

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 26-101

BY SENATOR(S) Pelton B. and Roberts, Ball, Benavidez, Catlin, Jodeh, Kirkmeyer, Simpson, Snyder, Coleman;
also REPRESENTATIVE(S) Richardson and Lukens, Barron, Boesenecker, Caldwell, Duran, English, Flanell, Froelich, Hamrick, Jackson, Johnson, Keltie, McCormick, Nguyen, Ricks, Rutinel, Rydin, Smith, Soper, Stewart K., Velasco, Weinberg, Winter T., Woog, McCluskie.

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

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(b) Regulation Number 31 requires certain municipal solid waste landfills to reduce methane emissions through the installation and operation of gas collection and control systems and improved monitoring and gas management, thereby supporting cleaner air and lowering greenhouse gas emissions; and

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

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

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

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

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

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

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

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

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

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

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

(III) AN ENTITY SHALL USE MONEY EXPENDED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO SUBSECTION (3)(g)(I) OF THIS SECTION AS SUPPLEMENTAL FUNDING ONLY AND NOT AS THE EXCLUSIVE SOURCE OF FUNDING FOR COMPLIANCE WITH MUNICIPAL SOLID WASTE LANDFILL METHANE EMISSION REDUCTION REQUIREMENTS. WITH THE EXCEPTION OF SUPPLEMENTAL FUNDING GRANTS FOR ENVIRONMENTAL MITIGATION PROJECTS PROVIDED PURSUANT TO SUBSECTION (3)(g)(I) OF THIS SECTION, NOTHING IN THIS SUBSECTION (3)(g) RELIEVES AN ENTITY OF THE RESPONSIBILITY TO OTHERWISE ENSURE ADEQUATE FUNDING FOR MUNICIPAL SOLID WASTE LANDFILL METHANE EMISSION REDUCTION PROJECTS IN COMPLIANCE WITH APPLICABLE COMMISSION RULES.

SECTION 3. In Colorado Revised Statutes, 24-4-109, **amend** (2)(b)(II) introductory portion as follows:

24-4-109. State engagement of disproportionately impacted communities - definitions.

(2) Definitions.

(b) As used in this section and sections 25-1-134 and 25-7-105 (1)(e), unless the context otherwise requires:

(II) "Disproportionately impacted community" means a community that is described in subsection (2)(b)(II)(G) or (2)(b)(II)(H) of this section or that is in a census block group, as determined in accordance with the ~~most recent five-year United States bureau of the census American community survey~~ FIVE-YEAR UNITED STATES BUREAU OF THE CENSUS AMERICAN COMMUNITY SURVEY RELEASED NO LATER THAN THREE YEARS PRIOR and meets one or more of the following criteria:

SECTION 4. Act subject to petition - effective date - applicability. (1) 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 12, 2026, if adjournment sine die is on May 13, 2026); 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO