

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

DRAFT  
10.2.19

**BILL 3**

LLS NO. 20-0311.01 Jennifer Berman x3286

**INTERIM COMMITTEE BILL**

**Zero Waste and Recycling Interim Study Committee**

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**BILL TOPIC: "Develop A Statewide Organics Management Plan"**

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**A BILL FOR AN ACT**

101 **CONCERNING THE DEVELOPMENT OF A STATEWIDE ORGANICS**  
102 **MANAGEMENT PLAN TO PROMOTE COMPOST USE.**

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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/>.)*

**Zero Waste and Recycling Interim Study Committee.** The bill tasks the executive director of the department of public health and environment (executive director) or the executive director's designee and the commissioner of agriculture (commissioner) or the commissioner's designee with developing an organics management plan (plan) on or before September 1, 2022.

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*



1 AND ENVIRONMENT.

2 (5) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF  
3 THE DEPARTMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

4 (6) "GREENHOUSE GAS" MEANS CARBON DIOXIDE, METHANE,  
5 NITROUS OXIDE, HYDROFLUOROCARBONS, PERFLUOROCARBONS, NITROGEN  
6 TRIFLUORIDE, AND SULFUR HEXAFLUORIDE, EXPRESSED AS CARBON  
7 DIOXIDE EQUIVALENT.

8 **25-17.5-102. Organics management plan - surveys - study -**  
9 **collaboration with health department - reporting.** (1) ON OR BEFORE  
10 SEPTEMBER 1, 2022, THE EXECUTIVE DIRECTOR SHALL, IN COLLABORATION  
11 WITH THE COMMISSIONER, DEVELOP AN ORGANICS MANAGEMENT PLAN TO  
12 STUDY AND MAKE RECOMMENDATIONS REGARDING ORGANIC WASTE  
13 MANAGEMENT PRACTICES TO ENCOURAGE COMPOST USE ON COLORADO  
14 SOILS TO PROMOTE CARBON SEQUESTRATION. IN DEVELOPING THE PLAN,  
15 THE EXECUTIVE DIRECTOR AND COMMISSIONER SHALL WORK WITH A  
16 DIVERSE GROUP OF STAKEHOLDERS.

17 (2) THE PLAN DEVELOPED PURSUANT TO SUBSECTION (1) OF THIS  
18 SECTION MUST INCLUDE THE FOLLOWING COMPONENTS:

19 (a) THE COMPLETION OF THE FOLLOWING COMPREHENSIVE,  
20 STATEWIDE SURVEYS:

21 (I) AN END-MARKET SURVEY TO EXAMINE THE COSTS, REVENUES,  
22 AND GREENHOUSE GAS IMPACTS ASSOCIATED WITH CURRENT END USES  
23 FOR THE MAJOR CATEGORIES OF ORGANIC WASTE FEEDSTOCK GENERATED  
24 WITHIN THE STATE, WHICH CATEGORIES ARE:

- 25 (A) SOURCE-SEPARATED MUNICIPAL SOLID WASTE ORGANICS;
- 26 (B) BIOSOLIDS;
- 27 (C) DAIRY AND FEEDLOT MANURE; AND

- 1 (D) FOREST WASTE INCLUDING URBAN FOREST WASTE.
- 2 (II) A SURVEY OF EXISTING ORGANIC WASTE GENERATION  
3 FACILITIES AND PROCESSING CAPACITY;
- 4 (b) A STATEWIDE ORGANICS MANAGEMENT STUDY TO EXAMINE  
5 AND ADDRESS THE NEED FOR ORGANICS PROCESSING INFRASTRUCTURE  
6 EXPANSION AND INCREASED COMPOST UTILIZATION BY VARIOUS END  
7 USERS INCLUDING END USE FOR AGRICULTURAL PURPOSES. THE STUDY  
8 MUST INCLUDE AN EXAMINATION OF THE FOLLOWING:
- 9 (I) WITH REGARD TO THE DEVELOPMENT OF NEW OR EXPANDED  
10 ORGANICS PROCESSING INFRASTRUCTURE AND COMPOST UTILIZATION  
11 THROUGHOUT THE STATE:
- 12 (A) THE CLIMATE CHANGE IMPACTS ARISING FROM SUCH NEW OR  
13 EXPANDED INFRASTRUCTURE AND UTILIZATION; AND
- 14 (B) A COST-BENEFIT ANALYSIS;
- 15 (II) AN EXPLORATION OF VARIOUS MECHANISMS TO INCREASE AND  
16 PROMOTE INFRASTRUCTURE EXPANSION, INCLUDING:
- 17 (A) THE IDENTIFICATION OF NEW AND EXISTING COMPOST  
18 FACILITIES AS ENTERPRISE ZONE PROJECTS THAT ARE ELIGIBLE FOR  
19 COLORADO INCOME TAXPAYER CONTRIBUTIONS UNDER THE COLORADO  
20 OFFICE OF ECONOMIC DEVELOPMENT'S ENTERPRISE ZONE CONTRIBUTION  
21 PROJECT PROGRAM;
- 22 (B) POTENTIAL POLICY CHANGES THAT MAKE IT EASIER TO BUILD  
23 NEW COMPOST FACILITIES;
- 24 (C) POTENTIAL SOURCES OF FUNDING TO PROVIDE TECHNICAL  
25 SUPPORT FOR RURAL COMPOST FACILITIES THAT SERVE AGRICULTURE; AND
- 26 (D) SUSTAINABLE FUNDING OPTIONS THAT MAY BE USED TO  
27 PROMOTE THE DEVELOPMENT OF INFRASTRUCTURE;

- 1 (c) RECOMMENDATIONS REGARDING:
- 2 (I) HOW TO INCREASE THE END-MARKET DEMAND AND  
3 UTILIZATION OF COMPOST FROM VARIOUS FEEDSTOCKS. THE  
4 RECOMMENDATIONS MAY INCLUDE:
- 5 (A) INNOVATIVE WAYS TO CREATE VOLUNTARY INCENTIVES TO  
6 DIVERT ORGANIC MATERIAL FOR THE PURPOSE OF MAKING COMPOST FOR  
7 USE IN AGRICULTURE, INCLUDING DEVELOPING STANDARDS OR GOALS,  
8 MANAGING DATA, IDENTIFYING GRANT OPPORTUNITIES, AND PROVIDING  
9 TECHNICAL ASSISTANCE;
- 10 (B) A STATE PROCUREMENT STANDARD THAT, WITH REGARD TO  
11 ANY LAND THAT IS SUBJECT TO A NEW CONTRACT WITH A STATE AGENCY,  
12 REQUIRES THAT CONTRACT TO INCLUDE A REQUIREMENT REGARDING A  
13 MINIMUM OF FIVE PERCENT ORGANIC CONTENT OF THE SOIL OF THAT LAND;
- 14 (C) THE DEVELOPMENT OF SAMPLE PROCUREMENT LANGUAGE  
15 THAT A LOCAL GOVERNMENT COULD USE IN ITS PROCUREMENT PROCESS,  
16 SUCH AS LANGUAGE ESTABLISHING A REQUIREMENT THAT A PUBLIC  
17 PROJECT USE COMPOST CERTIFIED BY A NATIONALLY RECOGNIZED THIRD  
18 PARTY; AND
- 19 (D) A STATEWIDE REQUIREMENT THAT A PERSON MUST FIRST  
20 APPLY COMPOST TO ANY LAND ON WHICH THE PERSON INSTALLS SOD OR  
21 NEW GRASS; AND
- 22 (II) STRATEGIES THAT MUNICIPAL AND COMMERCIAL  
23 SOURCE-SEPARATED POST-CONSUMER ORGANIC WASTE COLLECTORS AND  
24 PROCESSORS COULD UTILIZE TO REDUCE CONTAMINATION, SUCH AS  
25 EDUCATIONAL OUTREACH PROGRAMS.
- 26 (3) (a) ON OR BEFORE FEBRUARY 1, 2023, THE EXECUTIVE  
27 DIRECTOR, IN COLLABORATION WITH THE COMMISSIONER, SHALL SUBMIT

1 A REPORT SUMMARIZING THE PLAN DEVELOPED PURSUANT TO SUBSECTION  
2 (2) OF THIS SECTION TO:

3 (I) THE ENERGY AND ENVIRONMENT COMMITTEE AND RURAL  
4 AFFAIRS AND AGRICULTURE COMMITTEE OF THE HOUSE OF  
5 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES; AND

6 (II) THE AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND  
7 THE TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR THEIR  
8 SUCCESSOR COMMITTEES.

9 (b) THE EXECUTIVE DIRECTOR SHALL PUBLISH THE REPORT  
10 CREATED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION ON THE  
11 DEPARTMENT'S PUBLIC WEBSITE.

12 **25-17.5-103. Repeal of article.** THIS ARTICLE 17.5 IS REPEALED,  
13 EFFECTIVE SEPTEMBER 1, 2023.

14 **SECTION 2. Act subject to petition - effective date.** This act  
15 takes effect at 12:01 a.m. on the day following the expiration of the  
16 ninety-day period after final adjournment of the general assembly (August  
17 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
18 referendum petition is filed pursuant to section 1 (3) of article V of the  
19 state constitution against this act or an item, section, or part of this act  
20 within such period, then the act, item, section, or part will not take effect  
21 unless approved by the people at the general election to be held in  
22 November 2020 and, in such case, will take effect on the date of the  
23 official declaration of the vote thereon by the governor.