

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

INTRODUCED

LLS NO. 23-0839.01 Josh Schultz x5486

SENATE BILL 23-191

SENATE SPONSORSHIP

Cutter,

HOUSE SPONSORSHIP

Joseph and Kipp,

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

101 **CONCERNING A STUDY REGARDING DIVERSION OF ORGANIC MATERIALS**
102 **FROM LANDFILLS.**

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 requires the department of public health and environment (department) to study the impacts, benefits, and feasibility of requiring diversion of organic materials from landfills. The organics diversion study (study) must:

- Incorporate and utilize data contained in the statewide organics management plan and other existing Colorado

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.*

- studies and research from other states;
- Explore how to leverage existing organics diversion pilot projects in Colorado to inform implementation of broader organics diversion projects across the state;
- Evaluate the environmental benefits of diversion of organic materials from landfills;
- Review and identify the infrastructure needed to enable diversion of organic materials from landfills and create a plan for infrastructure development;
- Create actionable parameters for local governments to use to determine if, where, and what types of organics processing infrastructure is needed and basic toolkits to help local governments build the infrastructure;
- Create a timeline to effectively and equitably phase in required diversion of organic materials from landfills by region using the 4 regions of the state as identified in the state organics management plan;
- Outline and recommend policies and regulations that would enable diversion of organic materials from landfills;
- Assess informational resources necessary to enable diversion of organic materials from landfills; and
- Identify opportunities for end-market development of organic materials diverted from landfills.

On or before August 1, 2024, the department is required to submit a report of the study's research and findings to specified committees of reference in the senate and the house of representatives.

The bill authorizes the use of money in the front range waste diversion cash fund and the recycling resources economic opportunity fund to pay for costs associated with conducting the study.

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) Thirty-seven percent of the material that is landfilled in
5 Colorado is organic material, including yard trimmings and food scraps,
6 that could have been diverted from landfills through food donation,
7 composting, or mulching. These diversion practices reduce greenhouse
8 gas emissions, support resilient local economies, create green jobs, and,

1 in the case of compost, build healthy soils, conserve water, and create
2 more productive agricultural lands.

3 (b) For decades, many states have had diversion requirements for
4 organic materials, including yard trimmings and food waste, from
5 landfills in order to prolong the lifespans of landfills, to reduce food
6 waste, and to divert materials to better effectuate end-of-life management
7 activities like recycling and composting. Many states that have landfill
8 diversion requirements for organic materials have complementary policies
9 requiring food scrap diversion from large food scrap generators.

10 (c) The statewide organics management plan (plan) commissioned
11 by the department of public health and environment (department) found
12 that the "untapped demand for finished compost is potentially five times
13 greater than the amount of compost being produced today." The plan also
14 found that "[E]conomics, awareness, and lack of existing infrastructure
15 are the greatest barriers to increased organics recovery in Colorado."
16 Additionally, the plan stated that "[T]he [department] should work to gain
17 interagency cooperation to implement strategies that lead to development
18 of organics infrastructure and end-market use of compost." These
19 findings underscore the timely need and opportunity to increase
20 investment to divert more organic materials out of landfills and back into
21 the circular economy. The plan highlighted the need for the construction
22 and operation of more compost processing facilities to realize the
23 potential cost savings, job creation, and agricultural and environmental
24 benefits of diverting organic materials.

25 (d) (I) The plan recommended that the state pursue a landfill
26 diversion requirement for yard trimmings. However, it also noted the lack
27 of current processing capacity to responsibly manage those diverted

1 materials.

2 (II) Yard trimmings make up 11% of the material being landfilled
3 in Colorado (more than the national average of 8%). In 2021, Coloradans
4 landfilled over 625,000 tons of yard trimmings while only diverting
5 around 130,000 tons from landfills.

6 (III) Yard trimmings, including landscaping debris, are generally
7 contamination-free material and can make the highest quality finished
8 mulch and compost.

9 (IV) Diverting organic material to create compost creates up to
10 four times more jobs than landfilling those same materials.

11 (V) Facilities that process yard trimmings, agricultural green
12 waste, and landscaping debris are the easiest type of organics processing
13 facilities to finance and permit and are good first steps toward building
14 facilities with the capacity to take food scraps.

15 (VI) Applying finished compost to soil improves the soil nutrient
16 content, conserves water, and sequesters carbon from the atmosphere.

17 (VII) Requiring diversion of yard trimmings from landfills would:

18 (A) Create an incentive for local jurisdictions and private entities
19 to add new yard trimming recycling infrastructure;

20 (B) Reduce the production of landfill-based methane, a
21 greenhouse gas that is 84 times more potent than carbon dioxide, in the
22 near term;

23 (C) Prolong the useful lives of landfills by reducing the amount
24 of divertable materials landfilled each year, thereby saving taxpayer
25 dollars for the creation of new or expanded landfills; and

26 (D) Allow for local organics systems developed at local facilities
27 to create jobs and valuable soil amendments, including compost and

1 mulch, and reduce the importation of compost and mulch from other
2 states and countries to meet agricultural and public needs.

3 (e) (I) The plan includes a recommendation that the state pursue
4 mandatory organics recycling for food scraps as a landfill diversion
5 strategy.

6 (II) Food scraps make up 18% of the material being landfilled in
7 Colorado. In 2021, Coloradans landfilled over 1,000,000 tons of food
8 scraps while only diverting about 200,000 tons from landfills.

9 (III) One in 10 Coloradans is food insecure. A quarter of young
10 adults in rural areas (25.4%) and a fifth of Black Coloradans (22.2%)
11 experienced food insecurity in 2019. People with lower incomes,
12 Hispanic and Latinx Coloradans, and women were also disproportionately
13 food insecure.

14 (IV) Most states requiring food scraps diversion or organics
15 recycling recommend reduction and diversion methods by:

16 (A) Preferably, reducing food waste by donating edible food to
17 local food rescue organizations; or

18 (B) Diverting nonhuman, edible food for use as animal feed or for
19 compost or anaerobic digestion.

20 (V) Most states implementing required food scrap recycling
21 programs begin with a phase in plan, generally starting with large
22 generators of food scraps, such as organizations creating 52 tons or more
23 of discarded organic materials per year.

24 (VI) Requiring large food scrap generators to reduce food waste
25 by donating food and diverting nonhuman edible food to animal feed or
26 to compost facilities would:

27 (A) Provide needed food to food rescue organizations and food

- 1 banks around the state;
- 2 (B) Reduce methane gas produced from anaerobic breakdown of
3 organic materials in landfills;
- 4 (C) Prolong the lives of landfills by reducing the amount of
5 divertable materials landfilled each year; and
- 6 (D) Support the development of local organics systems that would
7 create valuable soil amendments through local facilities and local jobs,
8 thus reducing the amount of amendments imported from other states and
9 countries to meet agricultural and public use needs.
- 10 (2) The general assembly further declares that the department
11 should conduct a study that:
- 12 (a) Evaluates policies intended to divert organic materials from
13 landfills and into beneficial usages such as:
- 14 (I) Preferably, reducing food waste by donating edible food to
15 local food rescue organizations; and
- 16 (II) Diverting nonhuman edible food for use as animal feed or for
17 the creation of compost or anaerobic digestion;
- 18 (b) Creates actionable parameters for determining if, where, and
19 what types of infrastructure are needed and provides a proposed timeline
20 and basic toolkit for infrastructure development for each region of the
21 state;
- 22 (c) Generates a summary report outlining the options for
23 implementing diversion requirements based on information gathered from
24 other states with similar requirements, identifying which of the outlined
25 options are preferred by the stakeholders, and summarizing how best to
26 implement the outlined options;
- 27 (d) Recommends policies that will incentivize and support the use

1 of compost certified by the United States composting council's seal of
2 testing assurance program; and

3 (e) Is completed by August 1, 2024, so that further legislation can
4 be implemented to realize the benefits of increased organics diversion
5 across the state beginning in 2025.

6 **SECTION 2.** In Colorado Revised Statutes, **add** part 8 to article
7 17 of title 25 as follows:

8 PART 8

9 ORGANICS DIVERSION

10 **25-17-801. Definitions.** AS USED IN THIS PART 8, UNLESS THE
11 CONTEXT OTHERWISE REQUIRES:

12 (1) "COLORADO REGION" MEANS EACH OF THE FOUR GEOGRAPHIC
13 REGIONS IDENTIFIED IN THE SOMP, WHICH ARE THE WESTERN SLOPE,
14 MOUNTAINS, FRONT RANGE, AND EASTERN PLAINS.

15 (2) "COMMISSION" MEANS THE SOLID AND HAZARDOUS WASTE
16 COMMISSION CREATED IN THE DEPARTMENT IN SECTION 25-15-302.

17 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
18 AND ENVIRONMENT CREATED IN SECTION 25-1-102.

19 (4) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY
20 CITY, COUNTY, OR CITY AND COUNTY OR A SPECIAL DISTRICT FORMED
21 UNDER TITLE 32.

22 (5) "ORGANIC MATERIALS" OR "ORGANICS" MEANS ANY SOLID
23 WASTE THAT IS A BIOLOGICAL SUBSTANCE OF PLANT OR ANIMAL ORIGIN,
24 INCLUDING FOOD SCRAPS AND YARD TRIMMINGS, THAT CAN BE BROKEN
25 DOWN THROUGH BIOLOGICAL PROCESSES.

26 (6) "SOMP" MEANS THE STATEWIDE ORGANICS MANAGEMENT
27 PLAN COMMISSIONED BY THE DEPARTMENT AND DATED AUGUST 29, 2022.

1 (7) "STUDY" MEANS THE ORGANICS DIVERSION STUDY REQUIRED
2 BY SECTION 25-17-802.

3 **25-17-802. Organics diversion study - report - funding.**

4 (1) THE DEPARTMENT SHALL CONDUCT OR CAUSE TO BE CONDUCTED A
5 STUDY THAT EXPLORES WHAT LOCAL GOVERNMENTS, OTHER STATE
6 AGENCIES, AND OTHER STATES ARE DOING TO FACILITATE THE DIVERSION
7 OF ORGANIC MATERIALS FROM LANDFILLS AND CREATES POLICY AND
8 LEGISLATIVE RECOMMENDATIONS REGARDING THE FEASIBILITY OF
9 REQUIRING DIVERSION OF ORGANIC MATERIALS FROM LANDFILLS IN
10 COLORADO.

11 (2) THE DEPARTMENT AND ANY THIRD PARTY CONDUCTING THE
12 STUDY PURSUANT TO SUBSECTION (5) OF THIS SECTION SHALL ENGAGE
13 WITH AND SEEK INPUT FROM, AT A MINIMUM, THE FOLLOWING
14 STAKEHOLDERS FROM WITHIN AND OUTSIDE THE FRONT RANGE REGION OF
15 THE STATE:

16 (a) EXPERTS IN RECYCLING ORGANIC MATERIALS, INCLUDING
17 COMPOSTING, MULCHING, AND DIVERSION;

18 (b) EXPERTS IN FOOD RECOVERY FOR HUMAN USE AND FOR ANIMAL
19 USE;

20 (c) REPRESENTATIVES OF LARGE AND SMALL MUNICIPALITIES AND
21 COUNTIES OF ALL AREAS OF THE STATE;

22 (d) REPRESENTATIVES OF UNIVERSITIES OR OTHER INSTITUTIONS
23 THAT COORDINATE THEIR OWN COMPOSTING;

24 (e) WASTE HAULERS;

25 (f) LANDFILL OPERATORS;

26 (g) COMPOST FACILITY OPERATORS;

27 (h) FARMERS AND OTHER USERS OF ORGANICS PROCESSING END

- 1 PRODUCTS;
- 2 (i) REPRESENTATIVES OF LARGE GENERATORS OF FOOD SCRAPS
- 3 AND YARD TRIMMINGS; AND
- 4 (j) REPRESENTATIVES OF THE CERTIFIED COMPOSTABLE PRODUCTS
- 5 INDUSTRY.
- 6 (3) THE STUDY MUST, AT A MINIMUM:
- 7 (a) INCORPORATE AND UTILIZE DATA CONTAINED IN THE SOMP,
- 8 OTHER EXISTING COLORADO STUDIES, AND RESEARCH FROM OTHER
- 9 STATES;
- 10 (b) REVIEW AND IDENTIFY HOW TO LEVERAGE EXISTING ORGANICS
- 11 DIVERSION PILOT PROJECTS IN COLORADO TO INFORM IMPLEMENTATION OF
- 12 BROADER ORGANICS DIVERSION PROJECTS THROUGHOUT ALL COLORADO
- 13 REGIONS;
- 14 (c) CONSIDER THE COSTS, FEASIBILITY, AND BENEFITS OF
- 15 REQUIRING DIVERSION OF BOTH YARD TRIMMINGS AND FOOD SCRAPS. THE
- 16 REPORT MAY EVALUATE THE FEASIBILITY AND BENEFITS OF REQUIRING
- 17 DIVERSION OF YARD TRIMMINGS INDIVIDUALLY AND FOOD SCRAPS
- 18 INDIVIDUALLY OR EVALUATE BOTH COMBINED.
- 19 (d) REGARDING THE BENEFITS OF DIVERSION OF ORGANIC
- 20 MATERIALS FROM LANDFILLS:
- 21 (I) EVALUATE THE POTENTIAL TO EXTEND THE LIFE OF LANDFILLS
- 22 BY REDUCING THE AMOUNT OF ORGANIC MATERIALS LANDFILLED;
- 23 (II) EVALUATE THE GREENHOUSE GAS EMISSION AVOIDANCE OF
- 24 DIVERTING ORGANIC MATERIALS FROM LANDFILLS; AND
- 25 (III) EVALUATE THE WATER SAVINGS POTENTIAL OF APPLYING
- 26 FINISHED COMPOST TO COLORADO SOILS;
- 27 (e) REGARDING THE INFRASTRUCTURE NEEDED TO ENABLE

1 DIVERSION OF ORGANIC MATERIALS FROM LANDFILLS:

2 (I) CREATE ACTIONABLE PARAMETERS TO CONSIDER IF AND WHAT
3 TYPE OF FACILITIES ARE NEEDED TO PROCESS ORGANIC MATERIALS AND
4 WHERE THE FACILITIES SHOULD BE LOCATED. PARAMETERS MAY INCLUDE
5 POPULATION DENSITY, MATERIAL TYPE AND VOLUME GENERATION,
6 DISTANCE TO EXISTING INFRASTRUCTURE, ACCESS TO TRANSPORTATION
7 INFRASTRUCTURE, AND POTENTIAL FOR COLOCATING WITH ANOTHER
8 FACILITY.

9 (II) PROVIDE A PLAN FOR HOW INFRASTRUCTURE MAY BE FUNDED
10 AND CREATE A TIMELINE FOR INFRASTRUCTURE DEVELOPMENT. THE PLAN
11 MUST INCLUDE BEST PRACTICES FROM OTHER STATES THAT HAVE
12 INCENTIVIZED OR FACILITATED DEVELOPMENT OF ORGANICS PROCESSING
13 INFRASTRUCTURE.

14 (III) DETERMINE THE BEST METHODS FOR COLLECTING ORGANIC
15 MATERIALS BASED ON THE MATERIALS, GENERATORS, COLORADO REGION,
16 POPULATION DENSITY, AND TYPES OF COLLECTION FACILITIES AND
17 VEHICLES;

18 (IV) DETERMINE THE SORTING INFRASTRUCTURE, POLICIES, OR
19 OTHER MECHANISMS REQUIRED TO REDUCE CONTAMINATION AND SORT
20 OUT REMAINING CONTAMINANTS;

21 (V) (A) COMPARE THE DISTANCES REQUIRED TO TRANSPORT
22 ORGANIC MATERIALS TO LANDFILLS BY COLORADO REGION VERSUS
23 CURRENT AND POTENTIAL DISTANCES REQUIRED TO TRANSPORT ORGANIC
24 MATERIALS TO PERMITTED COMPOSTING OPERATIONS; AND

25 (B) UTILIZE THE INFORMATION GATHERED REGARDING THE
26 DISTANCES TO DEVELOP RECOMMENDATIONS TO MINIMIZE EMISSIONS AND
27 TRANSPORTATION COSTS; AND

1 (VI) EVALUATE THE BENEFITS OF INCREASING ORGANICS
2 PROCESSING CAPACITY AND THE FUNDING, INFRASTRUCTURE, AND
3 REGULATORY CHANGES NEEDED TO BUILD OUT NECESSARY
4 INFRASTRUCTURE WITHIN EACH COLORADO REGION;

5 (f) REGARDING THE TIMELINE NEEDED TO PHASE IN REQUIRED
6 DIVERSION OF ORGANIC MATERIALS FROM LANDFILLS:

7 (I) DETERMINE THE INFRASTRUCTURE NECESSARY TO ENABLE
8 IMPLEMENTATION OF DIVERSION REQUIREMENTS;

9 (II) DETERMINE THE TIMELINE, MATERIAL TYPE, AND BENCHMARKS
10 BASED ON THE TYPE AND AMOUNT OF MATERIAL GENERATED TO PHASE IN
11 LANDFILL DIVERSION REQUIREMENTS AND FOOD RECYCLING
12 REQUIREMENTS WITHIN EACH COLORADO REGION. IN CREATING A
13 TIMELINE AND BENCHMARKS, THE STUDY MUST CONSIDER:

14 (A) HOW TO MITIGATE NEGATIVE OR UNINTENDED IMPACTS ON
15 RURAL AND UNDERSERVED COMMUNITIES, INCLUDING INCREASED COST
16 BURDENS AND ILLEGAL DUMPING OF MATERIALS. MITIGATION MAY
17 INCLUDE IDENTIFYING FUNDING, REGULATORY CHANGES, AND OTHER
18 CONSIDERATIONS FOR DEVELOPING VARIOUS TYPES OF NEEDED
19 INFRASTRUCTURE TO PROCESS THE ORGANIC MATERIALS.

20 (B) HOW TO BEST SERVE AREAS WITH LOW POPULATION DENSITY
21 AND THOSE AT HIGH ALTITUDES WHERE SOME COMPOSTING PROCESSES
22 MAY NOT BE PRACTICAL. THE STUDY SHOULD EXAMINE DIFFERENT TYPES
23 OF COMPOSTING INFRASTRUCTURE, INCLUDING IN-VESSEL COMPOSTING
24 AND ANAEROBIC DIGESTION.

25 (C) HOW TO PHASE IN IMPACTS BASED ON DISTANCE TO
26 INFRASTRUCTURE WHERE ORGANICS PROCESSING FACILITIES MAY BE
27 COLOCATED, INCLUDING LANDFILLS, TRANSFER STATIONS, OR MATERIAL

1 RECOVERY FACILITIES, OR BASED ON DISTANCE TO EXISTING MULCHING
2 SITES OR COMPOST FACILITIES, AND MAKE RECOMMENDATIONS INCLUDING
3 THE MOST ADVANTAGEOUS DISTANCE FROM SOURCE TO PROCESSOR OR
4 TRANSFER STATION; AND

5 (D) HOW TO PHASE IN IMPACTS BASED ON THE TYPE AND SIZE OF
6 GENERATOR AND AMOUNT AND TYPE OF ORGANIC MATERIAL GENERATED.

7 (III) RECOMMEND PHASE-IN GOALS ACROSS MULTIPLE YEARS,
8 WHICH MAY VARY BY COLORADO REGION;

9 (g) REGARDING POLICIES AND REGULATIONS TO ENABLE DIVERSION
10 OF ORGANIC MATERIALS FROM LANDFILLS:

11 (I) WHERE APPROPRIATE TO SUPPORT DIVERSION OF ORGANIC
12 MATERIALS FROM LANDFILLS, RECOMMEND UPDATES OR AMENDMENTS TO
13 EXISTING STATE REGULATIONS TO BEST ACCOMMODATE, IMPLEMENT,
14 MONITOR, AND ENFORCE ANY PROPOSED ORGANICS DIVERSION
15 REQUIREMENTS;

16 (II) RECOMMEND DIVERSION GOALS BY COLORADO REGION TO THE
17 COMMISSION AND, IF NEEDED, UPDATES TO GOALS IDENTIFIED IN THE
18 COMMISSION'S INTEGRATED SOLID WASTE AND MATERIALS MANAGEMENT
19 PLAN; AND

20 (III) REVIEW AND IDENTIFY HOW OTHER STATES MONITOR AND
21 ENFORCE DIVERSION REQUIREMENTS AT LOCAL AND STATE LEVELS;

22 (h) REGARDING EDUCATION AND LOCAL SUPPORT TO ENABLE
23 DIVERSION OF ORGANIC MATERIALS FROM LANDFILLS:

24 (I) DETERMINE THE INFORMATIONAL RESOURCES THE DEPARTMENT
25 AND OTHER STATE AGENCIES SHOULD DEVELOP FOR LOCAL GOVERNMENTS
26 TO USE TO FACILITATE DEVELOPMENT OF ORGANICS PROCESSING
27 FACILITIES NEEDED FOR DIVERTING YARD TRIMMINGS AND OTHER ORGANIC

1 MATERIALS. INFORMATIONAL RESOURCES MAY INCLUDE MODEL
2 ORDINANCES, SAMPLE SITING GUIDELINES, RESOURCES FOR FUNDING,
3 EDUCATIONAL MATERIALS, RESOURCES ON FOOD DONATIONS, AND AN
4 ACCESSIBLE MAP OF WHERE ORGANICS PROCESSING FACILITIES ARE
5 LOCATED IN COLORADO.

6 (II) DETERMINE THE EDUCATION NEEDED TO ENSURE RESIDENTS
7 AND BUSINESSES UNDERSTAND THE VALUE AND OPERATIONS OF ORGANICS
8 DIVERSION PROGRAMS; AND

9 (III) REVIEW AND IDENTIFY HOW OTHER STATES HAVE EDUCATED
10 MUNICIPALITIES, BUSINESSES, AND RESIDENTS ABOUT ORGANICS
11 DIVERSION REQUIREMENTS;

12 (i) REGARDING END-MARKET DEVELOPMENT OF ORGANIC
13 MATERIALS DIVERTED FROM LANDFILLS:

14 (I) EVALUATE HOW TO COMBINE THE GOAL OF DIVERTING ORGANIC
15 MATERIALS FROM LANDFILLS WITH CREATING RESOURCES FOR
16 END-MARKET DEVELOPMENT, INCLUDING FOR PRODUCTION OF COMPOST,
17 MULCH, AND BIOCHAR;

18 (II) REVIEW AND IDENTIFY INTERDEPARTMENTAL OPPORTUNITIES
19 FOR PARTNERSHIPS IN DEVELOPING USAGE REQUIREMENTS FOR DIVERTED
20 ORGANIC MATERIAL END PRODUCTS, INCLUDING PUBLIC WORKS PROJECTS,
21 EROSION CONTROL, WILDFIRE MITIGATION AND POST-FIRE
22 REHABILITATION, AGRICULTURAL APPLICATION OF COMPOST, AND MINE OR
23 OTHER RECLAMATION PROJECTS. INTERDEPARTMENTAL OPPORTUNITIES
24 MUST INCLUDE:

25 (A) REVIEWING THE EXISTING STATE DEPARTMENT OF
26 TRANSPORTATION SPECIFICATIONS REGARDING COMPOST AND
27 RECOMMENDING THAT THE DEPARTMENT OF TRANSPORTATION SET

1 PARAMETERS FOR REQUIRED USAGE OF COMPOST CERTIFIED BY THE
2 UNITED STATES COMPOSTING COUNCIL'S CERTIFIED COMPOST SEAL OF
3 TESTING ASSURANCE PROGRAM, INCLUDING DISTANCE TO A PROCESSING
4 FACILITY AND COMPOST AVAILABILITY; AND

5 (B) IDENTIFYING METHODS TO WORK WITH THE STATE
6 DEPARTMENT OF AGRICULTURE AND THE COLORADO SOIL HEALTH
7 PROGRAM IN THE DEPARTMENT OF AGRICULTURE, CREATED IN SECTION
8 35-73-103, TO ADVANCE THE USE OF COMPOST IN AGRICULTURE;

9 (III) REVIEW AND IDENTIFY HOW OTHER STATES HAVE DEVELOPED
10 END MARKETS FOR ORGANIC MATERIAL USAGE AND INCENTIVIZED END
11 USAGE;

12 (IV) REVIEW AND IDENTIFY HOW LANDFILL DIVERSION
13 REQUIREMENTS WORK IN SUPPORT OF RECENT LEGISLATION AIMED AT
14 REDUCING WASTE AND STRENGTHENING LOCAL SUPPLY CHAINS THROUGH
15 RECYCLING AND COMPOSTING, INCLUDING THE FRONT RANGE WASTE
16 DIVERSION ENTERPRISE CREATED IN SECTION 25-16.5-111, THE CIRCULAR
17 ECONOMY DEVELOPMENT CENTER CREATED IN SECTION 25-17-602, AND
18 THE PRODUCER RESPONSIBILITY PROGRAM FOR STATEWIDE RECYCLING
19 CREATED IN SECTION 25-17-705;

20 (V) REVIEW AND IDENTIFY THE BENEFITS OF DIVERTING
21 MATERIALS FROM LANDFILLS, INCLUDING USING ORGANIC RESIDUALS TO
22 MAKE COMPOST AND OTHER PRODUCTS IN ORDER TO BUILD SOIL THAT
23 PROVIDES THE ECOSYSTEM SERVICES OF SEQUESTERING CARBON,
24 REDUCING WATER NEEDS, AND PROVIDING RESILIENCE; AND

25 (VI) DETERMINE WHETHER THERE IS A SIGNIFICANT VOLUME OF
26 COMPOST, BIOCHAR, AND MULCH SOLD IN COLORADO THAT IS PRODUCED
27 OUT OF STATE, AND IDENTIFY THE IMPACT OF LEGISLATION REQUIRING

1 DIVERSION OF ORGANIC MATERIALS ON THOSE SALES;

2 (j) REGARDING THE IMPACTS SPECIFIC TO COLORADO OF
3 DIVERTING MATERIALS FROM LANDFILLS:

4 (I) REVIEW AND IDENTIFY BEST PRACTICES IN COMPOSTING LARGE
5 QUANTITIES OF WOODY MATERIALS IN AN ARID CLIMATE AND AT HIGH
6 ALTITUDES, INCLUDING RESEARCHING TECHNIQUES SUCH AS BIOCHAR
7 PRODUCTION AND UTILIZATION, MYCELIUM INOCULATION, AND OTHER
8 ACCELERATED COMPOSTING METHODS THAT CAN HELP BREAK DOWN
9 ORGANIC MATERIALS OUTSIDE THE CONFINES OF INDUSTRIAL COMPOST
10 FACILITIES AS OFTEN OCCURS IN RURAL AREAS;

11 (II) REVIEW AND IDENTIFY HOW TO ADDRESS THE POTENTIAL
12 OVERSTOCK OF ORGANIC MATERIALS AWAITING PROCESSING;

13 (III) REVIEW AND IDENTIFY BEST PRACTICES FOR DIVERTING
14 ORGANIC MATERIALS IN COMMUNITIES WITH TOURISM-BASED ECONOMIES
15 THAT EXPERIENCE LARGE INFLUXES OF VISITOR-GENERATED FOOD SCRAPS
16 DURING SPECIFIC PERIODS THROUGHOUT THE YEAR; AND

17 (IV) EVALUATE CONCERNS REGARDING TOXINS IN COMPOST FROM
18 PESTICIDES, HERBICIDES, AND COMPOSTABLE PACKAGING AND REVIEW
19 AND IDENTIFY POTENTIAL SOLUTIONS TO THE CONCERNS; AND

20 (k) REGARDING FUNDING SOURCES TO ENABLE DIVERSION OF
21 ORGANIC MATERIALS FROM LANDFILLS:

22 (I) REVIEW AND IDENTIFY POTENTIAL FUNDING SOURCES TO
23 SUPPORT DEVELOPMENT OF COLLECTION, CONTAMINATION REDUCTION,
24 AND PROCESSING INFRASTRUCTURE. POTENTIAL FUNDING SOURCES MAY
25 INCLUDE EXISTING STATE FUNDS, INCLUDING THE FRONT RANGE WASTE
26 DIVERSION CASH FUND CREATED IN SECTION 25-16.5-111 (4), THE
27 RECYCLING RESOURCES ECONOMIC OPPORTUNITY FUND CREATED IN

1 SECTION 25-16.5-106.5, AND THE COLORADO ECONOMIC DEVELOPMENT
2 FUND CREATED IN SECTION 24-46-105; GRANTS FROM OTHER STATE
3 AGENCIES, INCLUDING THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN
4 SECTION 24-1-125; FEDERAL FUNDS; AND GENERATOR- OR
5 PRODUCER-FUNDED PROGRAMS.

6 (II) REVIEW AND IDENTIFY POTENTIAL FUNDING SOURCES OR FEES
7 THAT CAN BE INCREASED OR IMPROVED TO ENCOURAGE OR ENABLE
8 DIVERSION OF ORGANIC MATERIALS FROM LANDFILLS AND PROVIDE
9 INCREASED RESOURCES NEEDED FOR INFRASTRUCTURE AND PROGRAM
10 DEVELOPMENT IN ALL COLORADO REGIONS, INCLUDING IN RURAL AND
11 UNDERSERVED COMMUNITIES; AND

12 (III) REVIEW AND IDENTIFY PROGRAMS IN OTHER STATE AGENCIES
13 THAT OVERLAP WITH DIVERSION OF ORGANIC MATERIALS FROM LANDFILLS,
14 INCLUDING PUBLIC WORKS PROJECTS, EROSION CONTROL, WILDFIRE
15 MITIGATION AND POST-FIRE REHABILITATION, AGRICULTURAL
16 APPLICATION OF COMPOST, AND MINE OR OTHER RECLAMATION PROJECTS.

17 (4) ON OR BEFORE AUGUST 1, 2024, THE DEPARTMENT SHALL
18 SUBMIT A REPORT TO THE AGRICULTURE AND NATURAL RESOURCES
19 COMMITTEE AND THE TRANSPORTATION AND ENERGY COMMITTEE OF THE
20 SENATE AND THE AGRICULTURE, WATER, AND NATURAL RESOURCES
21 COMMITTEE AND THE ENERGY AND ENVIRONMENT COMMITTEE OF THE
22 HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES. THE
23 REPORT MUST INCLUDE THE STUDY'S RESEARCH, FINDINGS, AND
24 RECOMMENDATIONS, IN ACCORDANCE WITH SUBSECTION (3) OF THIS
25 SECTION.

26 (5) (a) THE DEPARTMENT MAY CONTRACT A THIRD PARTY TO
27 CONDUCT PART OR ALL OF THE STUDY.

1 (b) THE DEPARTMENT MAY COMBINE FUNDING WITH OTHER STATE
2 AGENCIES TO HIRE A THIRD PARTY TO CONDUCT THE STUDY.

3 **25-17-803. Repeal of part.** THIS PART 8 IS REPEALED, EFFECTIVE
4 JULY 1, 2025.

5 **SECTION 3.** In Colorado Revised Statutes, 25-16.5-106.5,
6 **amend** (2)(b) as follows:

7 **25-16.5-106.5. Recycling resources economic opportunity fund**
8 **- creation - repeal.** (2) The money generated pursuant to subsection (1)
9 of this section is annually appropriated to the department:

10 (b) To fund studies pursuant to sections 25-16.5-105 (1)(i),
11 25-16.5-112 (2), ~~and~~ 25-16.5-113, AND **25-17-802**, and to make
12 reimbursements pursuant to section 25-16.5-106.7 (6.5); and

13 **SECTION 4.** In Colorado Revised Statutes, 25-16.5-111, **amend**
14 (3)(a); and **add** (3)(c)(VIII) and (4)(b)(VI) as follows:

15 **25-16.5-111. Front range waste diversion enterprise -**
16 **legislative declaration - fund - goals - grant program - personal**
17 **property tax reimbursements - gifts, grants, or donations - definitions**
18 **- repeal.** (3) **Enterprise.** (a) There is hereby created in the department
19 the front range waste diversion enterprise. The enterprise is and operates
20 as a government-owned business within the department for the purpose
21 of collecting the fee charged to waste generators and using the fee to
22 provide grants and technical assistance AND PAY FOR STUDIES to promote
23 waste diversion. The enterprise is a **type 1** entity, as defined in section
24 24-1-105, and exercises its powers and performs its duties and functions
25 under the department.

26 (c) The enterprise's primary powers and duties are to:

27 (VIII) (A) IN COORDINATION WITH THE DEPARTMENT, PAY THE

1 COSTS ASSOCIATED WITH CONDUCTING THE ORGANICS DIVERSION STUDY
2 REQUIRED BY SECTION 25-17-802.

3 (B) THIS SUBSECTION (3)(c)(VIII) IS REPEALED, EFFECTIVE JULY
4 1, 2025.

5 (4) **Fund.** (b) Money in the fund is continuously appropriated to
6 the enterprise to:

7 (VI) (A) PAY THE COSTS ASSOCIATED WITH CONDUCTING THE
8 ORGANICS DIVERSION STUDY REQUIRED BY SECTION 25-17-802.

9 (B) THIS SUBSECTION (4)(b)(VI) IS REPEALED, EFFECTIVE JULY 1,
10 2025.

11 **SECTION 5. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety.