

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

BILL B

LLS NO. 20-0311.01 Jennifer Berman x3286

HOUSE BILL

HOUSE SPONSORSHIP

Cutter and Froelich,

SENATE SPONSORSHIP

Priola,

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE DEVELOPMENT OF A STATEWIDE ORGANICS**
102 **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

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.

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.

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

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

4 **ARTICLE 17.5**

5 **Organics Management for Compost**

6 **25-17.5-101. Definitions.** AS USED IN THIS ARTICLE 17.5, UNLESS
7 THE CONTEXT OTHERWISE REQUIRES:

8 (1) "CARBON STORAGE" MEANS, WITH RESPECT TO THE
9 AGRICULTURE SECTOR, THE CAPACITY OF AGRICULTURAL LANDS AND
10 FORESTS TO REMOVE CARBON DIOXIDE FROM THE ATMOSPHERE THROUGH
11 PHOTOSYNTHESIS WHEREBY THE CARBON DIOXIDE IS ABSORBED BY, AND
12 STORED AS CARBON IN, BIOMASS WITHIN TREE TRUNKS, BRANCHES,
13 FOLIAGE, ROOTS, AND SOILS.

14 (2) "COMMISSIONER" MEANS THE COMMISSIONER OF AGRICULTURE
15 OR THE COMMISSIONER'S DESIGNEE.

16 (3) "COMPOST" HAS THE SAME MEANING AS SET FORTH IN SECTION

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) 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 (b) THE DEPARTMENT MAY INCORPORATE THE PLAN DESCRIBED IN
20 SUBSECTION (1)(a) OF THIS SECTION INTO THE WORK THE DEPARTMENT IS
21 ALREADY DOING WITH REGARD TO ORGANICS MANAGEMENT IF THE
22 DEPARTMENT'S EXISTING WORK REGARDING ORGANICS MANAGEMENT
23 MEETS THE STANDARDS SET FORTH IN THIS ARTICLE 17.5.

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

26 (a) THE COMPLETION OF THE FOLLOWING COMPREHENSIVE,
27 STATEWIDE SURVEYS:

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

5 (A) SOURCE-SEPARATED MUNICIPAL SOLID WASTE ORGANICS;

6 (B) BIOSOLIDS;

7 (C) DAIRY AND FEEDLOT MANURE; AND

8 (D) FOREST WASTE INCLUDING URBAN FOREST WASTE.

9 (II) A SURVEY OF EXISTING ORGANIC WASTE GENERATION
10 FACILITIES AND PROCESSING CAPACITY;

11 (b) A STATEWIDE ORGANICS MANAGEMENT STUDY TO EXAMINE
12 AND ADDRESS THE NEED FOR ORGANICS PROCESSING INFRASTRUCTURE
13 EXPANSION AND INCREASED COMPOST UTILIZATION BY VARIOUS END
14 USERS INCLUDING END USE FOR AGRICULTURAL PURPOSES. THE STUDY
15 MUST INCLUDE AN EXAMINATION OF THE FOLLOWING:

16 (I) WITH REGARD TO THE DEVELOPMENT OF NEW OR EXPANDED
17 ORGANICS PROCESSING INFRASTRUCTURE AND COMPOST UTILIZATION
18 THROUGHOUT THE STATE:

19 (A) THE CLIMATE CHANGE IMPACTS ARISING FROM SUCH NEW OR
20 EXPANDED INFRASTRUCTURE AND UTILIZATION; AND

21 (B) A COST-BENEFIT ANALYSIS;

22 (II) AN EXPLORATION OF VARIOUS MECHANISMS TO INCREASE AND
23 PROMOTE INFRASTRUCTURE EXPANSION, INCLUDING:

24 (A) THE IDENTIFICATION OF NEW AND EXISTING COMPOST
25 FACILITIES AS ENTERPRISE ZONE PROJECTS THAT ARE ELIGIBLE FOR
26 INVESTMENT TAX CREDIT UNDER SECTION 39-30-104 AS COLORADO
27 INCOME TAXPAYER CONTRIBUTIONS UNDER THE COLORADO OFFICE OF

1 ECONOMIC DEVELOPMENT'S ENTERPRISE ZONE CONTRIBUTION PROJECT
2 PROGRAM;

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

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

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

9 (c) RECOMMENDATIONS REGARDING:

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

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

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

25 (C) THE DEVELOPMENT OF SAMPLE PROCUREMENT LANGUAGE
26 THAT A LOCAL GOVERNMENT COULD USE IN ITS PROCUREMENT PROCESS,
27 SUCH AS LANGUAGE REQUIRING A MINIMUM OF FIVE PERCENT ORGANIC

1 MATTER IN CONSTRUCTION AND LANDSCAPING PROJECTS.

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

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

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

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

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

19 **25-17.5-103. Repeal of article.** THIS ARTICLE 17.5 IS REPEALED,
20 EFFECTIVE SEPTEMBER 1, 2023.

21 **SECTION 2. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2020 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.