

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 17-0338.03 Thomas Morris x4218

**HOUSE BILL 17-1275**

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**HOUSE SPONSORSHIP**

**Winter,**

**SENATE SPONSORSHIP**

**Priola,**

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**House Committees**

Transportation & Energy  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING ADDITIONAL MEASURES TO INCREASE WASTE DIVERSION,**  
102 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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**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>.)*

The bill directs the department of public health and environment and the Colorado office of economic development to assist in increasing waste diversion in Colorado by establishing diversion goals, requiring data collection and reporting by counties and landfills, and providing technical assistance to counties and landfills regarding the data collection and reporting.

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

HOUSE  
Amended 2nd Reading  
April 26, 2017

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

2           **SECTION 1.** In Colorado Revised Statutes, **amend** 25-16.5-101  
3 as follows:

4           **25-16.5-101. Short title.** THE SHORT TITLE OF this ~~article shall be~~  
5 ~~known and may be cited as~~ ARTICLE 16.5 IS the "Pollution Prevention AND  
6 WASTE DIVERSION Act". ~~of 1992".~~

7           **SECTION 2.** In Colorado Revised Statutes, 25-16.5-102, **amend**  
8 (1)(e) as follows:

9           **25-16.5-102. Legislative declaration - state policy on pollution**  
10 **prevention.** (1) The general assembly hereby finds and declares that:

11           (e) The ~~purpose~~ PURPOSES of this ~~article is~~ ARTICLE 16.5 ARE:

12           (I) To create a cooperative partnership among business,  
13 agriculture, the environmental community, and the department of public  
14 health and environment in which technical assistance, outreach, and  
15 education activities are coordinated and conducted to achieve pollution  
16 prevention, ~~and~~ waste reduction, and source reduction; AND

17           (II) BECAUSE IT IS DIFFICULT IF NOT IMPOSSIBLE TO IMPROVE  
18 PERFORMANCE IN THE ABSENCE OF DATA, TO ENCOURAGE   LOCAL  
19 GOVERNMENTS AND LANDFILLS INVOLVED IN SOLID WASTE DISPOSAL AND  
20 DIVERSION TO COLLECT AND REPORT DATA REGARDING SOLID WASTE  
21 DIVERSION WHILE SIMULTANEOUSLY PROVIDING TECHNICAL AND  
22 FINANCIAL ASSISTANCE IN CONNECTION WITH THE DATA COLLECTION AND  
23 REPORTING;

24           **SECTION 3.** In Colorado Revised Statutes, 25-16.5-103, **amend**  
25 the introductory portion; and **add** (5.3), (5.6), (8.5), and (9.5) as follows:

26           **25-16.5-103. Definitions - repeal.** As used in this ~~article~~ ARTICLE

1 16.5, unless the context otherwise requires:

2 (5.3) "LANDFILL" MEANS A SOLID WASTES DISPOSAL SITE AND  
3 FACILITY THAT IS REQUIRED TO HAVE A CERTIFICATE OF DESIGNATION  
4 PURSUANT TO SECTION 30-20-102.

5 (5.6) (a) "OFFICE" MEANS THE COLORADO OFFICE OF ECONOMIC  
6 DEVELOPMENT CREATED IN SECTION 24-48.5-101 (1).

7 (b) THIS SUBSECTION (5.6) IS REPEALED, EFFECTIVE SEPTEMBER  
8 1, 2022.

9 (8.5) "SOLID WASTE" HAS THE MEANING ESTABLISHED IN SECTION  
10 30-20-101 (6).

11 (9.5) "WASTE DIVERSION" MEANS THE REMOVAL OF WASTE FROM  
12 THE WASTE STREAM BY ENCOURAGING AVAILABLE, AFFORDABLE, AND  
13 INNOVATIVE ALTERNATIVES TO DISPOSAL, INCLUDING REUSE AND  
14 RECYCLING.

15 **SECTION 4.** In Colorado Revised Statutes, 25-16.5-106.5,  
16 **amend** (2) as follows:

17 **25-16.5-106.5. Recycling resources economic opportunity fund**  
18 **- creation - repeal.** (2) Any ~~moneys~~ MONEY generated pursuant to  
19 subsection (1) of this section shall be annually appropriated to:

20 (a) The department:

21 (I) For allocation to the advisory board for the purpose of funding  
22 the recycling resources economic opportunity activities authorized by  
23 section 25-16.5-106.7, as well as any administrative costs associated  
24 therewith, including without limitation the grants authorized to be made  
25 under section 25-16.5-106.7 (3) and grant program oversight authorized  
26 by section 25-16.5-105.5 (3);

27 (II) ~~Such moneys may also be used~~ To fund studies pursuant to

1 section 25-16.5-105 (1)(i); AND

2 (III) (A) TO SUPPORT DEPARTMENT STAFF NEEDED TO IMPLEMENT  
3 TOOLS, ASSISTANCE, REPORTING, AND GOALS AS SPECIFIED IN SECTIONS  
4 25-16.5-109.5 AND 25-16.5-110.

5 (B) THIS SUBSECTION (2)(a)(III) IS REPEALED, EFFECTIVE  
6 SEPTEMBER 1, 2022.

7 (b) (I) THE OFFICE TO IMPLEMENT ITS DUTIES AND POWERS  
8 ESTABLISHED IN SECTIONS 25-16.5-109.5 AND 25-16.5-110.

9 (II) THIS SUBSECTION (2)(b) IS REPEALED, EFFECTIVE SEPTEMBER  
10 1, 2022.

11 **SECTION 5.** In Colorado Revised Statutes, **add** 25-16.5-109.5  
12 and 25-16.5-109.7 as follows:

13 **25-16.5-109.5. Waste diversion assistance - department -**  
14 **repeal.** (1) THE DEPARTMENT, TO ASSIST LOCAL GOVERNMENTS AND  
15 LANDFILLS INCREASE SOLID WASTE DIVERSION IN THE STATE, SHALL:

16 (a) PROVIDE TECHNICAL ASSISTANCE TO COMMUNITIES AND  
17 COUNTIES IN COLORADO, INCLUDING WEBINARS, TRAINING SESSIONS, BEST  
18 MANAGEMENT PRACTICES, TECHNICAL ASSISTANCE DOCUMENTS, AND  
19 OTHER TOOLS AS APPROPRIATE TO FOCUS ON SOLID WASTE DIVERSION  
20 STRATEGIES AND TO BUILD SOLID WASTE DIVERSION CAPACITY;

21 (b) ASSIST IN DATA COLLECTION AND REPORTING BY: IMPROVING  
22 THE METHODOLOGY AND ACCURACY OF DATA COLLECTED AND REPORTED  
23 FOR SOLID WASTE GENERATION AND DIVERSION; PROVIDING TRAINING AND  
24 TECHNICAL ASSISTANCE TO COMMUNITIES AND COUNTIES FOR  
25 IMPLEMENTING DATA COLLECTION REQUIREMENTS; AND SHARING BEST  
26 PRACTICES;

27 (c) PROVIDE GRANT-WRITING TRAINING AND LOCALIZED

1 ASSISTANCE TO INCREASE THE EFFECTIVENESS OF THE RECYCLING  
2 RESOURCES ECONOMIC OPPORTUNITY GRANT PROGRAM;

3 (d) HELP COUNTIES AND CITIES AND COUNTIES ESTABLISH  
4 MECHANISMS TO TRACK COUNTY-WIDE DATA;

5  
6 (e) EVALUATE THE REPORTS THAT ARE PROVIDED PURSUANT TO  
7 SECTION 25-16.5-110; AND

8 (f) BY JULY 1, 2020, ESTABLISH VOLUNTARY WASTE DIVERSION  
9 GOALS FOR THE NEXT TWENTY YEARS. THE DEPARTMENT SHALL  
10 ESTABLISH SEPARATE GOALS FOR THE STATE AS A WHOLE AND REGIONAL  
11 TWO-TIER GOALS FOR RURAL AND URBAN AREAS.

12 (2) BEGINNING IN 2020, A COUNTY OR CITY AND COUNTY HAS  
13 PRIORITY IN THE FOLLOWING GRANT CYCLE FOR ANY ASSISTANCE  
14 OTHERWISE AVAILABLE PURSUANT TO THIS SECTION OR FOR RECYCLING  
15 RESOURCES ECONOMIC OPPORTUNITY GRANT FUNDING PURSUANT TO  
16 SECTION 25-16.5-106.7 IF THE COUNTY OR CITY AND COUNTY:

17 (a) TIMELY FILES A REPORT PURSUANT TO SECTION 25-16.5-110  
18 (3); OR

19 (b) FILES AN APPLICATION FOR ASSISTANCE TO ACHIEVE THE  
20 WASTE DIVERSION GOALS ESTABLISHED PURSUANT TO SUBSECTION (1)(g)  
21 OF THIS SECTION OR THE REPORTING SPECIFIED IN SECTION 25-16.5-110  
22 (3).

23 (3) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2022.  
24 **25-16.5-109.7. Waste diversion assistance - office - repeal.**

25 (1) THE OFFICE, TO ASSIST LOCAL GOVERNMENTS AND LANDFILLS  
26 INCREASE SOLID WASTE DIVERSION IN THE STATE, SHALL, IN  
27 CONSULTATION WITH THE DEPARTMENT:

- 1 (a) PROVIDE BUSINESS DEVELOPMENT ASSISTANCE; AND
- 2 (b) FACILITATE NETWORKING AND COLLABORATION BETWEEN
- 3 GOVERNMENTS, BUSINESSES, AND END USERS FOR THE PURPOSE OF
- 4 IMPROVING RECOVERED MATERIAL USE IN COLORADO.

5 (2) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2022.

6 **SECTION 6.** In Colorado Revised Statutes, **recreate and**  
7 **reenact, with amendments,** 25-16.5-110 as follows:

8 **25-16.5-110. Reports - repeal.** (1) NOTWITHSTANDING SECTION  
9 24-1-136 (11)(a)(I):

10 (a) THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY'S  
11 COMMITTEES WITH JURISDICTION OVER THE ENVIRONMENT BY DECEMBER  
12 31 OF EACH YEAR AND PUBLISH THE FOLLOWING INFORMATION ON THE  
13 DEPARTMENT'S WEBSITE BY JULY 1 OF EACH YEAR:

14 (I) THE TOTAL AMOUNT OF MUNICIPAL SOLID WASTE AND  
15 NONMUNICIPAL SOLID WASTE QUANTITIES DISPOSED OF AND THE  
16 DIVERSION RATES BASED ON THE BEST AVAILABLE DATA, ORGANIZED BY  
17 THE TIERS ESTABLISHED PURSUANT TO SECTION 25-16.5-109.5 (2)(g);

18 (II) THE STATEWIDE TOTAL OF MUNICIPAL SOLID WASTE AND  
19 NONMUNICIPAL SOLID WASTE QUANTITIES DISPOSED OF AND THE  
20 DIVERSION RATE; AND

21 (III) A SUMMARY AND ANALYSIS OF:

22 (A) ALL DATA SUBMITTED PURSUANT TO SUBSECTIONS (2) AND (3)  
23 OF THIS SECTION; AND

24 (B) THE PROGRESS MADE IN MEETING THE DIVERSION GOALS  
25 ESTABLISHED PURSUANT TO SECTION 25-16.5-109.5 (2)(g) AND THE  
26 OBSTACLES THAT INHIBIT THAT PROGRESS.

27 (b) WITH REGARD TO THE OFFICE'S POWERS AND DUTIES

1 ESTABLISHED PURSUANT TO THIS ARTICLE 16.5, THE OFFICE SHALL:

2 (I) TRACK THE NUMBER OF BUSINESSES WITH WHOM THE OFFICE  
3 HAS WORKED, THE NUMBER OF HOURS SPENT CONSULTING WITH THE  
4 BUSINESSES, THE NUMBER AND TYPES OF TRAINING EVENTS IT HAS  
5 FACILITATED, THE NUMBER OF ATTENDEES AT THE EVENTS, AND THE  
6 TOTAL NUMBER OF TRAINING HOURS OFFERED; AND

7 (II) ANNUALLY REPORT THE INFORMATION TO THE GENERAL  
8 ASSEMBLY'S COMMITTEES WITH JURISDICTION OVER THE ENVIRONMENT BY  
9 DECEMBER 31 OF EACH YEAR.

10 (2) (a) EXCEPT AS SPECIFIED IN SUBSECTION (2)(b) OF THIS  
11 SECTION, EACH LANDFILL SHALL BEGIN COLLECTING DATA IN 2018 AND,  
12 BEGINNING IN 2019, QUARTERLY REPORT TO THE DEPARTMENT BY THE  
13 LAST DAY OF THE MONTH FOLLOWING THE PREVIOUS CALENDAR QUARTER  
14 REGARDING THE TOTAL NUMBER OF TONS OF SOLID WASTE THAT WERE  
15 ACCEPTED AT THE FACILITY DURING THE PREVIOUS CALENDAR YEAR. THE  
16 REPORTS MUST DISTINGUISH:

17 (I) THE NUMBER OF TONS OF MUNICIPAL SOLID WASTE FROM THE  
18 NUMBER OF TONS OF NONMUNICIPAL SOLID WASTE; AND

19 (II) THE NUMBER OF TONS OF BOTH TYPES OF WASTE THAT WERE  
20 GENERATED WITHIN THE COUNTY FROM THE NUMBER OF TONS THAT WERE  
21 GENERATED OUTSIDE OF THE COUNTY.

22 (b) THE DEPARTMENT SHALL GRANT A WAIVER FROM THE  
23 REPORTING REQUIREMENT OF SUBSECTION (2)(a) OF THIS SECTION TO A  
24 LANDFILL THAT ACCEPTS NO MORE THAN TWELVE THOUSAND TONS OF  
25 SOLID WASTE ANNUALLY IF THE LANDFILL IS UNABLE TO COMPLY, HAS NOT  
26 YET RECEIVED TECHNICAL ASSISTANCE TO HELP THE LANDFILL COMPLY,  
27 AND HAS ASKED FOR TECHNICAL ASSISTANCE TO ACHIEVE COMPLIANCE

1 WITH THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION.

2 (3) EACH COUNTY AND CITY AND COUNTY:

3 (a) IS ENCOURAGED TO BEGIN COLLECTING DATA IN 2018 AND TO  
4 ANNUALLY REPORT TO THE DEPARTMENT BY EACH MARCH 15 STARTING  
5 IN 2019 REGARDING THE NUMBER OF TONS OF SOLID WASTE THAT WERE  
6 GENERATED IN THE COUNTY OR CITY AND COUNTY, REGARDLESS OF  
7 WHETHER THE FINAL DISPOSITION OF THE WASTE WAS INSIDE OR OUTSIDE  
8 OF THE COUNTY OR CITY AND COUNTY. THE REPORTS SHOULD  
9 DISTINGUISH:

10 (I) THE NUMBER OF TONS OF MUNICIPAL SOLID WASTE AND  
11 NONMUNICIPAL SOLID WASTE THAT WERE DISPOSED OF; AND

12 (II) THE NUMBER OF TONS OF MUNICIPAL SOLID WASTE AND  
13 NONMUNICIPAL SOLID WASTE THAT WERE DIVERTED, INCLUDING  
14 RECYCLABLES, ORGANICS, AND SPECIAL WASTE.

15 (b) IS ENCOURAGED TO BEGIN COLLECTING DATA IN 2018 AND TO  
16 ANNUALLY REPORT TO THE DEPARTMENT BY EACH MARCH 15 STARTING  
17 IN 2020 REGARDING THE TYPES OF WASTE DIVERSION EFFORTS IN PLACE IN  
18 THE COUNTY OR CITY AND COUNTY.

19 [REDACTED]

20 **SECTION 7. Appropriation.** (1) For the 2017-18 state fiscal  
21 year, \$38,011 is appropriated to the office of the governor for use by the  
22 Colorado office of economic development. This appropriation is from the  
23 recycling resources economic opportunity fund created in section  
24 25-16.5-106.5 (1)(a), C.R.S., and is based on an assumption that the  
25 office will require an additional 0.4 FTE. To implement this act, the  
26 office may use this appropriation for global business development.

27 (2) For the 2017-18 state fiscal year, \$70,264 is appropriated to



1 the department of public health and environment for use by the division  
2 of environmental health and sustainability. This appropriation is from the  
3 recycling resources economic opportunity fund created in section  
4 25-16.5-106.5 (1)(a), C.R.S., and is based on an assumption that the  
5 division will require an additional 0.8 FTE. To implement this act, the  
6 division may use this appropriation for the recycling resources economic  
7 opportunity program.

8 **SECTION 8. Act subject to petition - effective date -**  
9 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
10 the expiration of the ninety-day period after final adjournment of the  
11 general assembly (August 9, 2017, if adjournment sine die is on May 10,  
12 2017); except that, if a referendum petition is filed pursuant to section 1  
13 (3) of article V of the state constitution against this act or an item, section,  
14 or part of this act within such period, then the act, item, section, or part  
15 will not take effect unless approved by the people at the general election  
16 to be held in November 2018 and, in such case, will take effect on the  
17 date of the official declaration of the vote thereon by the governor.

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