

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

**INTRODUCED**

LLS NO. 23-0269.01 Richard Sweetman x4333

**HOUSE BILL 23-1194**

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**HOUSE SPONSORSHIP**

**McLachlan and Pugliese,**

**SENATE SPONSORSHIP**

**Simpson and Ginal,**

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**House Committees**

Transportation, Housing & Local Government

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING EFFORTS TO REMEDIATE RISKS ASSOCIATED WITH**  
102            **CERTAIN CLOSED LANDFILLS, AND, IN CONNECTION THEREWITH,**  
103            **CREATING THE CLOSED LANDFILL REMEDIATION GRANT**  
104            **PROGRAM, REQUIRING THE DEPARTMENT OF PUBLIC HEALTH**  
105            **AND ENVIRONMENT TO WORK COLLABORATIVELY WITH LOCAL**  
106            **GOVERNMENTS TO ADDRESS CONCERNS BEFORE IMPLEMENTING**  
107            **CERTAIN ENFORCEMENT MECHANISMS, AND ESTABLISHING A**  
108            **PROCESS FOR RESOLVING DISPUTES BETWEEN LOCAL**  
109            **GOVERNMENTS AND THE DEPARTMENT OF PUBLIC HEALTH AND**  
110            **ENVIRONMENT.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does*

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.*

*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 creates the closed landfill remediation grant program (grant program) to help eligible local governments pay the costs of environmental remediation efforts and landfill management. The department of public health and environment (department) is required to administer the grant program in accordance with rules promulgated by the solid and hazardous waste commission (commission) in the department. The department, in consultation with a 5-person advisory committee created in the bill, may award grants from money in the closed landfill remediation grant program fund, which fund is also created in the bill.

The bill requires the commission to promulgate rules establishing a process for resolving disputes between local governments and the department. The rules must include the creation of a technical committee consisting of 3 individuals who review disputes and recommend dispute resolutions.

The bill requires the department to work with a local government that owns a closed landfill to address compliance issues and attempt to resolve disputed issues in a collaborative manner before implementing certain enforcement mechanisms. While a dispute resolution process is occurring in good faith, the department must cease and desist with ongoing enforcement mechanisms and must not implement new enforcement mechanisms against a local government.

The bill requires the commission to promulgate rules concerning the imposition of civil penalties against local governments and to consider certain factors in promulgating the rules.

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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) The public health, safety, and welfare of Colorado citizens and  
5 the protection and preservation of Colorado's environment are of utmost  
6 importance to the state and to local governments, and achieving these  
7 values in a cost-effective manner is a shared goal and responsibility of the  
8 state and local governments;

1 (b) Proper disposal of solid waste is a matter of mixed statewide  
2 and local concern, and improper disposal creates unacceptable risks,  
3 hazards, and liabilities;

4 (c) State and local governments have a joint responsibility to work  
5 in partnership to address environmental and public health risks that may  
6 result from local-government-owned landfills, and public officials must  
7 ensure the safe and cost-effective management and disposal of solid  
8 waste for their communities;

9 (d) Local governments are limited in their financial ability to  
10 remediate potential risks to public health and the environment related to  
11 their closed landfills due to revenue-raising limitations and the  
12 unanticipated costs of remediation and management of solid waste  
13 disposal facilities; and

14 (e) Evolving science, the identification of emerging contaminants,  
15 changing health and environmental standards, expensive associated  
16 remediation challenges, and changing landfill regulations create an  
17 ongoing financial liability for local governments with ever-increasing  
18 unanticipated costs relating to landfills.

19 (2) The general assembly also finds that:

20 (a) There are nearly two hundred closed, local-government-owned  
21 landfills in Colorado, most of which collected solid waste before laws and  
22 regulations required landfills to be environmentally engineered and sited  
23 in suitable locations;

24 (b) The local governments that own these landfills do not possess  
25 adequate financial resources to take the necessary steps to mitigate the  
26 risks posed by the landfills, particularly closed solid waste facilities that  
27 no longer receive waste and therefore no longer generate revenue from

1 tipping fees;

2 (c) A grant program is needed to support local governments in  
3 remediating the risks posed by closed landfills in order to protect the  
4 public health, safety, and welfare and the environment;

5 (d) A dispute resolution process is also needed for state and local  
6 governments to collaboratively address risks posed by closed landfills  
7 before it becomes necessary for the state to engage enforcement  
8 mechanisms; and

9 (e) The department of public health and environment should  
10 attempt to collaborate with local governments to address and resolve risks  
11 posed by closed landfills before resorting to enforcement mechanisms.

12 (3) Therefore, the general assembly declares that it is in the best  
13 interests of the state to:

14 (a) Create the closed landfill remediation grant program to assist  
15 local governments in financing closed landfill remediation costs;

16 (b) Require the solid and hazardous waste commission to  
17 promulgate rules establishing a dispute resolution process; and

18 (c) Require the department of public health and environment to  
19 attempt to collaborate with local governments to address and resolve risks  
20 posed by closed landfills before resorting to enforcement mechanisms.

21 **SECTION 2.** In Colorado Revised Statutes, 30-20-100.5, **add**  
22 (1)(b.5) as follows:

23 **30-20-100.5. Legislative declaration.** (1) The general assembly  
24 hereby finds and declares that:

25 (b.5) STATE AND LOCAL GOVERNMENTS HAVE A JOINT  
26 RESPONSIBILITY TO WORK IN PARTNERSHIP TO ADDRESS ENVIRONMENTAL  
27 AND PUBLIC HEALTH RISKS THAT MAY RESULT FROM

1 LOCAL-GOVERNMENT-OWNED LANDFILLS, AND PUBLIC OFFICIALS MUST  
2 ENSURE THE SAFE AND COST-EFFECTIVE MANAGEMENT AND DISPOSAL OF  
3 SOLID WASTE FOR THEIR COMMUNITIES;

4 **SECTION 3.** In Colorado Revised Statutes, **add** 30-20-124 as  
5 follows:

6 **30-20-124. Closed landfill remediation grant program -**  
7 **creation - administration - application process - uses of grant**  
8 **program money - advisory committee - rules - fund - evaluation -**  
9 **report - definitions - repeal.** (1) **Definitions.** AS USED IN THIS SECTION,  
10 UNLESS THE CONTEXT OTHERWISE REQUIRES:

11 (a) "ADVISORY COMMITTEE" MEANS THE CLOSED LANDFILL  
12 REMEDIATION GRANT PROGRAM ADVISORY COMMITTEE CREATED IN  
13 SUBSECTION (6) OF THIS SECTION.

14 (b) "CLEANUP PROGRAM" MEANS AN INVESTIGATION OR  
15 REMEDIATION CONDUCTED AND FUNDED PURSUANT TO A STATE OR  
16 FEDERAL LAW OR PROGRAM OTHER THAN THIS PART 1, SUCH AS:

17 (I) THE FEDERAL "COMPREHENSIVE ENVIRONMENTAL RESPONSE,  
18 COMPENSATION, AND LIABILITY ACT OF 1980", 42 U.S.C. SEC. 9601 ET  
19 SEQ., AS AMENDED;

20 (II) THE BROWNFIELDS PROGRAM OF THE FEDERAL  
21 ENVIRONMENTAL PROTECTION AGENCY;

22 (III) A FEDERAL RADIATION CONTROL PROGRAM SUCH AS THE  
23 "URANIUM MILL TAILINGS RADIATION CONTROL ACT", 42 U.S.C. SEC.  
24 7901 ET SEQ., AS AMENDED;

25 (IV) ARTICLE 11 OF TITLE 25 CONCERNING RADIATION CONTROL;  
26 OR

27 (V) THE FEDERAL "RESOURCE CONSERVATION AND RECOVERY

1 ACT OF 1976", 42 U.S.C. SEC. 6901 ET SEQ., AS AMENDED.

2 (c) "CLOSED LANDFILL" MEANS A LANDFILL THAT NO LONGER  
3 ACCEPTS NEW WASTE FOR DISPOSAL. "CLOSED LANDFILL" INCLUDES A  
4 CLOSED SITE OR FACILITY.

5 (d) "COMMISSION" MEANS THE SOLID AND HAZARDOUS WASTE  
6 COMMISSION CREATED IN SECTION 25-15-302.

7 (e) "ELIGIBLE LOCAL GOVERNMENT" MEANS A LOCAL  
8 GOVERNMENT THAT OWNS A CLOSED LANDFILL THAT:

9 (I) WAS FORMERLY BUT IS NO LONGER OPERATED BY THE LOCAL  
10 GOVERNMENT OR BY ANY STATE OR FEDERAL AGENCY;

11 (II) IS NOT SUBJECT TO ANY INVESTIGATION OR REMEDIATION  
12 PURSUANT TO A CLEANUP PROGRAM; AND

13 (III) DOES NOT HAVE ANY FULLY FUNDED PRIVATE SECTOR  
14 FINANCIAL ASSURANCE MECHANISM IN PLACE THAT ADEQUATELY  
15 RESOLVES THE PUBLIC HEALTH AND ENVIRONMENTAL RISKS ASSOCIATED  
16 WITH THE LANDFILL.

17 (f) "FUND" MEANS THE CLOSED LANDFILL REMEDIATION GRANT  
18 PROGRAM FUND CREATED IN SUBSECTION (8) OF THIS SECTION.

19 (g) "GRANT PROGRAM" MEANS THE CLOSED LANDFILL  
20 REMEDIATION GRANT PROGRAM CREATED IN SUBSECTION (2) OF THIS  
21 SECTION.

22 (h) "LANDFILL" MEANS A SOLID WASTE DISPOSAL SITE AND  
23 FACILITY.

24 (i) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY  
25 CITY, COUNTY, OR CITY AND COUNTY.

26 (2) **Grant program created.** THE CLOSED LANDFILL REMEDIATION  
27 GRANT PROGRAM IS CREATED TO PROVIDE GRANTS TO ELIGIBLE LOCAL

1 GOVERNMENTS TO HELP PAY THE COSTS OF ENVIRONMENTAL  
2 REMEDIATION EFFORTS FOR AND MANAGEMENT OF CLOSED LANDFILLS  
3 THAT ARE OWNED BY THE ELIGIBLE LOCAL GOVERNMENTS. SUBJECT TO  
4 ANNUAL APPROPRIATION, GRANTS SHALL BE PAID FROM MONEY IN THE  
5 FUND.

6 (3) **Administration.** ON AND AFTER JANUARY 1, 2024, THE  
7 DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM IN ACCORDANCE  
8 WITH RULES PROMULGATED BY THE COMMISSION PURSUANT TO  
9 SUBSECTION (7) OF THIS SECTION AND SHALL CONSULT WITH THE  
10 ADVISORY COMMITTEE TO:

11 (a) EVALUATE GRANT APPLICATIONS USING CRITERIA ESTABLISHED  
12 BY THE RULES; AND

13 (b) AWARD GRANTS TO ELIGIBLE LOCAL GOVERNMENTS.

14 (4) **Application process.** TO RECEIVE A GRANT, AN ELIGIBLE  
15 LOCAL GOVERNMENT MUST APPLY TO THE DEPARTMENT IN ACCORDANCE  
16 WITH THE RULES PROMULGATED BY THE COMMISSION PURSUANT TO  
17 SUBSECTION (7)(a)(I) OF THIS SECTION.

18 (5) **Uses of grant program money.** (a) AN ELIGIBLE LOCAL  
19 GOVERNMENT THAT RECEIVES A GRANT FROM THE GRANT PROGRAM SHALL  
20 USE THE GRANT MONEY ONLY TO PAY FOR REASONABLE COSTS NECESSARY  
21 TO ASSESS AND REMEDIATE RISKS POSED BY THE LOCAL GOVERNMENT'S  
22 CLOSED LANDFILL AND TO COMPLY WITH APPLICABLE LAW, INCLUDING  
23 PAYING REASONABLE EXPENSES NECESSARY TO:

24 (I) TAKE EMERGENCY, PREVENTIVE, OR CORRECTIVE ACTIONS AT  
25 A CLOSED LANDFILL;

26 (II) INVESTIGATE, DESIGN, AND IMPLEMENT APPROPRIATE  
27 REMEDIATION ACTIONS IN ACCORDANCE WITH APPLICABLE REGULATIONS,

1 INCLUDING RETAINING PRIVATE THIRD PARTIES TO ADVISE THE LOCAL  
2 GOVERNMENT AND TO PERFORM TASKS;

3 (III) DEVELOP, PREPARE, AND IMPLEMENT PLANS SUCH AS WORK  
4 PLANS, IMPLEMENTATION PLANS, ANNUAL MONITORING PLANS,  
5 CONTINGENCY PLANS, COMMUNITY RELATIONS PLANS, MATERIALS  
6 MANAGEMENT PLANS, AND POST-CLOSURE PLANS;

7 (IV) DEVELOP AND IMPLEMENT A PLAN FOR PUBLIC INVOLVEMENT  
8 IN THE DEVELOPMENT, IMPLEMENTATION, MODIFICATION, OR EXPANSION  
9 OF REMEDIATION MEASURES; AND

10 (V) PERFORM POST-CLOSURE CARE ACTIVITIES, INCLUDING:

11 (A) THE USE OF INSTITUTIONAL AND ENGINEERING CONTROLS TO  
12 ENSURE SITE CONDITIONS REMAIN PROTECTIVE OF PUBLIC HEALTH,  
13 SAFETY, AND WELFARE AND THE ENVIRONMENT; AND

14 (B) POST-CLOSURE MONITORING.

15 (b) WHEN EXPENDING ANY MONEY PURSUANT TO THIS SECTION,  
16 THE DEPARTMENT, THE COMMISSION, AND ANY ELIGIBLE LOCAL  
17 GOVERNMENT THAT RECEIVES A GRANT FROM THE GRANT PROGRAM  
18 SHALL:

19 (I) GIVE PRIORITY TO MITIGATING THE RISKS POSED BY SOLID  
20 WASTE; AND

21 (II) USE BEST EFFORTS TO MINIMIZE THE AMOUNT OF MONEY  
22 EXPENDED FOR CHARACTERIZING THE ENDANGERMENT.

23 (6) **Advisory committee created.** (a) THE CLOSED LANDFILL  
24 REMEDIATION GRANT PROGRAM ADVISORY COMMITTEE IS CREATED IN THE  
25 DEPARTMENT TO REVIEW GRANT APPLICATIONS AND ADVISE THE  
26 DEPARTMENT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION. ON OR  
27 BEFORE NOVEMBER 1, 2023, THE COMMISSION SHALL APPOINT FIVE



1 MEMBERS TO THE ADVISORY COMMITTEE, INCLUDING:

2 (I) TWO MEMBERS REPRESENTING LOCAL GOVERNMENTS; AND

3 (II) THREE MEMBERS WITH TECHNICAL EXPERTISE WHO ARE NOT  
4 AFFILIATED WITH A LOCAL GOVERNMENT OR WITH THE DEPARTMENT.

5 (b) THE MEMBERS OF THE ADVISORY COMMITTEE SERVE TERMS OF  
6 THREE YEARS; EXCEPT THAT:

7 (I) ONE OF THE MEMBERS INITIALLY APPOINTED PURSUANT TO  
8 SUBSECTION (6)(a)(I) OF THIS SECTION SERVES AN INITIAL TERM OF ONE  
9 YEAR; AND

10 (II) TWO OF THE MEMBERS INITIALLY APPOINTED PURSUANT TO  
11 SUBSECTION (6)(a)(II) OF THIS SECTION SERVE INITIAL TERMS OF TWO  
12 YEARS.

13 (c) THE MEMBERS OF THE ADVISORY COMMITTEE SERVE WITHOUT  
14 COMPENSATION.

15 (7) **Rules.** (a) ON OR BEFORE NOVEMBER 1, 2023, THE  
16 COMMISSION SHALL PROMULGATE RULES FOR THE ADMINISTRATION OF THE  
17 GRANT PROGRAM AS DESCRIBED IN THIS SECTION. AT A MINIMUM, THE  
18 RULES MUST INCLUDE:

19 (I) PROCEDURES AND TIMELINES BY WHICH AN ELIGIBLE LOCAL  
20 GOVERNMENT MAY APPLY FOR A GRANT;

21 (II) SAFEGUARDS THAT ENSURE THAT THE DEPARTMENT AWARDS  
22 GRANTS ON A FAIR AND EQUITABLE BASIS CONSISTENT WITH ESTABLISHED  
23 PRIORITIES;

24 (III) CRITERIA FOR EVALUATING GRANT APPLICATIONS AND  
25 AWARDING GRANTS;

26 (IV) CRITERIA FOR DETERMINING GRANT AMOUNTS;

27 (V) REPORTING REQUIREMENTS FOR GRANT RECIPIENTS; AND

1 (VI) THE CIRCUMSTANCES, IF ANY, UNDER WHICH A GRANT  
2 APPLICANT MAY BE REQUIRED TO DEMONSTRATE MATCHING FUNDS.

3 (b) WHEN DEVELOPING CRITERIA FOR EVALUATING GRANT  
4 APPLICATIONS AND AWARDING GRANTS PURSUANT TO SUBSECTION  
5 (7)(a)(III) OF THIS SECTION, THE COMMISSION SHALL REQUIRE THAT THE  
6 DEPARTMENT:

7 (I) GIVE PRIORITY TO GRANT APPLICATIONS THAT CONCERN  
8 REMEDIATION EFFORTS AT CLOSED LANDFILLS THAT ARE SUBJECT TO  
9 EXISTING COMPLIANCE ORDERS AND AT CLOSED LANDFILLS THAT POSE THE  
10 GREATEST ACTUAL RISK TO PUBLIC HEALTH AND THE ENVIRONMENT.  
11 WHEN DETERMINING ACTUAL RISK TO PUBLIC HEALTH AND THE  
12 ENVIRONMENT, THE COMMISSION SHALL REQUIRE THE DEPARTMENT TO:

13 (A) PRIORITIZE REMEDIATION THAT ENABLES THE STATE AND  
14 LOCAL GOVERNMENTS TO PROTECT PUBLIC HEALTH AND THE  
15 ENVIRONMENT IN A MANNER THAT MAKES EFFICIENT USE OF LIMITED  
16 GRANT FUNDING; AND

17 (B) CONSIDER AN ELIGIBLE LOCAL GOVERNMENT'S TECHNICAL  
18 ASSESSMENT OF THE ACTUAL RISK POSED TO PUBLIC HEALTH AND THE  
19 ENVIRONMENT;

20 (II) CONSIDER GIVING PRIORITY TO GRANT APPLICATIONS  
21 RECEIVED FROM ELIGIBLE LOCAL GOVERNMENTS THAT REQUEST A GRANT  
22 TO PAY FOR:

23 (A) REMEDIATION ACTIVITIES RESULTING FROM OR IDENTIFIED BY  
24 THE DISPUTE RESOLUTION PROCESS DESCRIBED IN SECTION 30-20-109  
25 (2.6); AND

26 (B) COSTS ASSOCIATED WITH PARTICIPATION IN THE DISPUTE  
27 RESOLUTION PROCESS DESCRIBED IN SECTION 30-20-109 (2.6); AND

1 (III) (A) CONSIDER GIVING PRIORITY TO GRANT APPLICATIONS  
2 RECEIVED FROM ELIGIBLE LOCAL GOVERNMENTS THAT COMMIT MATCHING  
3 FUNDS FROM OTHER SOURCES TO PAY THE COSTS OF THE REMEDIATION  
4 ACTIVITIES THAT ARE THE BASIS OF THE GRANT APPLICATION.

5 (B) IN MAKING THE CONSIDERATION DESCRIBED IN SUBSECTION  
6 (7)(b)(III)(A) OF THIS SECTION, WITH REGARD TO GRANT APPLICATIONS  
7 RECEIVED FROM ELIGIBLE LOCAL GOVERNMENTS THAT ARE COUNTIES,  
8 CONSIDER WHETHER CERTAIN COUNTIES SHOULD BE REQUIRED TO  
9 CONTRIBUTE A LOWER AMOUNT OR PERCENTAGE OF MATCHING FUNDS  
10 THAN OTHER COUNTIES OR BE EXEMPT FROM A MATCHING FUNDS  
11 REQUIREMENT BASED ON THE COUNTIES' POPULATIONS, AS DETERMINED  
12 PURSUANT TO THE MOST RECENTLY PUBLISHED POPULATION ESTIMATES  
13 FROM THE STATE DEMOGRAPHER APPOINTED BY THE EXECUTIVE DIRECTOR  
14 OF THE DEPARTMENT OF LOCAL AFFAIRS.

15 (8) **Cash fund created.** (a) THE CLOSED LANDFILL REMEDIATION  
16 GRANT PROGRAM FUND IS CREATED IN THE STATE TREASURY. THE FUND  
17 CONSISTS OF:

18 (I) MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR  
19 TRANSFER TO THE FUND FROM THE GENERAL FUND OR ANY OTHER FUND;

20 (II) MONEY DERIVED FROM DEPARTMENT ENFORCEMENT ACTIONS  
21 PURSUANT TO SECTION 30-20-113 (5)(b); AND

22 (III) MONEY CREDITED TO THE FUND AS GIFTS, GRANTS, AND  
23 DONATIONS PURSUANT TO SUBSECTION (8)(d) OF THIS SECTION.

24 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
25 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
26 FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEY  
27 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR REMAINS IN THE

1 FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL  
2 FUND OR ANY OTHER FUND.

3 (c) THE MONEY IN THE FUND IS SUBJECT TO ANNUAL  
4 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR USE  
5 FOR THE PURPOSES SET FORTH IN THIS SECTION. THE DEPARTMENT MAY  
6 EXPEND UP TO TWO AND ONE-HALF PERCENT OF THE MONEY THAT IS  
7 ANNUALLY APPROPRIATED TO THE DEPARTMENT FROM THE FUND TO PAY  
8 ADMINISTRATIVE COSTS INCURRED BY THE DEPARTMENT, THE  
9 COMMISSION, THE ADVISORY COMMITTEE, AND THE TECHNICAL  
10 COMMITTEE CREATED IN SECTION 30-20-109 (2.6)(a), INCLUDING COSTS  
11 RELATING TO DISPUTE RESOLUTION AND DOCUMENT REVIEW.

12 (d) THE DEPARTMENT IS AUTHORIZED TO SEEK, ACCEPT, AND  
13 EXPEND GIFTS, GRANTS, AND DONATIONS FOR THE PURPOSES OF THIS  
14 SECTION AND SHALL TRANSMIT ANY MONEY RECEIVED FROM GIFTS,  
15 GRANTS, OR DONATIONS TO THE STATE TREASURER FOR DEPOSIT IN THE  
16 FUND.

17 (e) ON AUGUST 31, 2033, THE STATE TREASURER SHALL TRANSFER  
18 ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND TO THE  
19 GENERAL FUND.

20 (9) **Evaluation and funding recommendations.** ON OR BEFORE  
21 DECEMBER 1, 2025, AND ON OR BEFORE DECEMBER 1 EVERY THREE YEARS  
22 THEREAFTER, THE COMMISSION SHALL EVALUATE THE CURRENT AND  
23 FUTURE FINANCIAL NEEDS OF THE GRANT PROGRAM AND MAKE WRITTEN  
24 RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING FUNDING.

25 (10) **Report.** ON OR BEFORE NOVEMBER 1, 2025, AND ON OR  
26 BEFORE NOVEMBER 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT  
27 SHALL PREPARE AND POST ON ITS PUBLIC WEBSITE A REPORT THAT



1           **SECTION 5.** In Colorado Revised Statutes, 30-20-109, **add** (2.6)  
2 as follows:

3           **30-20-109. Commission to promulgate rules - dispute**  
4 **resolution process - technical committee - definitions.** (2.6) (a) ON OR  
5 BEFORE NOVEMBER 1, 2023, THE SOLID AND HAZARDOUS WASTE  
6 COMMISSION SHALL PROMULGATE RULES ESTABLISHING A PROCESS FOR  
7 RESOLVING DISPUTES RELATED TO REMEDIATION OF CLOSED,  
8 LOCAL-GOVERNMENT-OWNED LANDFILLS. THE RULES MUST INCLUDE THE  
9 CREATION OF A TECHNICAL COMMITTEE CONSISTING OF THREE  
10 INDIVIDUALS, EACH OF WHOM IS AN INDEPENDENT, OBJECTIVE EXPERT, TO  
11 REVIEW DISPUTES AND RECOMMEND DISPUTE RESOLUTIONS TO LOCAL  
12 GOVERNMENTS AND THE DEPARTMENT THAT ARE EQUITABLE; PROTECTIVE  
13 OF PUBLIC HEALTH, SAFETY, AND WELFARE AND THE ENVIRONMENT;  
14 COMPLIANT WITH APPLICABLE LAW; COST-EFFECTIVE; AND CONSISTENT  
15 WITH RESPONSIBLE GOVERNMENT PRACTICES. THE MEMBERS OF THE  
16 TECHNICAL COMMITTEE ARE APPOINTED BY THE EXECUTIVE DIRECTOR OF  
17 THE DEPARTMENT, IN CONSULTATION WITH A STATEWIDE ORGANIZATION  
18 REPRESENTING LOCAL GOVERNMENTS, AND MUST INCLUDE:

19           (I) AN INDIVIDUAL WHO IS A CURRENT OR FORMER LOCAL  
20 GOVERNMENT OFFICIAL, RETIRED JUDGE, OR ATTORNEY WHOSE  
21 PROFESSIONAL EXPERIENCE DEMONSTRATES AN ABILITY TO CONTRIBUTE  
22 TO THE COMMITTEE'S BODY OF EXPERTISE AND TO HELP THE COMMITTEE  
23 MAKE SOUND, BALANCED DECISIONS;

24           (II) AN INDIVIDUAL WITH PROFESSIONAL EXPERIENCE OR FORMAL  
25 TRAINING IN ENVIRONMENTAL REMEDIATION OF CLOSED,  
26 LOCAL-GOVERNMENT-OWNED LANDFILLS; AND

27           (III) AN INDIVIDUAL WITH FORMAL TRAINING OR SUBSTANTIAL

1 EXPERIENCE IN PUBLIC HEALTH.

2 (b) THE MEMBERS OF THE TECHNICAL COMMITTEE SERVE TERMS OF  
3 THREE YEARS; EXCEPT THAT:

4 (I) THE MEMBER INITIALLY APPOINTED PURSUANT TO SUBSECTION  
5 (2.6)(a)(I) OF THIS SECTION SERVES AN INITIAL TERM OF ONE YEAR; AND

6 (II) THE MEMBER INITIALLY APPOINTED PURSUANT TO SUBSECTION  
7 (2.6)(a)(II) OF THIS SECTION SERVES AN INITIAL TERM OF TWO YEARS.

8 (c) THE MEMBERS OF THE TECHNICAL COMMITTEE SERVE WITHOUT  
9 COMPENSATION.

10 (d) THE TECHNICAL COMMITTEE MAY PERFORM, OR RECOMMEND  
11 THAT A LOCAL GOVERNMENT OR THE DEPARTMENT PERFORM, ACTIONS  
12 REASONABLY NECESSARY TO ENABLE THE TECHNICAL COMMITTEE TO  
13 MAKE RECOMMENDATIONS.

14 (e) EITHER A LOCAL GOVERNMENT OR THE DEPARTMENT MAY  
15 INITIATE THE DISPUTE RESOLUTION PROCESS DESCRIBED IN THIS  
16 SUBSECTION (2.6) AT ANY TIME, IN ACCORDANCE WITH RULES  
17 PROMULGATED PURSUANT TO SUBSECTION (2.6)(a) OF THIS SECTION. IF  
18 EITHER PARTY INITIATES THE DISPUTE RESOLUTION PROCESS, BOTH  
19 PARTIES SHALL COOPERATE AND PARTICIPATE IN THE DISPUTE RESOLUTION  
20 PROCESS IN GOOD FAITH.

21 (f) ANY FINAL DECISION BY THE SOLID AND HAZARDOUS WASTE  
22 COMMISSION FOLLOWING THE DISPUTE RESOLUTION PROCESS ESTABLISHED  
23 BY RULES PROMULGATED PURSUANT TO SUBSECTION (2.6)(a) OF THIS  
24 SECTION:

25 (I) MUST BE:

26 (A) EQUITABLE;

27 (B) PROTECTIVE OF PUBLIC HEALTH, SAFETY, AND WELFARE AND

1 THE ENVIRONMENT;  
2 (C) COST-EFFECTIVE;  
3 (D) CONSISTENT WITH RESPONSIBLE GOVERNMENT PRACTICES;  
4 AND  
5 (E) COMPLIANT WITH APPLICABLE LAW, INCLUDING SECTION 20 OF  
6 ARTICLE X OF THE STATE CONSTITUTION; AND  
7 (II) IS A FINAL AGENCY ACTION SUBJECT TO JUDICIAL REVIEW  
8 PURSUANT TO SECTION 24-4-106.  
9 (g) AS DESCRIBED IN SECTION 30-20-124 (8)(c), THE DEPARTMENT  
10 MAY USE MONEY FROM THE CLOSED LANDFILL REMEDIATION GRANT  
11 PROGRAM FUND TO PAY ADMINISTRATIVE COSTS INCURRED BY THE SOLID  
12 AND HAZARDOUS WASTE COMMISSION AND BY THE TECHNICAL COMMITTEE  
13 CREATED IN SUBSECTION (2.6)(a) OF THIS SECTION.

14 **SECTION 6.** In Colorado Revised Statutes, 30-20-113, **amend**  
15 (5)(b); and **add** (10) as follows:

16 **30-20-113. Inspection - enforcement - nuisances - violations -**  
17 **civil penalty - dispute resolution - rules.** (5) (b) Any penalty collected  
18 by the department under this part 1 or part 10 of this ~~article~~ ARTICLE 20  
19 shall be paid to the state treasurer, WHO SHALL CREDIT ONE HALF OF THE  
20 AMOUNT OF THE PENALTY TO THE GENERAL FUND AND ONE HALF OF THE  
21 AMOUNT OF THE PENALTY TO THE CLOSED LANDFILL REMEDIATION GRANT  
22 PROGRAM FUND CREATED IN SECTION 30-20-124 (8); however,  
23 notwithstanding this ~~paragraph (b)~~ SUBSECTION (5)(b), the department  
24 may enter into settlement agreements regarding any penalty or claim  
25 under this part 1 or part 10 of this ~~article~~ ARTICLE 20. Any settlement  
26 agreement may include but is not necessarily limited to the payment or  
27 contribution of ~~moneys~~ MONEY to state or local agencies for



1 environmentally beneficial purposes.

2 (10) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO  
3 THE CONTRARY, IN THE CONTEXT OF A CLOSED LANDFILL, AS DEFINED IN  
4 SECTION 30-20-124 (1)(c), OWNED BY A LOCAL GOVERNMENT, PRIOR TO  
5 IMPLEMENTING THE ENFORCEMENT MECHANISMS DESCRIBED IN THIS  
6 SECTION AGAINST ANY LOCAL GOVERNMENT, THE DEPARTMENT SHALL  
7 WORK WITH THE LOCAL GOVERNMENT THAT OWNS THE CLOSED LANDFILL  
8 TO ADDRESS COMPLIANCE ISSUES AND ATTEMPT TO RESOLVE DISPUTED  
9 ISSUES IN A COLLABORATIVE MANNER THAT RESULTS IN A SOLUTION THAT  
10 IS:

- 11 (I) EQUITABLE;
- 12 (II) PROTECTIVE OF PUBLIC HEALTH, SAFETY, AND WELFARE AND  
13 THE ENVIRONMENT;
- 14 (III) COST-EFFECTIVE;
- 15 (IV) CONSISTENT WITH RESPONSIBLE GOVERNMENT PRACTICES;
- 16 AND
- 17 (V) COMPLIANT WITH APPLICABLE LAW, INCLUDING SECTION 20 OF  
18 ARTICLE X OF THE STATE CONSTITUTION.

19 (b) IN COLLABORATING AS DESCRIBED IN SUBSECTION (10)(a) OF  
20 THIS SECTION, THE DEPARTMENT AND A LOCAL GOVERNMENT SHALL  
21 CONSIDER:

- 22 (I) THE IMMEDIATE AND ACTUAL RISK THAT A PURPORTED  
23 VIOLATION POSES TO PUBLIC HEALTH, SAFETY, AND WELFARE AND THE  
24 ENVIRONMENT;
- 25 (II) THE EFFORTS THE LOCAL GOVERNMENT PREVIOUSLY  
26 EMPLOYED TO IMPLEMENT PROTECTIVE MEASURES AND CONDUCT  
27 REMEDIATION;

1 (III) THE COST OF THE PROTECTIVE AND REMEDIATION MEASURES  
2 THAT THE DEPARTMENT CONSIDERS NECESSARY AND THE ABILITY OF THE  
3 LOCAL GOVERNMENT TO PAY THE COSTS;

4 (IV) LAND USE CONSTRAINTS OR RESTRICTIONS THAT MIGHT  
5 IMPEDE INVESTIGATION AND REMEDIATION; AND

6 (V) ALL TECHNICALLY VIABLE METHODS TO MITIGATE ACTUAL  
7 RISK AND REMEDIATE THE SITE.

8 (c) (I) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
9 CONTRARY, WHILE A DISPUTE RESOLUTION PROCESS IS OCCURRING IN  
10 GOOD FAITH PURSUANT TO SECTION 30-20-109 (2.6), THE DEPARTMENT  
11 SHALL IMPOSE A MORATORIUM ON PROSPECTIVE ENFORCEMENT  
12 MECHANISMS DESCRIBED IN THIS SECTION UNLESS THERE IS AN  
13 EMERGENCY THAT REQUIRES IMMEDIATE ACTION.

14 (II) NOTWITHSTANDING ANY PROVISION OF THIS PART 1 OR ANY  
15 RULES PROMULGATED PURSUANT TO THIS PART 1 THAT ALLOW OR  
16 AUTHORIZE THE DEPARTMENT TO BILL LOCAL GOVERNMENTS FOR THE  
17 DEPARTMENT'S COSTS IN PERFORMING REGULATORY ACTIVITIES,  
18 INCLUDING RECEIVING, REVIEWING, EVALUATING, AND RESPONDING TO  
19 CORRESPONDENCE AND SUBMISSIONS REGARDING CLOSED LANDFILLS, THE  
20 DEPARTMENT SHALL NOT BILL A LOCAL GOVERNMENT FOR SUCH COSTS  
21 WHILE THE DEPARTMENT AND THE LOCAL GOVERNMENT ARE  
22 PARTICIPATING IN GOOD FAITH IN THE COLLABORATION AND DISPUTE  
23 RESOLUTION PROCESS ESTABLISHED PURSUANT TO SECTION 30-20-109  
24 (2.6).

25 (d) ON OR BEFORE NOVEMBER 1, 2023, THE COMMISSION SHALL  
26 PROMULGATE RULES CONCERNING THE IMPOSITION OF CIVIL PENALTIES  
27 AGAINST LOCAL GOVERNMENTS, WHICH RULES MUST INCLUDE

1 CONSIDERATION OF:

2 (I) AGGRAVATING AND MITIGATING CIRCUMSTANCES;

3 (II) A LOCAL GOVERNMENT'S APPLICATION FOR OR RECEIPT OF A  
4 GRANT AWARDED PURSUANT TO SECTION 30-20-124;

5 (III) THE GOOD FAITH EFFORTS OF THE LOCAL GOVERNMENT TO  
6 REMEDY THE VIOLATION;

7 (IV) THE GOOD FAITH RECOMMENDATIONS OF ANY EXPERTS  
8 RETAINED BY THE LOCAL GOVERNMENT AND THE LOCAL GOVERNMENT'S  
9 COMPLIANCE WITH THOSE RECOMMENDATIONS; AND

10 (V) THE CONSTRAINTS OF SECTION 20 OF ARTICLE X OF THE STATE  
11 CONSTITUTION.

12 (e) NOTHING IN THIS SUBSECTION (10) SHALL BE CONSTRUED TO  
13 INCREASE THE ENFORCEMENT AUTHORITY OF THE DEPARTMENT OR TO  
14 IMPOSE ANY RESTRICTIONS OR REQUIREMENTS ON LANDFILLS OR LOCAL  
15 GOVERNMENTS IN ADDITION TO THOSE OTHERWISE REQUIRED BY LAW.

16 **SECTION 7.** In Colorado Revised Statutes, 24-75-402, **add**  
17 (5)(aaa) as follows:

18 **24-75-402. Cash funds - limit on uncommitted reserves -**  
19 **reduction in the amount of fees - exclusions - definitions.**

20 (5) Notwithstanding any provision of this section to the contrary, the  
21 following cash funds are excluded from the limitations specified in this  
22 section:

23 (aaa) THE CLOSED LANDFILL REMEDIATION GRANT PROGRAM FUND  
24 CREATED IN SECTION 30-20-124 (8).

25 **SECTION 8. Act subject to petition - effective date -**  
26 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
27 the expiration of the ninety-day period after final adjournment of the

1 general assembly; except that, if a referendum petition is filed pursuant  
2 to section 1 (3) of article V of the state constitution against this act or an  
3 item, section, or part of this act within such period, then the act, item,  
4 section, or part will not take effect unless approved by the people at the  
5 general election to be held in November 2024 and, in such case, will take  
6 effect on the date of the official declaration of the vote thereon by the  
7 governor.

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