

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Energy & Environment.

SB24-150 be amended as follows:

1 Amend reengrossed bill, page 2, strike lines 15 through 22.

2 Strike pages 3 and 4.

3 Page 5, strike lines 1 through 6 and substitute:

4 "(2) The general assembly therefore determines that it is in the
5 best interest of the state to:

6 (a) Prohibit combustion units from being eligible for any
7 state-level incentives; and

8 (b) Require pyrolysis and gasification processes to be regulated
9 at the state and local level as solid waste-to-energy incineration systems.

10 **SECTION 2.** In Colorado Revised Statutes, **add** 25-17-109 as
11 follows:

12 **25-17-109. Units that combust municipal solid waste not**
13 **eligible for state-level incentives - definitions.** (1) AS USED IN THIS
14 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

15 (a) "BIOCHAR" MEANS A CHARCOAL THAT IS PRODUCED BY
16 PYROLYSIS OF BIOMASS AND THAT MAY BE USED AS A SOIL AMENDMENT.

17 (b) "BIOSOLIDS" HAS THE MEANING SET FORTH IN SECTION
18 25-8-103 (1.4).

19 (c) "COMBUSTION UNIT" MEANS A MUNICIPAL WASTE COMBUSTION
20 UNIT, AS DEFINED IN 40 CFR 60.2977, OR OTHER SOLID WASTE
21 INCINERATION (OSWI) UNIT, AS DEFINED IN 40 CFR 60.2977, THAT
22 COMBUSTS MUNICIPAL SOLID WASTE.

23 (d) "CREMATORY INCINERATOR" MEANS ANY INCINERATOR
24 DESIGNED AND USED SOLELY FOR THE BURNING OF ANATOMICAL
25 PATHOLOGICAL WASTE, WHICH INCINERATOR MAY ALSO BURN INCIDENTAL
26 ITEMS NORMALLY CREMATED AS PART OF THE FUNERAL PROCESS, OR AS
27 OTHERWISE DEFINED BY AIR QUALITY CONTROL COMMISSION RULE.

28 (e) "HAZARDOUS WASTE" HAS THE MEANING SET FORTH IN
29 SECTION 25-15-101 (6).

30 (f) "MUNICIPAL SOLID WASTE" MEANS SOLID WASTE FROM
31 HOUSEHOLD, COMMUNITY, COMMERCIAL, OR INDUSTRIAL SOURCES THAT
32 DOES NOT CONTAIN HAZARDOUS WASTE.

33 (g) (I) "STATE INCENTIVE" MEANS ANY STATE-LEVEL GRANT,
34 LOAN, TAX CREDIT, TAX EXEMPTION, SUBSIDY, OR OTHER FINANCIAL
35 INCENTIVE.

36 (II) "STATE INCENTIVE" DOES NOT INCLUDE THE TAX CREDIT
37 ALLOWED PURSUANT TO SECTION 39-22-556.

38 (h) "WASTE TIRE" HAS THE MEANING SET FORTH IN SECTION

1 30-20-1402 (12).

2 (2) NOTWITHSTANDING ANY LAW TO THE CONTRARY, ON AND

3 AFTER JANUARY 1, 2025:

4 (a) A COMBUSTION UNIT IS NOT ELIGIBLE FOR ANY STATE

5 INCENTIVES; EXCEPT THAT THIS SUBSECTION (2)(a) DOES NOT APPLY TO:

6 (I) OPERATIONS TO EXCLUSIVELY TREAT SOURCE-SEPARATED

7 ORGANIC MATERIALS FOR THE PRODUCTION OF SOIL AMENDMENTS,

8 INCLUDING COMPOST, BIOSOLIDS, AND BIOCHAR;

9 (II) OPERATIONS TO CONDUCT ANAEROBIC DIGESTION;

10 (III) AIR CURTAIN INCINERATORS USED FOR WILDFIRE MITIGATION

11 OR INCINERATION OF THE MATERIALS LISTED IN 40 CFR 60.2888 (b)(1) TO

12 (b)(4);

13 (IV) UNITS THAT COMBUST CONTRABAND OR PROHIBITED GOODS,

14 AS DEFINED IN 40 CFR 60.2887 (p);

15 (V) UNITS OPERATING AS A CREMATORY INCINERATOR; OR

16 (VI) BIOMASS BOILERS FIRING MATERIALS LISTED IN 40 CFR

17 60.2888 (b)(1) TO (b)(4) OR OTHER APPROVED FUELS.

18 (b) COMBUSTION IS NOT CONSIDERED "RECYCLING", "RENEWABLE

19 ENERGY", "CLEAN ENERGY", "GREEN ENERGY", "CLIMATE-FRIENDLY",

20 "CARBON-FREE", "BIOFUEL", "ZERO-CARBON", OR ANY OTHER SIMILAR

21 TERM FOR THE PURPOSE OF A PROGRAM ESTABLISHED BY STATE LAW OR

22 RULES; AND

23 (c) A COMBUSTION UNIT DOES NOT MEET A "RENEWABLE

24 PORTFOLIO STANDARD", "LOW CARBON FUEL STANDARD", "RENEWABLE

25 FUEL STANDARD", OR ANY OTHER SIMILAR STANDARD ESTABLISHED BY

26 STATE LAW OR RULES.

27 (3) NOTHING IN THIS SECTION PROHIBITS STATE INCENTIVES FOR

28 THE BURNING OF WASTE TIRES OR TIRE-DERIVED PRODUCTS AS FUEL IN

29 CEMENT KILNS.

30 (4) NOTWITHSTANDING SECTION 39-22-556, AN APPLICANT FOR

31 THE TAX CREDIT ALLOWED PURSUANT TO SECTION 39-22-556, WHICH TAX

32 CREDIT IS FOR THE COSTS TO CONSTRUCT, RECONSTRUCT, OR ERECT A

33 COMBUSTION UNIT, MUST SUBMIT THE APPLICATION DESCRIBED IN SECTION

34 39-22-556 (4)(a) TO THE COLORADO ENERGY OFFICE BEFORE JANUARY 1,

35 2027, TO BE ELIGIBLE FOR THE TAX CREDIT.

36 **SECTION 3.** In Colorado Revised Statutes, 30-20-902, **amend**

37 (1) as follows:

38 **30-20-902. Definitions.** As used in this part 9, unless the context

39 otherwise requires:

40 (1) (a) "Solid waste-to-energy incineration system" means the use

41 of flammable waste material as a primary or supplemental fuel for the

42 conversion of heat into steam, electrical power, or any other form of

43 energy.

1 (b) "SOLID WASTE-TO-ENERGY INCINERATION SYSTEM" INCLUDES
2 PYROLYSIS AND GASIFICATION PROCESSES.
3 **SECTION 4.** In Colorado Revised Statutes, 31-15-1002, **amend**
4 (1) as follows:
5 **31-15-1002. Definitions.** As used in this part 10, unless the
6 context otherwise requires:
7 (1)(a) "Solid waste-to-energy incineration system" means the use
8 of flammable waste material as a primary or supplemental fuel for the
9 conversion of heat into steam, electrical power, or any other form of
10 energy.
11 (b) "SOLID WASTE-TO-ENERGY INCINERATION SYSTEM" INCLUDES
12 PYROLYSIS AND GASIFICATION PROCESSES."
13 Renumber succeeding sections accordingly.

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