

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0338.03 Thomas Morris x4218

HOUSE BILL 17-1275

HOUSE SPONSORSHIP

Winter,

SENATE SPONSORSHIP

Priola,

House Committees
Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ADDITIONAL MEASURES TO INCREASE WASTE DIVERSION.

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 directs the department of public health and environment and the Colorado office of economic development to assist in increasing waste diversion in Colorado by establishing diversion goals, requiring data collection and reporting by counties and landfills, and providing technical assistance to counties and landfills regarding the data collection and reporting.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 25-16.5-101
3 as follows:

4 **25-16.5-101. Short title.** THE SHORT TITLE OF ~~this article shall be~~
5 ~~known and may be cited as~~ ARTICLE 16.5 IS the "Pollution Prevention AND
6 WASTE DIVERSION Act". ~~of 1992".~~

7 **SECTION 2.** In Colorado Revised Statutes, 25-16.5-102, **amend**
8 (1)(e) as follows:

9 **25-16.5-102. Legislative declaration - state policy on pollution**
10 **prevention.** (1) The general assembly hereby finds and declares that:

11 (e) The ~~purpose~~ PURPOSES of this ~~article is~~ ARTICLE 16.5 ARE:

12 (I) To create a cooperative partnership among business,
13 agriculture, the environmental community, and the department of public
14 health and environment in which technical assistance, outreach, and
15 education activities are coordinated and conducted to achieve pollution
16 prevention, ~~and~~ waste reduction, and source reduction; AND

17 (II) BECAUSE IT IS DIFFICULT IF NOT IMPOSSIBLE TO IMPROVE
18 PERFORMANCE IN THE ABSENCE OF DATA, TO ENCOURAGE AND
19 EVENTUALLY REQUIRE LOCAL GOVERNMENTS AND LANDFILLS INVOLVED
20 IN SOLID WASTE DISPOSAL AND DIVERSION TO COLLECT AND REPORT DATA
21 REGARDING SOLID WASTE DIVERSION WHILE SIMULTANEOUSLY PROVIDING
22 TECHNICAL AND FINANCIAL ASSISTANCE IN CONNECTION WITH THE DATA
23 COLLECTION AND REPORTING;

24 **SECTION 3.** In Colorado Revised Statutes, 25-16.5-103, **amend**
25 the introductory portion; and **add** (5.3), (5.6), and (8.5) as follows:

26 **25-16.5-103. Definitions.** As used in this ~~article~~ ARTICLE 16.5,
27 unless the context otherwise requires:

1 (5.3) "LANDFILL" MEANS A SOLID WASTES DISPOSAL SITE AND
2 FACILITY THAT IS REQUIRED TO HAVE A CERTIFICATE OF DESIGNATION
3 PURSUANT TO SECTION 30-20-102.

4 (5.6) "OFFICE" MEANS THE COLORADO OFFICE OF ECONOMIC
5 DEVELOPMENT CREATED IN SECTION 24-48.5-101 (1).

6 (8.5) "SOLID WASTE" HAS THE MEANING ESTABLISHED IN SECTION
7 30-20-101 (6).

8 **SECTION 4.** In Colorado Revised Statutes, 25-16.5-106.5,
9 **amend** (2) as follows:

10 **25-16.5-106.5. Recycling resources economic opportunity fund**
11 **- creation - repeal.** (2) Any ~~moneys~~ MONEY generated pursuant to
12 subsection (1) of this section shall be annually appropriated to:

13 (a) The department:

14 (I) For allocation to the advisory board for the purpose of funding
15 the recycling resources economic opportunity activities authorized by
16 section 25-16.5-106.7, as well as any administrative costs associated
17 therewith, including without limitation the grants authorized to be made
18 under section 25-16.5-106.7 (3) and grant program oversight authorized
19 by section 25-16.5-105.5 (3);

20 (II) ~~Such moneys may also be used~~ To fund studies pursuant to
21 section 25-16.5-105 (1)(i); AND

22 (III) TO SUPPORT DEPARTMENT STAFF NEEDED TO IMPLEMENT
23 TOOLS, ASSISTANCE, REPORTING, AND GOALS AS SPECIFIED IN SECTIONS
24 25-16.5-109.5 AND 25-16.5-110; AND

25 (b) THE OFFICE TO IMPLEMENT ITS DUTIES AND POWERS
26 ESTABLISHED IN SECTIONS 25-16.5-109.5 AND 25-16.5-110.

27 **SECTION 5.** In Colorado Revised Statutes, **add** 25-16.5-109.5

1 as follows:

2 **25-16.5-109.5. Waste diversion assistance.** (1) THE
3 DEPARTMENT AND THE OFFICE SHALL ASSIST IN INCREASING SOLID WASTE
4 DIVERSION IN THE STATE.

5 (2) THE DEPARTMENT SHALL:

6 (a) PROVIDE TECHNICAL ASSISTANCE TO COMMUNITIES AND
7 COUNTIES IN COLORADO, INCLUDING WEBINARS, TRAINING SESSIONS, BEST
8 MANAGEMENT PRACTICES, TECHNICAL ASSISTANCE DOCUMENTS, AND
9 OTHER TOOLS AS APPROPRIATE TO FOCUS ON SOLID WASTE DIVERSION
10 STRATEGIES AND TO BUILD SOLID WASTE DIVERSION CAPACITY;

11 (b) ASSIST IN DATA COLLECTION AND REPORTING BY: IMPROVING
12 THE METHODOLOGY AND ACCURACY OF DATA COLLECTED AND REPORTED
13 FOR SOLID WASTE GENERATION AND DIVERSION; PROVIDING TRAINING AND
14 TECHNICAL ASSISTANCE TO COMMUNITIES AND COUNTIES FOR
15 IMPLEMENTING DATA COLLECTION REQUIREMENTS; AND SHARING BEST
16 PRACTICES;

17 (c) PROVIDE GRANT-WRITING TRAINING AND LOCALIZED
18 ASSISTANCE TO INCREASE THE EFFECTIVENESS OF THE RECYCLING
19 RESOURCES ECONOMIC OPPORTUNITY GRANT PROGRAM;

20 (d) HELP COUNTIES AND CITIES AND COUNTIES ESTABLISH
21 MECHANISMS TO TRACK COUNTY-WIDE DATA;

22 (e) ENCOURAGE AND ASSIST WITH PLANNING FOR REGIONAL WASTE
23 MANAGEMENT FACILITIES AS A PRIORITY OVER INDIVIDUAL COMMUNITY
24 PLANNING, WHERE TECHNICALLY FEASIBLE, TO IMPROVE COST-EFFECTIVE
25 DISPOSAL AND DIVERSION OPTIONS FOR RURAL COMMUNITIES;

26 (f) EVALUATE THE REPORTS THAT ARE REQUIRED PURSUANT TO
27 SECTION 25-16.5-110; AND

1 (g) BY FEBRUARY 1, 2020, ESTABLISH VOLUNTARY WASTE
2 DIVERSION GOALS FOR THE NEXT TWENTY YEARS. THE DEPARTMENT
3 SHALL ESTABLISH SEPARATE GOALS FOR THE STATE AS A WHOLE AND
4 REGIONAL TWO-TIER GOALS FOR RURAL AND URBAN AREAS.

5 (3) THE OFFICE SHALL, IN CONSULTATION WITH THE DEPARTMENT:

6 (a) PROVIDE BUSINESS DEVELOPMENT ASSISTANCE; AND

7 (b) FACILITATE NETWORKING AND COLLABORATION BETWEEN
8 GOVERNMENTS, BUSINESSES, AND END USERS FOR THE PURPOSE OF
9 IMPROVING RECOVERED MATERIAL USE IN COLORADO.

10 (4) BEGINNING IN 2020, A COUNTY OR CITY AND COUNTY THAT
11 TIMELY FILES A REPORT REQUIRED PURSUANT TO SECTION 25-16.5-110
12 (3)(c) OR 25-16.5-110 (3)(d) HAS PRIORITY IN THE FOLLOWING GRANT
13 CYCLE FOR ANY ASSISTANCE OTHERWISE AVAILABLE PURSUANT TO THIS
14 SECTION OR FOR RECYCLING RESOURCES ECONOMIC OPPORTUNITY GRANT
15 FUNDING PURSUANT TO SECTION 25-16.5-106.7.

16 **SECTION 6.** In Colorado Revised Statutes, **recreate and**
17 **reenact, with amendments,** 25-16.5-110 as follows:

18 **25-16.5-110. Reports - repeal.** (1) NOTWITHSTANDING SECTION
19 24-1-136 (11)(a)(I):

20 (a) THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY'S
21 COMMITTEES WITH JURISDICTION OVER THE ENVIRONMENT BY DECEMBER
22 31 OF EACH YEAR AND PUBLISH THE FOLLOWING INFORMATION ON THE
23 DEPARTMENT'S WEBSITE BY JULY 1 OF EACH YEAR:

24 (I) THE TOTAL AMOUNT OF MUNICIPAL SOLID WASTE AND
25 NONMUNICIPAL SOLID WASTE QUANTITIES DISPOSED OF AND THE
26 DIVERSION RATES BASED ON THE BEST AVAILABLE DATA, ORGANIZED BY
27 THE TIERS ESTABLISHED PURSUANT TO SECTION 25-16.5-109.5 (2)(g);

1 (II) THE STATEWIDE TOTAL OF MUNICIPAL SOLID WASTE AND
2 NONMUNICIPAL SOLID WASTE QUANTITIES DISPOSED OF AND THE
3 DIVERSION RATE; AND

4 (III) A SUMMARY AND ANALYSIS OF:

5 (A) ALL DATA SUBMITTED PURSUANT TO SUBSECTIONS (2) AND (3)
6 OF THIS SECTION; AND

7 (B) THE PROGRESS MADE IN MEETING THE DIVERSION GOALS
8 ESTABLISHED PURSUANT TO SECTION 25-16.5-109.5 (2)(g) AND THE
9 OBSTACLES THAT INHIBIT THAT PROGRESS.

10 (b) WITH REGARD TO THE OFFICE'S POWERS AND DUTIES
11 ESTABLISHED PURSUANT TO THIS ARTICLE 16.5, THE OFFICE SHALL:

12 (I) TRACK THE NUMBER OF BUSINESSES WITH WHOM THE OFFICE
13 HAS WORKED, THE NUMBER OF HOURS SPENT CONSULTING WITH THE
14 BUSINESSES, THE NUMBER AND TYPES OF TRAINING EVENTS IT HAS
15 FACILITATED, THE NUMBER OF ATTENDEES AT THE EVENTS, AND THE
16 TOTAL NUMBER OF TRAINING HOURS OFFERED; AND

17 (II) ANNUALLY REPORT THE INFORMATION TO THE GENERAL
18 ASSEMBLY'S COMMITTEES WITH JURISDICTION OVER THE ENVIRONMENT BY
19 DECEMBER 31 OF EACH YEAR.

20 (2) EACH LANDFILL SHALL BEGIN COLLECTING DATA IN 2018 AND,
21 BEGINNING IN 2019, QUARTERLY REPORT TO THE DEPARTMENT BY THE
22 LAST DAY OF THE MONTH FOLLOWING THE PREVIOUS CALENDAR QUARTER
23 REGARDING THE TOTAL NUMBER OF TONS OF SOLID WASTE THAT WERE
24 ACCEPTED AT THE FACILITY DURING THE PREVIOUS CALENDAR YEAR. THE
25 REPORTS MUST DISTINGUISH:

26 (a) THE NUMBER OF TONS OF MUNICIPAL SOLID WASTE FROM THE
27 NUMBER OF TONS OF NONMUNICIPAL SOLID WASTE; AND

1 (b) THE NUMBER OF TONS OF BOTH TYPES OF WASTE THAT WERE
2 GENERATED WITHIN THE COUNTY FROM THE NUMBER OF TONS THAT WERE
3 GENERATED OUTSIDE OF THE COUNTY.

4 (3) EACH COUNTY AND CITY AND COUNTY:

5 (a) (I) IS ENCOURAGED TO BEGIN COLLECTING DATA IN 2018 AND
6 TO ANNUALLY REPORT TO THE DEPARTMENT BY MARCH 15, 2019, AND
7 MARCH 15, 2020, REGARDING THE NUMBER OF TONS OF SOLID WASTE
8 THAT WERE GENERATED IN THE COUNTY OR CITY AND COUNTY,
9 REGARDLESS OF WHETHER THE FINAL DISPOSITION OF THE WASTE WAS
10 INSIDE OR OUTSIDE OF THE COUNTY OR CITY AND COUNTY. THE REPORTS
11 SHOULD DISTINGUISH:

12 (A) THE NUMBER OF TONS OF MUNICIPAL SOLID WASTE AND
13 NONMUNICIPAL SOLID WASTE THAT WERE DISPOSED OF; AND

14 (B) THE NUMBER OF TONS OF MUNICIPAL SOLID WASTE AND
15 NONMUNICIPAL SOLID WASTE THAT WERE DIVERTED, INCLUDING
16 RECYCLABLES, ORGANICS, AND SPECIAL WASTE.

17 (II) THIS SUBSECTION (3)(a) IS REPEALED, EFFECTIVE SEPTEMBER
18 1, 2022.

19 (b) (I) IS ENCOURAGED TO BEGIN COLLECTING DATA IN 2018 AND
20 TO REPORT TO THE DEPARTMENT BY MARCH 15, 2020, REGARDING THE
21 TYPES OF WASTE DIVERSION EFFORTS IN PLACE IN THE COUNTY OR CITY
22 AND COUNTY.

23 (II) THIS SUBSECTION (3)(b) IS REPEALED, EFFECTIVE SEPTEMBER
24 1, 2022.

25 (c) SHALL BEGIN COLLECTING DATA IN 2020 AND ANNUALLY
26 REPORT TO THE DEPARTMENT BY MARCH 15, 2021, AND EACH MARCH 15
27 THEREAFTER REGARDING THE NUMBER OF TONS OF SOLID WASTE THAT

1 WERE GENERATED IN THE COUNTY OR CITY AND COUNTY, REGARDLESS OF
2 WHETHER THE FINAL DISPOSITION OF THE WASTE WAS INSIDE OR OUTSIDE
3 OF THE COUNTY OR CITY AND COUNTY. THE REPORTS MUST DISTINGUISH:

4 (I) THE NUMBER OF TONS OF MUNICIPAL SOLID WASTE AND
5 NONMUNICIPAL SOLID WASTE THAT WERE DISPOSED OF; AND

6 (II) THE NUMBER OF TONS OF MUNICIPAL SOLID WASTE AND
7 NONMUNICIPAL SOLID WASTE THAT WERE DIVERTED, INCLUDING REUSED
8 OR REPURPOSED MATERIALS, RECYCLABLES, ORGANICS, AND SPECIAL
9 WASTE.

10 (d) SHALL BEGIN COLLECTING DATA IN 2020 AND REPORT TO THE
11 DEPARTMENT BY EVERY OTHER MARCH 15 BEGINNING IN 2022 REGARDING
12 THE TYPES OF WASTE DIVERSION EFFORTS IN PLACE IN THE COUNTY OR
13 CITY AND COUNTY.

14 **SECTION 7. Act subject to petition - effective date -**
15 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
16 the expiration of the ninety-day period after final adjournment of the
17 general assembly (August 9, 2017, if adjournment sine die is on May 10,
18 2017); except that, if a referendum petition is filed pursuant to section 1
19 (3) of article V of the state constitution against this act or an item, section,
20 or part of this act within such period, then the act, item, section, or part
21 will not take effect unless approved by the people at the general election
22 to be held in November 2018 and, in such case, will take effect on the
23 date of the official declaration of the vote thereon by the governor.

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