

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 17-0338.03 Thomas Morris x4218

HOUSE BILL 17-1275

HOUSE SPONSORSHIP

Winter,

SENATE SPONSORSHIP

Priola,

House Committees

Transportation & Energy
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ADDITIONAL MEASURES TO INCREASE WASTE DIVERSION.**

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.

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
27 16.5, unless the context otherwise requires:

1 (5.3) "LANDFILL" MEANS A SOLID WASTES DISPOSAL SITE AND
2 FACILITY THAT IS REQUIRED TO HAVE A CERTIFICATE OF DESIGNATION
3 PURSUANT TO SECTION 30-20-102.

4 (5.6) (a) "OFFICE" MEANS THE COLORADO OFFICE OF ECONOMIC
5 DEVELOPMENT CREATED IN SECTION 24-48.5-101 (1).

6 (b) THIS SUBSECTION (5.6) IS REPEALED, EFFECTIVE SEPTEMBER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

8 (8.5) "SOLID WASTE" HAS THE MEANING ESTABLISHED IN SECTION
9 30-20-101 (6).

10 (9.5) "WASTE DIVERSION" MEANS THE REMOVAL OF WASTE FROM
11 THE WASTE STREAM BY ENCOURAGING AVAILABLE, AFFORDABLE, AND
12 INNOVATIVE ALTERNATIVES TO DISPOSAL, INCLUDING REUSE AND
13 RECYCLING.

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

16 **25-16.5-106.5. Recycling resources economic opportunity fund**
17 **- creation - repeal.** (2) Any ~~moneys~~ MONEY generated pursuant to
18 subsection (1) of this section shall be annually appropriated to:

19 (a) The department:

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

26 (II) ~~Such moneys may also be used~~ To fund studies pursuant to
27 section 25-16.5-105 (1)(i); AND

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

4 (B) THIS SUBSECTION (2)(a)(III) IS REPEALED, EFFECTIVE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

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

8 (II) THIS SUBSECTION (2)(b) IS REPEALED, EFFECTIVE SEPTEMBER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

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

12 **25-16.5-109.5. Waste diversion assistance - department -**
13 **repeal.** (1) THE DEPARTMENT, TO ASSIST LOCAL GOVERNMENTS AND
14 LANDFILLS INCREASE SOLID WASTE DIVERSION IN THE STATE, SHALL:

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

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

26 (c) PROVIDE GRANT-WRITING TRAINING AND LOCALIZED
27 ASSISTANCE TO INCREASE THE EFFECTIVENESS OF THE RECYCLING

1 RESOURCES ECONOMIC OPPORTUNITY GRANT PROGRAM;

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

4 (e) ENCOURAGE AND ASSIST WITH PLANNING FOR REGIONAL WASTE
5 MANAGEMENT FACILITIES AS A PRIORITY OVER INDIVIDUAL COMMUNITY
6 PLANNING, WHERE TECHNICALLY FEASIBLE, TO IMPROVE COST-EFFECTIVE
7 DISPOSAL AND DIVERSION OPTIONS FOR RURAL COMMUNITIES;

8 (f) EVALUATE THE REPORTS THAT ARE PROVIDED PURSUANT TO
9 SECTION 25-16.5-110; AND

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

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

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

21 (b) FILES AN APPLICATION FOR ASSISTANCE TO ACHIEVE THE
22 WASTE DIVERSION GOALS ESTABLISHED PURSUANT TO SUBSECTION (1)(g)
23 OF THIS SECTION OR THE REPORTING SPECIFIED IN SECTION 25-16.5-110
24 (3).

25 (3) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2022.
26 **25-16.5-109.7. Waste diversion assistance - office - repeal.**

27 (1) THE OFFICE, TO ASSIST LOCAL GOVERNMENTS AND LANDFILLS

1 INCREASE SOLID WASTE DIVERSION IN THE STATE, SHALL, IN
2 CONSULTATION WITH THE DEPARTMENT:

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

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

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

10 **25-16.5-110. Reports - repeal.** (1) NOTWITHSTANDING SECTION
11 24-1-136 (11)(a)(I):

12 (a) THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY'S
13 COMMITTEES WITH JURISDICTION OVER THE ENVIRONMENT BY DECEMBER
14 31 OF EACH YEAR AND PUBLISH THE FOLLOWING INFORMATION ON THE
15 DEPARTMENT'S WEBSITE BY JULY 1 OF EACH YEAR:

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

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

23 (III) A SUMMARY AND ANALYSIS OF:

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

26 (B) THE PROGRESS MADE IN MEETING THE DIVERSION GOALS
27 ESTABLISHED PURSUANT TO SECTION 25-16.5-109.5 (2)(g) AND THE

1 OBSTACLES THAT INHIBIT THAT PROGRESS.

2 (b) WITH REGARD TO THE OFFICE'S POWERS AND DUTIES
3 ESTABLISHED PURSUANT TO THIS ARTICLE 16.5, THE OFFICE SHALL:

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

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

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

19 (I) THE NUMBER OF TONS OF MUNICIPAL SOLID WASTE FROM THE
20 NUMBER OF TONS OF NONMUNICIPAL SOLID WASTE; AND

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

24 (b) THE DEPARTMENT SHALL GRANT A WAIVER FROM THE
25 REPORTING REQUIREMENT OF SUBSECTION (2)(a) OF THIS SECTION TO A
26 LANDFILL THAT ACCEPTS NO MORE THAN TWELVE THOUSAND TONS OF
27 SOLID WASTE ANNUALLY IF THE LANDFILL IS UNABLE TO COMPLY, HAS NOT

1 YET RECEIVED TECHNICAL ASSISTANCE TO HELP THE LANDFILL COMPLY,
2 AND HAS ASKED FOR TECHNICAL ASSISTANCE TO ACHIEVE COMPLIANCE
3 WITH THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION.

4 (3) EACH COUNTY AND CITY AND COUNTY:

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

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

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

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

21

22 **SECTION 7. Act subject to petition - effective date -**
23 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
24 the expiration of the ninety-day period after final adjournment of the
25 general assembly (August 9, 2017, if adjournment sine die is on May 10,
26 2017); except that, if a referendum petition is filed pursuant to section 1
27 (3) of article V of the state constitution against this act or an item, section,

1 or part of this act within such period, then the act, item, section, or part
2 will not take effect unless approved by the people at the general election
3 to be held in November 2018 and, in such case, will take effect on the
4 date of the official declaration of the vote thereon by the governor.

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