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FISCAL NOTE

Drafting Number: LLS 20-0255
Prime Sponsors: Sen. Marble, Rep. Saine

Date: February 7, 2020
Bill Status: Senate Local Government
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Bill Topic: FACILITATE ASPHALT SHINGLE RECYCLING

- Summary of Fiscal Impact: State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, Statutory Public Entity

This bill prohibits asphalt shingles from being excluded from the definition of recyclable materials. It also allows asphalt shingles to be transported and stored in railroad cars while pending recycling. It increases state expenditures on an ongoing basis.

Appropriation Summary: For FY 2020-21, the bill requires an appropriation of \$14,784 to the Department of Public Health and Environment.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under SB 20-058

Table with 3 columns: Category, FY 2020-21, FY 2021-22. Rows include Revenue, Expenditures (General Fund, Centrally Appropriated, Total), Total FTE, Transfers, and TABOR Refund.

Summary of Legislation

This bill prohibits the Solid and Hazardous Waste Commission in the Department of Public Health and Environment (CDPHE) from excluding asphalt shingles from the definition of recyclable materials. It also allows asphalt shingles to be transported and stored outside in railroad cars while pending delivery for recycling or when pending recycling at a recycling facility.

Background

On September 10, 2015, the Hazardous Materials and Waste Management Division in the CDPHE changed its policy to no longer consider waste asphalt shingles to be recyclable material. Existing registered recycling facilities were permitted to recycle their existing stockpiles of waste asphalt shingles or dispose of the shingles in a solid waste disposal site.

State Expenditures

The CDPHE will have an increase in General Fund expenditures of \$19,455 and 0.2 FTE beginning in FY 2020-21 to implement the bill. These costs are shown in Table 2 and explained below.

Table 2
Expenditures Under SB 20-058

	FY 2020-21	FY 2021-22
Department of Public Health and Environment		
Personal Services	\$14,784	\$14,784
Centrally Appropriated Costs*	\$4,671	\$4,671
Total Cost	\$19,455	\$19,455
Total FTE	0.2 FTE	0.2 FTE

* Centrally appropriated costs are not included in the bill's appropriation.

The CDPHE requires 0.2 FTE of an environmental protection specialist in the Solid Waste Division to conduct inspections of asphalt shingle recycling and storage facilities. Prior to the policy ending the recycling of asphalt shingles, CDPHE handled an average of three enforcement actions per year for illegitimate asphalt shingle recycling sites. If the bill results in growth in legitimate asphalt shingle recycling facilities, additional staffing may be required. Depending on the process used for recycling asphalt shingles, facilities may also be subject to oversight by the Air Pollution Control Board. Any such increases will be addressed through the annual budget process.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are estimated to be \$4,671 in FY 2020-21 and FY 2021-22.

Local Government

Local governments that choose to regulate asphalt shingle recycling or storage will have an increase in workload.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2020-21, the bill requires a General Fund appropriation of \$14,784 to the Department of Public Health and Environment and 0.2 FTE.

State and Local Government Contacts

Counties	Information Technology
Municipalities	Public Health and Environment