXPANDED
- 13 ORGANICS PROCESSING INFRASTRUCTURE AND COMPOST UTILIZATION
- 14 THROUGHOUT THE STATE:
- 15 (A) THE CLIMATE CHANGE IMPACTS ARISING FROM SUCH NEW OR
- 16 EXPANDED INFRASTRUCTURE AND UTILIZATION; AND
- 17 (B) A COST-BENEFIT ANALYSIS;
- 18 (II) AN EXPLORATION OF VARIOUS MECHANISMS TO INCREASE AND
- 19 PROMOTE INFRASTRUCTURE EXPANSION, INCLUDING:
- 20 (A) THE IDENTIFICATION OF NEW AND EXISTING COMPOST
- 21 FACILITIES AS ENTERPRISE ZONE PROJECTS THAT ARE ELIGIBLE FOR
- 22 INVESTMENT TAX CREDIT UNDER SECTION 39-30-104 AS COLORADO
- 23 INCOME TAXPAYER CONTRIBUTIONS UNDER THE COLORADO OFFICE OF
- 24 ECONOMIC DEVELOPMENT'S ENTERPRISE ZONE CONTRIBUTION PROJECT
- 25 PROGRAM;
- 26 (B) POTENTIAL POLICY CHANGES THAT MAKE IT EASIER TO BUILD
- 27 NEW COMPOST FACILITIES;

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

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

5 (c) RECOMMENDATIONS REGARDING:

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

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

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

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

25 (II) STRATEGIES THAT MUNICIPAL AND COMMERCIAL
26 SOURCE-SEPARATED POST-CONSUMER ORGANIC WASTE COLLECTORS AND
27 PROCESSORS COULD UTILIZE TO REDUCE CONTAMINATION, SUCH AS

1 EDUCATIONAL OUTREACH PROGRAMS.

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

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

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

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

15 **25-17.5-103. Repeal of article.** THIS ARTICLE 17.5 IS REPEALED,
16 EFFECTIVE SEPTEMBER 1, 2023.

17 **SECTION 2. Appropriation.** For the 2020-21 state fiscal year,
18 \$150,000 is appropriated to the department of public health and
19 environment for use by the solid waste control program. This
20 appropriation is from the solid waste management fund created in section
21 30-20-118 (1), C.R.S. To implement this act, the division may use this
22 appropriation to develop an organics management plan.

23 **SECTION 3. Act subject to petition - effective date.** This act
24 takes effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly (August
26 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
27 referendum petition is filed pursuant to section 1 (3) of article V of the

1 state constitution against this act or an item, section, or part of this act
2 within such period, then the act, item, section, or part will not take effect
3 unless approved by the people at the general election to be held in
4 November 2020 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.