

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 26-0285.01 Clare Haffner x6137

SENATE BILL 26-101

SENATE SPONSORSHIP

Pelton B.,

HOUSE SPONSORSHIP

(None),

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ASSIST LOCAL GOVERNMENTS IN**
102 **COMPLYING WITH LANDFILL METHANE EMISSION REDUCTION**
103 **REGULATIONS ADOPTED BY THE AIR QUALITY CONTROL**
104 **COMMISSION.**

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>.)

Under current law, the air quality control commission (commission) in the department of public health and environment is directed to adopt emission control regulations for significant sources of

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

air pollutants. A solid waste landfill (landfill) is a significant source of air pollutants such as methane.

The bill:

- Allows a county to utilize money from the community impact cash fund, air quality enterprise cash fund, and local government mineral impact fund for the purpose of complying with landfill methane emission reduction requirements adopted by the commission;
- Requires the air quality enterprise to research best practices for reducing methane emissions from landfills;
- Requires the commission to consider debt service availability when developing schedules of compliance for landfills;
- Requires the commission to establish a process for an owner or operator of a landfill to request a waiver from methane emission reduction requirements;
- States that a landfill that reaches or exceeds applicable methane emission limits on or after the effective date of the bill is not subject to methane emission reduction requirements until 2 years after the landfill reaches or exceeds applicable methane emission limits; and
- Exempts a local government from paying a noncompliance penalty for failure to comply with requirements to reduce methane emissions from landfills if the local government demonstrates that the failure to comply is due solely to a financial inability to comply.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) On December 18, 2025, the air quality control commission in
5 the department of public health and environment adopted Regulation
6 Number 31, "Control of Methane Emissions from Municipal Solid Waste
7 Landfills", 5 CCR 1001-35, to reduce methane emissions and other air
8 pollutants from municipal solid waste landfills;

9 (b) Regulation Number 31 requires municipal solid waste landfills
10 to reduce methane emissions through the installation and operation of gas

1 collection and control systems and improved monitoring and gas
2 management, thereby supporting cleaner air and lowering greenhouse gas
3 emissions; and

4 (c) Compliance with Regulation Number 31 may impose a
5 financial burden on some entities that own or operate municipal solid
6 waste landfills.

7 (2) The general assembly further finds and declares that:

8 (a) The community impact cash fund was created in section
9 25-7-129, Colorado Revised Statutes, to provide financial assistance for
10 environmental mitigation projects through the environmental justice grant
11 program using air quality-related penalty revenue. The community impact
12 cash fund is an existing source of state financial assistance intended to
13 address impacts of air and water quality to local communities and
14 infrastructures.

15 (b) The local government mineral impact fund, created in section
16 34-63-102 (5), Colorado Revised Statutes, consists of money that is
17 distributed by the executive director of the department of local affairs to
18 counties, federal mineral lease districts, and municipalities in accordance
19 with guidelines established by the executive director in consultation with
20 the energy impact assistance advisory committee;

21 (c) It is the intent of the general assembly that money in the
22 community impact cash fund and local government mineral impact fund
23 may be used to assist entities in complying with Regulation Number 31;

24 (d) In determining any financial assistance for municipal solid
25 waste landfill methane emission reduction projects, priority should be
26 given to municipal solid waste landfills that are owned or operated by
27 local governments in recognition of local governments' limited access to

1 private capital; and

2 (e) Clarifying the availability and prioritization of these funding
3 sources will support timely compliance with Regulation Number 31,
4 protect public health, and reduce greenhouse gas emissions.

5 SECTION 2. In Colorado Revised Statutes, 25-7-129, add (3)(g)
6 as follows:

7 25-7-129. Disposition of fines - community impact cash fund
8 - repeal.

9 (3)(g)(I) PURSUANT TO THE DEPARTMENT OF PUBLIC HEALTH AND
10 ENVIRONMENT'S AUTHORITY TO EXPEND MONEY FROM THE FUND TO
11 PROVIDE GRANTS FOR ENVIRONMENTAL MITIGATION PROJECTS PURSUANT
12 TO SECTION 25-1-134 (2)(g)(VII), THE DEPARTMENT MAY EXPEND MONEY
13 FROM THE FUND TO PROVIDE GRANTS FOR MUNICIPAL SOLID WASTE
14 LANDFILL METHANE EMISSION REDUCTION PROJECTS THAT ARE
15 CONDUCTED IN ACCORDANCE WITH RULES ADOPTED BY THE COMMISSION
16 UNDER THIS ARTICLE 7 AND THAT QUALIFY AS ENVIRONMENTAL
17 MITIGATION PROJECTS, AS DEFINED IN SECTION 25-1-134 (4)(b).

18 (II) THE ENVIRONMENTAL JUSTICE ADVISORY BOARD, CREATED IN
19 SECTION 25-1-134 (2)(a), SHALL PRIORITIZE A GRANT REQUEST FOR THE
20 PURPOSE OF COMPLYING WITH MUNICIPAL SOLID WASTE LANDFILL
21 METHANE EMISSION REDUCTION REQUIREMENTS FROM A LOCAL
22 GOVERNMENT THAT OWNS OR OPERATES A MUNICIPAL SOLID WASTE
23 LANDFILL OVER A GRANT REQUEST FROM A PRIVATE ENTITY THAT OWNS
24 OR OPERATES A MUNICIPAL SOLID WASTE LANDFILL.

25 (III) AN ENTITY SHALL USE MONEY EXPENDED BY THE
26 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO
27 SUBSECTION (3)(g)(I) OF THIS SECTION AS SUPPLEMENTAL FUNDING ONLY

1 AND NOT AS THE EXCLUSIVE SOURCE OF FUNDING FOR COMPLIANCE WITH
2 MUNICIPAL SOLID WASTE LANDFILL METHANE EMISSION REDUCTION
3 REQUIREMENTS. WITH THE EXCEPTION OF SUPPLEMENTAL FUNDING
4 GRANTS FOR ENVIRONMENTAL MITIGATION PROJECTS PROVIDED PURSUANT
5 TO SUBSECTION (3)(g)(I) OF THIS SECTION, NOTHING IN THIS SUBSECTION
6 (3)(g) RELIEVES AN ENTITY OF THE RESPONSIBILITY TO OTHERWISE ENSURE
7 ADEQUATE FUNDING FOR MUNICIPAL SOLID WASTE LANDFILL METHANE
8 EMISSION REDUCTION PROJECTS IN COMPLIANCE WITH APPLICABLE
9 COMMISSION RULES.

10 **SECTION 3. Act subject to petition - effective date -**
11 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
12 the expiration of the ninety-day period after final adjournment of the
13 general assembly (August 12, 2026, if adjournment sine die is on May 13,
14 2026); except that, if a referendum petition is filed pursuant to section 1
15 (3) of article V of the state constitution against this act or an item, section,
16 or part of this act within such period, then the act, item, section, or part
17 will not take effect unless approved by the people at the general election
18 to be held in November 2026 and, in such case, will take effect on the
19 date of the official declaration of the vote thereon by the governor.

20 (2) This act applies to conduct occurring on or after the applicable
21 effective date of this act.