

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 26-0155.01 Clare Haffner x6137

SENATE BILL 26-016

SENATE SPONSORSHIP

Cutter,

HOUSE SPONSORSHIP

Smith,

Senate Committees

Transportation & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROHIBITING THE DISCHARGE OF PREPRODUCTION**
102 **PLASTIC MATERIALS.**

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 prohibits the discharge of plastic pellets and other preproduction plastic materials through land application or into state waters, wastewater, storm water runoff, or other runoff by a facility, point source, or person that makes, uses, handles, packages, or transports plastic pellets or other preproduction plastic materials in the state.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 11 to article

3 8 of title 25 as follows:

4 **PART 11**

5 **PLASTIC PELLET-FREE WATERS ACT**

6 **25-8-1101. Short title.**

7 THE SHORT TITLE OF THIS PART 11 IS THE "PLASTIC PELLET-FREE

8 WATERS ACT".

9 **25-8-1102. Definitions.**

10 AS USED IN THIS PART 11, UNLESS THE CONTEXT OTHERWISE

11 REQUIRES:

12 (1) "DISCHARGE" MEANS THE INTRODUCTION OR ADDITION OF A

13 POLLUTANT INTO STATE WATERS, WASTEWATER, STORM WATER RUNOFF,

14 OR OTHER RUNOFF.

15 (2) (a) "FACILITY" MEANS A FACILITY THAT MAKES, USES,

16 PACKAGES, OR TRANSPORTS PLASTIC PELLETS OR OTHER PREPRODUCTION

17 PLASTIC MATERIALS IN THE STATE.

18 (b) "FACILITY" DOES NOT INCLUDE A TREATMENT WORKS, AS

19 DEFINED IN SECTION 212 OF THE FEDERAL ACT.

20 (3) (a) "PREPRODUCTION PLASTIC MATERIALS" MEANS

21 PREPRODUCTION PLASTIC PELLETS, FLAKES, FIBERS, POWDERS, OR

22 POWDERED COLORING FOR PLASTICS, IN THEIR RAW OR PRIMARY STATE.

23 (b) "PREPRODUCTION PLASTIC MATERIALS" DOES NOT INCLUDE

24 MATERIALS RESULTING FROM THE BREAKDOWN OF MANUFACTURED OR

25 OTHERWISE USEFUL PLASTIC PRODUCTS.

26 **25-8-1103. Discharge of preproduction plastic materials**

1 **prohibited.**

2 A FACILITY SHALL NOT DISCHARGE PLASTIC PELLETS OR OTHER
3 PREPRODUCTION PLASTIC MATERIALS IN THE STATE.

4 **SECTION 2.** In Colorado Revised Statutes, 25-8-501, **add** (7) as
5 follows:

6 **25-8-501. Permits required for discharge of pollutants -**
7 **administration.**

8 (7) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, THE
9 DIVISION SHALL NOT ISSUE A PERMIT FOR THE DISCHARGE OF PLASTIC
10 PELLETS OR OTHER PREPRODUCTION PLASTIC MATERIALS INTO STATE
11 WATERS.

12 **SECTION 3.** In Colorado Revised Statutes, 25-8-609, **amend** (1)
13 as follows:

14 **25-8-609. Criminal pollution - penalties.**

15 (1) ~~Any~~ A person ~~who~~ THAT recklessly, knowingly, intentionally,
16 or with criminal negligence discharges ~~any~~ A pollutant into any state
17 waters or into any domestic wastewater treatment works commits
18 criminal pollution if such discharge is made:

19 (a) In violation of ~~any~~ A permit issued under this ~~article~~; ~~or~~
20 ARTICLE 8;

21 (b) In violation of ~~any~~ A cease-and-desist order or clean-up order
22 issued by the division ~~which~~ THAT is final and not stayed by court order;
23 ~~or~~

24 (c) Without a permit, if a permit is required by ~~the provisions of~~
25 this ~~article~~ ARTICLE 8 for such discharge; ~~or~~

26 ~~(d) Repealed.~~

27 ~~(e)~~ (d) In violation of any pretreatment regulations ~~promulgated~~

1 ADOPTED by the commission; OR

2 (e) IN VIOLATION OF THE PROHIBITION ON THE DISCHARGE OF
3 PREPRODUCTION PLASTIC MATERIALS DESCRIBED IN SECTION 25-8-1103.

4 **SECTION 4.** In Colorado Revised Statutes, **add** 25-15-329 as
5 follows:

6 **25-15-329. Discharge of preproduction plastic materials**
7 **prohibited - definitions.**

8 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
9 REQUIRES:

10 (a) "DISCHARGE" MEANS THE INTRODUCTION OR ADDITION OF A
11 POLLUTANT THROUGH LAND APPLICATION AT A LOCATION THAT DOES NOT
12 HAVE FEDERAL INTERIM STATUS, A FEDERAL PERMIT GRANTED PURSUANT
13 TO THE FEDERAL ACT, OR A STATE PERMIT GRANTED BY THE DEPARTMENT
14 PURSUANT TO SECTION 25-15-303.

15 (b) (I) "FACILITY" MEANS A FACILITY THAT MAKES, USES,
16 PACKAGES, OR TRANSPORTS PLASTIC PELLETS OR OTHER PREPRODUCTION
17 PLASTIC MATERIALS IN THE STATE.

18 (II) "FACILITY" DOES NOT INCLUDE A TREATMENT WORKS, AS
19 DEFINED IN SECTION 212 OF THE FEDERAL "CLEAN WATER ACT", 33
20 U.S.C. SEC. 1251 ET SEQ.

21 (c) "LAND APPLICATION" MEANS A DISCHARGE BEING APPLIED TO
22 THE LAND.

23 (d) "PREPRODUCTION PLASTIC MATERIALS" HAS THE MEANING SET
24 FORTH IN SECTION 25-8-1102.

25 (2) A FACILITY SHALL NOT DISCHARGE PLASTIC PELLETS OR OTHER
26 PREPRODUCTION PLASTIC MATERIALS IN THE STATE.

27 **SECTION 5. Act subject to petition - effective date -**

1 **applicability.** (1) This act takes effect August 12, 2027; except that, if
2 a referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within the ninety-day period after final adjournment of the general
5 assembly, then the act, item, section, or part will not take effect unless
6 approved by the people at the general election to be held in November
7 2026 and, in such case, will take effect August 12, 2027.

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