

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0269.01 Richard Sweetman x4333

HOUSE BILL 23-1194

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House Committees

Transportation, Housing & Local Government
Appropriations

Senate Committees

Appropriations

SENATE
3rd Reading Unamended
May 7, 2023

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, AND MAKING AN APPROPRIATION.**

SENATE
2nd Reading Unamended
May 6, 2023

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>.)

HOUSE
3rd Reading Unamended
May 5, 2023

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

HOUSE
Amended 2nd Reading
May 3, 2023

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.

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.

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;

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

12 (c) State and local governments have a joint responsibility to work
13 in partnership to address environmental and public health risks that may

1 result from local-government-owned landfills, and public officials must
2 ensure the safe and cost-effective management and disposal of solid
3 waste for their communities;

4 (d) Local governments are limited in their financial ability to
5 remediate potential risks to public health and the environment related to
6 their closed landfills due to revenue-raising limitations and the
7 unanticipated costs of remediation and management of solid waste
8 disposal facilities; and

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

14 (2) The general assembly also finds that:

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

19 (b) The local governments that own these landfills do not possess
20 adequate financial resources to take the necessary steps to mitigate the
21 risks posed by the landfills, particularly closed solid waste facilities that
22 no longer receive waste and therefore no longer generate revenue from
23 tipping fees;

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

27

1 (d) The department of public health and environment should
2 attempt to collaborate with local governments to address and resolve risks
3 posed by closed landfills before resorting to enforcement mechanisms.

4 (3) Therefore, the general assembly declares that it is in the best
5 interests of the state to create the closed landfill remediation grant
6 program to assist local governments in financing closed landfill
7 remediation costs.

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

10 **30-20-100.5. Legislative declaration.** (1) The general assembly
11 hereby finds and declares that:

12 (b.5) STATE AND LOCAL GOVERNMENTS HAVE A JOINT
13 RESPONSIBILITY TO WORK IN PARTNERSHIP TO ADDRESS ENVIRONMENTAL
14 AND PUBLIC HEALTH RISKS THAT MAY RESULT FROM
15 LOCAL-GOVERNMENT-OWNED LANDFILLS, AND PUBLIC OFFICIALS MUST
16 ENSURE THE SAFE AND COST-EFFECTIVE MANAGEMENT AND DISPOSAL OF
17 SOLID WASTE FOR THEIR COMMUNITIES;

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

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

25 (a) "ADVISORY COMMITTEE" MEANS THE CLOSED LANDFILL
26 REMEDIATION GRANT PROGRAM ADVISORY COMMITTEE CREATED IN
27 SUBSECTION (6) OF THIS SECTION.

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

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

7 (II) THE BROWNFIELDS PROGRAM OF THE FEDERAL
8 ENVIRONMENTAL PROTECTION AGENCY AND THE DEPARTMENT;

9 (III) A FEDERAL RADIATION CONTROL PROGRAM SUCH AS THE
10 "URANIUM MILL TAILINGS RADIATION CONTROL ACT", 42 U.S.C. SEC.
11 7901 ET SEQ., AS AMENDED;

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

13 (V) ARTICLE 15 OF TITLE 25 CONCERNING HAZARDOUS WASTE; OR

14 (VI) THE FEDERAL "RESOURCE CONSERVATION AND RECOVERY
15 ACT OF 1976", 42 U.S.C. SEC. 6901 ET SEQ., AS AMENDED.

16 (c) "CLOSED LANDFILL" MEANS A LANDFILL THAT NO LONGER
17 ACCEPTS NEW WASTE FOR DISPOSAL.

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

20 (e) "ELIGIBLE LOCAL GOVERNMENT" MEANS A LOCAL
21 GOVERNMENT THAT OWNS A CLOSED LANDFILL THAT:

22 (I) WAS FORMERLY BUT IS NO LONGER OPERATED BY THE LOCAL
23 GOVERNMENT OR BY ANY STATE OR FEDERAL AGENCY AND FOR WHICH THE
24 LOCAL GOVERNMENT IS SOLELY FINANCIALLY RESPONSIBLE FOR CLOSURE
25 AND POST-CLOSURE CARE;

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

1 (III) DOES NOT HAVE ANY FULLY FUNDED PRIVATE SECTOR
2 FINANCIAL ASSURANCE MECHANISM IN PLACE THAT ADEQUATELY
3 RESOLVES THE PUBLIC HEALTH AND ENVIRONMENTAL RISKS ASSOCIATED
4 WITH THE LANDFILL.

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

7 (g) "GRANT PROGRAM" MEANS THE CLOSED LANDFILL
8 REMEDIATION GRANT PROGRAM CREATED IN SUBSECTION (2) OF THIS
9 SECTION.

10 (h) (I) "LANDFILL" MEANS A DISCRETE AREA OF LAND OR AN
11 EXCAVATION WHERE SOLID WASTES ARE PLACED FOR FINAL DISPOSAL.

12 (II) "LANDFILL" INCLUDES:

13 (A) AN ASH MONOFILL;

14 (B) A CONSTRUCTION AND DEMOLITION WASTE LANDFILL;

15 (C) AN INDUSTRIAL LANDFILL;

16 (D) A SANITARY LANDFILL;

17 (E) A TIRE MONOFILL; AND

18 (F) ANY SIMILAR FACILITY WHERE FINAL DISPOSAL OF SOLID
19 WASTE OCCURS.

20 (III) "LANDFILL" DOES NOT INCLUDE A LAND APPLICATION UNIT,
21 A WASTE IMPOUNDMENT, OR A WASTE PILE.

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

24 (2) **Grant program created.** THE CLOSED LANDFILL REMEDIATION
25 GRANT PROGRAM IS CREATED TO PROVIDE GRANTS TO ELIGIBLE LOCAL
26 GOVERNMENTS TO HELP PAY THE COSTS OF ENVIRONMENTAL
27 REMEDIATION EFFORTS FOR AND MANAGEMENT OF CLOSED LANDFILLS

1 THAT ARE OWNED BY THE ELIGIBLE LOCAL GOVERNMENTS. SUBJECT TO
2 ANNUAL APPROPRIATION, GRANTS SHALL BE PAID FROM MONEY IN THE
3 FUND.

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

9 (a) EVALUATE GRANT APPLICATIONS USING CRITERIA ESTABLISHED
10 BY THE RULES; AND

11 (b) AWARD GRANTS TO ELIGIBLE LOCAL GOVERNMENTS.

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

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

22 (I) TAKE EMERGENCY, PREVENTIVE, OR CORRECTIVE ACTIONS AT
23 A CLOSED LANDFILL;

24 (II) INVESTIGATE, DESIGN, AND IMPLEMENT APPROPRIATE
25 REMEDIATION ACTIONS IN ACCORDANCE WITH APPLICABLE REGULATIONS,
26 INCLUDING RETAINING PRIVATE THIRD PARTIES TO ADVISE THE LOCAL
27 GOVERNMENT AND TO PERFORM TASKS;

1 (III) DEVELOP, PREPARE, AND IMPLEMENT PLANS SUCH AS WORK
2 PLANS, IMPLEMENTATION PLANS, ANNUAL MONITORING PLANS,
3 CONTINGENCY PLANS, COMMUNITY RELATIONS PLANS, MATERIALS
4 MANAGEMENT PLANS, AND POST-CLOSURE PLANS, INCLUDING DOCUMENT
5 REVIEW AND ACTIVITY FEES IN ACCORDANCE WITH RULES PROMULGATED
6 BY THE COMMISSION;

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 SHALL
18 GIVE PRIORITY TO MITIGATING THE RISKS POSED BY SOLID WASTE IN
19 ACCORDANCE WITH SECTION 30-20-101.5 (2) AND RULES PROMULGATED
20 BY THE COMMISSION CONCERNING THE MANAGEMENT OF SOLID WASTE.

21 (6) **Advisory committee created.** (a) THE CLOSED LANDFILL
22 REMEDIATION GRANT PROGRAM ADVISORY COMMITTEE IS CREATED IN THE
23 DEPARTMENT TO REVIEW GRANT APPLICATIONS AND ADVISE THE
24 DEPARTMENT AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION. ON OR
25 BEFORE MAY 1, 2024, THE COMMISSION SHALL APPOINT FIVE MEMBERS TO
26 THE ADVISORY COMMITTEE, INCLUDING:

27 (I) TWO MEMBERS REPRESENTING LOCAL GOVERNMENTS;

1 (II) TWO MEMBERS REPRESENTING THE DEPARTMENT; AND

2 (III) ONE MEMBER WITH TECHNICAL EXPERTISE WHO IS NOT
3 AFFILIATED WITH A LOCAL GOVERNMENT OR WITH THE DEPARTMENT.

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

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

9 (II) ONE OF THE MEMBERS INITIALLY APPOINTED PURSUANT TO
10 SUBSECTION (6)(a)(II) OF THIS SECTION SERVES AN INITIAL TERM OF TWO
11 YEARS.

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

14 (7) **Rules.** (a) ON OR BEFORE JUNE 1, 2024, THE COMMISSION
15 SHALL PROMULGATE RULES FOR THE ADMINISTRATION OF THE GRANT
16 PROGRAM AS DESCRIBED IN THIS SECTION. AT A MINIMUM, THE RULES
17 MUST INCLUDE:

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

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

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

25 (IV) CRITERIA FOR DETERMINING GRANT AMOUNTS;

26 (V) REPORTING REQUIREMENTS FOR GRANT RECIPIENTS; AND

27 (VI) THE CIRCUMSTANCES, IF ANY, UNDER WHICH A GRANT

1 APPLICANT MAY BE REQUIRED TO DEMONSTRATE MATCHING FUNDS.

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

6 (I) BEFORE FINALIZING ANY DECISION TO AWARD OR DENY A
7 GRANT, INTERVIEW AN OFFICIAL OF THE APPLICANT ELIGIBLE LOCAL
8 GOVERNMENT WHO IS FAMILIAR WITH THE CLOSED LANDFILL SITE THAT IS
9 THE BASIS OF THE GRANT APPLICATION;

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

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

20 (B) CONSIDER AN ELIGIBLE LOCAL GOVERNMENT'S TECHNICAL
21 ASSESSMENT OF THE ACTUAL RISK POSED TO PUBLIC HEALTH AND THE
22 ENVIRONMENT; AND


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24 (III) (A) CONSIDER GIVING PRIORITY TO GRANT APPLICATIONS
25 RECEIVED FROM ELIGIBLE LOCAL GOVERNMENTS THAT COMMIT MATCHING
26 FUNDS FROM OTHER SOURCES TO PAY THE COSTS OF THE REMEDIATION
27 ACTIVITIES THAT ARE THE BASIS OF THE GRANT APPLICATION, AND

1 CONSIDER GIVING PRIORITY TO GRANT APPLICATIONS RECEIVED FROM
2 ELIGIBLE LOCAL GOVERNMENTS BASED ON EXPENSES OCCURRED TO DATE
3 BY THE ELIGIBLE LOCAL GOVERNMENTS IN ATTEMPTING TO IMPLEMENT
4 THE REMEDIATION THAT IS THE BASIS OF THEIR GRANT APPLICATIONS.

5 (B) IN MAKING THE CONSIDERATIONS DESCRIBED IN SUBSECTION
6 (7)(b)(III)(A) OF THIS SECTION, CONSIDER WHETHER CERTAIN ELIGIBLE
7 LOCAL GOVERNMENTS SHOULD BE REQUIRED TO CONTRIBUTE A LOWER
8 AMOUNT OR PERCENTAGE OF MATCHING FUNDS THAN OTHER ELIGIBLE
9 LOCAL GOVERNMENTS BASED ON POPULATION, AS DETERMINED PURSUANT
10 TO THE MOST RECENTLY PUBLISHED POPULATION ESTIMATES FROM THE
11 STATE DEMOGRAPHER APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
12 DEPARTMENT OF LOCAL AFFAIRS.

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

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

19 
20 (II) MONEY CREDITED TO THE FUND AS GIFTS, GRANTS, AND
21 DONATIONS PURSUANT TO SUBSECTION (8)(d) OF THIS SECTION.

22 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
23 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
24 FUND TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEY
25 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR REMAINS IN THE
26 FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL
27 FUND OR ANY OTHER FUND.

1 (c) THE MONEY IN THE FUND IS SUBJECT TO ANNUAL
2 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR USE
3 FOR THE PURPOSES SET FORTH IN THIS SECTION. THE DEPARTMENT MAY
4 EXPEND UP TO TWO AND ONE-HALF PERCENT OF THE MONEY THAT IS
5 ANNUALLY APPROPRIATED TO THE DEPARTMENT FROM THE FUND TO PAY
6 ADMINISTRATIVE COSTS INCURRED BY THE DEPARTMENT, THE
7 COMMISSION, AND THE ADVISORY COMMITTEE.

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

13 (e) ON AUGUST 31, 2033, THE STATE TREASURER SHALL TRANSFER
14 ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND TO THE
15 GENERAL FUND.

16 (9) **Evaluation and funding recommendations.** ON OR BEFORE
17 FEBRUARY 1, 2026, AND ON OR BEFORE FEBRUARY 1 EVERY THREE YEARS
18 THEREAFTER, THE COMMISSION SHALL EVALUATE THE CURRENT AND
19 FUTURE FINANCIAL NEEDS OF THE GRANT PROGRAM AND MAKE WRITTEN
20 RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING FUNDING.

21 (10) **Report.** (a) ON OR BEFORE NOVEMBER 1, 2025, AND ON OR
22 BEFORE NOVEMBER 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT
23 SHALL PREPARE AND POST ON ITS PUBLIC WEBSITE A REPORT THAT
24 SUMMARIZES THE USE OF ALL GRANT MONEY AWARDED UNDER THE GRANT
25 PROGRAM IN THE PRECEDING FISCAL YEAR. AT A MINIMUM, THE REPORT
26 MUST INCLUDE:

27 (I) THE NUMBER OF GRANT APPLICANTS;

1 (II) THE AMOUNT OF GRANT MONEY REQUESTED BY EACH
2 APPLICANT;

3 (III) THE ELIGIBLE LOCAL GOVERNMENTS THAT WERE AWARDED
4 GRANTS;

5 (IV) THE AMOUNT OF GRANT MONEY AWARDED TO EACH GRANT
6 RECIPIENT;

7 (V) A DESCRIPTION OF THE GRANT RECIPIENT'S USE OF THE GRANT
8 MONEY; AND

9 (VI) THE AMOUNT OF MONEY REMAINING IN THE FUND ON THE
10 DATE OF THE REPORT.

11 (b) THE DEPARTMENT MAY INCLUDE THE REPORT DESCRIBED IN
12 SUBSECTION (10)(a) OF THIS SECTION IN THE DEPARTMENT'S ANNUAL
13 REPORT TO THE COMMITTEES OF REFERENCE OF THE GENERAL ASSEMBLY
14 PURSUANT TO SECTION 30-20-122 (1)(b).

15 (11) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER
16 1, 2033. PRIOR TO THE REPEAL, THE GRANT PROGRAM AND THE ADVISORY
17 COMMITTEE ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION
18 24-34-104.

19 **SECTION 4.** In Colorado Revised Statutes, 24-34-104, **add**
20 (34)(a)(VIII) as follows:

21 **24-34-104. General assembly review of regulatory agencies**
22 **and functions for repeal, continuation, or reestablishment - legislative**
23 **declaration - repeal.** (34) (a) The following agencies, functions, or both,
24 are scheduled for repeal on September 1, 2033:

25 (VIII) THE CLOSED LANDFILL REMEDIATION GRANT PROGRAM AND
26 THE CLOSED LANDFILL REMEDIATION GRANT PROGRAM ADVISORY
27 COMMITTEE CREATED IN SECTION 30-20-124.

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

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

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

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

SECTION 6. Appropriation. (1) For the 2023-24 state fiscal year, \$15,000,000 is appropriated to the closed landfill remediation grant program fund created in section 30-20-124 (8), C.R.S. This appropriation is from the general fund. The department of public health and environment is responsible for the accounting related to this program.

(2) For the 2023-24 state fiscal year, \$170,702 is appropriated to the department of public health and environment. This appropriation is from reappropriated funds in the closed landfill remediation grant program fund under subsection (1) of this section. To implement this act, the department may use the appropriation for solid waste control program, which amount is based on an assumption that the division will require an additional 0.8 FTE.

(3) For the 2023-24 state fiscal year, \$87,976 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of public health and environment under subsection (2) of this section and is based on an assumption that the department of law will require an additional 0.5 FTE. To implement this

1 act, the department of law may use this appropriation to provide legal
2 services for the department of public health and environment.

3 **SECTION 7. Act subject to petition - effective date -**
4 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
5 the expiration of the ninety-day period after final adjournment of the
6 general assembly; except that, if a referendum petition is filed pursuant
7 to section 1 (3) of article V of the state constitution against this act or an
8 item, section, or part of this act within such period, then the act, item,
9 section, or part will not take effect unless approved by the people at the
10 general election to be held in November 2024 and, in such case, will take
11 effect on the date of the official declaration of the vote thereon by the
12 governor.

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