

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 24-0619.02 Sarah Lozano x3858

SENATE BILL 24-150

SENATE SPONSORSHIP

Cutter and Michaelson Jenet, Fields, Gonzales, Jaquez Lewis, Priola, Winter F.

HOUSE SPONSORSHIP

Froelich,

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIREMENTS FOR THE PROCESSING OF MUNICIPAL**
102 **SOLID WASTE IN THE STATE.**

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>.)

On and after July 1, 2024, **section 2** of the bill prohibits a person from operating or expanding certain units that incinerate municipal solid waste (incineration unit).

On and after January 1, 2025, **section 2** also clarifies that incineration and incineration units do not meet certain standards established by state law or rules.

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.

SENATE
3rd Reading Unamended
March 15, 2024

SENATE
Amended 2nd Reading
March 13, 2024

Section 3 changes current law to provide that synthetic gas produced by the pyrolysis of waste materials is not an eligible energy resource for the purpose of certain state-level renewable energy standards.

Section 4 changes current law to specify that methane derived from the pyrolysis of municipal solid waste is not recovered methane that is a clean heat resource for the purpose of clean heat plans.

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 the combustion of municipal solid waste:

4 (a) Generates hazardous waste and toxic pollutants, which affect
5 the health of disproportionately impacted communities and low-income
6 communities;

7 (b) Destroys valuable materials that could be recycled back into
8 the supply chain;

9 (c) Perpetuates the extractive, polluting, linear economy by
10 investing in infrastructure that needs to be continuously supplied with
11 cardboard, paper, and plastics that could otherwise be reduced or
12 recycled; and

13 (d) Is an expensive approach to waste management that relies on
14 government investment of tax dollars or tax credits to build and maintain.

15 (2) The general assembly therefore determines that it is in the best
16 interest of the state to prohibit the construction, establishment, operation,
17 or expansion of units that combust municipal solid waste.

18 **SECTION 2.** In Colorado Revised Statutes, **add** 25-17-109 as
19 follows:

20 **25-17-109. Prohibition on facilities that combust municipal**
21 **solid waste - definitions - rules.** (1) AS USED IN THIS SECTION, UNLESS
22 THE CONTEXT OTHERWISE REQUIRES:

1 (a) "BIOCHAR" MEANS A CHARCOAL THAT IS PRODUCED BY
2 PYROLYSIS OF BIOMASS AND THAT MAY BE USED AS A SOIL AMENDMENT.

3 (b) "BIOSOLIDS" HAS THE MEANING SET FORTH IN SECTION
4 25-8-103 (1.4).

5 (c) "COMBUSTION UNIT" MEANS A MUNICIPAL WASTE COMBUSTION
6 UNIT, AS DEFINED IN 40 CFR 60.2977, OR OTHER SOLID WASTE
7 INCINERATION (OSWI) UNIT, AS DEFINED IN 40 CFR 60.2977, THAT
8 COMBUSTS MUNICIPAL SOLID WASTE.

9 (d) "COMMISSION" MEANS THE SOLID AND HAZARDOUS WASTE
10 COMMISSION CREATED IN SECTION 25-15-302 (1)(a).

11 (e) "CREMATORY INCINERATOR" MEANS ANY INCINERATOR
12 DESIGNED AND USED SOLELY FOR THE BURNING OF ANATOMICAL
13 PATHOLOGICAL WASTE, WHICH INCINERATOR MAY ALSO BURN INCIDENTAL
14 ITEMS NORMALLY CREMATED AS PART OF THE FUNERAL PROCESS, OR AS
15 OTHERWISE DEFINED BY AIR QUALITY CONTROL COMMISSION RULE.

16 (f) "HAZARDOUS WASTE" HAS THE MEANING SET FORTH IN SECTION
17 25-15-101 (6).

18
19 (g) _____ "MUNICIPAL SOLID WASTE" MEANS SOLID WASTE FROM
20 HOUSEHOLD, COMMUNITY, COMMERCIAL, OR INDUSTRIAL SOURCES THAT
21 DOES NOT CONTAIN HAZARDOUS WASTE.

22
23 (h) "WASTE TIRE" HAS THE MEANING SET FORTH IN SECTION
24 30-20-1402 (12).

25 (2) (a) EXCEPT AS SET FORTH IN SUBSECTION (2)(b) OF THIS
26 SECTION, ON AND AFTER JULY 1, 2024, A PERSON SHALL NOT BUILD,
27 CONSTRUCT, ESTABLISH, OPERATE, OR EXPAND A COMBUSTION UNIT IN THE

1 STATE.

2 (b) THE PROHIBITION IN SUBSECTION (2)(a) OF THIS SECTION DOES
3 NOT APPLY TO:

4 (I) OPERATIONS TO EXCLUSIVELY TREAT SOURCE-SEPARATED
5 ORGANIC MATERIALS FOR THE PRODUCTION OF SOIL AMENDMENTS,
6 INCLUDING COMPOST, BIOSOLIDS, AND BIOCHAR;

7 (II) OPERATIONS TO CONDUCT ANAEROBIC DIGESTION; ==

8 (III) AIR CURTAIN INCINERATORS USED FOR WILDFIRE MITIGATION
9 OR INCINERATION OF THE MATERIALS LISTED IN 40 CFR 60.2888 (b)(1) TO
10 (b)(4);

11 (IV) UNITS THAT COMBUST CONTRABAND OR PROHIBITED GOODS,
12 AS DEFINED IN 40 CFR 60.2887 (p);

13 (V) UNITS OPERATING AS A CREMATORY INCINERATOR;

14 (VI) BIOMASS BOILERS FIRING MATERIALS LISTED IN 40 CFR
15 60.2888 (b)(1) TO (b)(4) OR OTHER APPROVED FUELS; OR

16 (VII) PYROLYSIS UNITS USED TO CONVERT MUNICIPAL SOLID
17 WASTE OR SOLID WASTE DERIVED MATERIALS INTO USEFUL PRODUCTS
18 SUCH AS ENERGY, FUELS, AND CHEMICAL COMMODITIES.

19 (3) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
20 CONTRARY, ON AND AFTER JANUARY 1, 2025:

21 (a) COMBUSTION IS NOT CONSIDERED "RECYCLING", "RENEWABLE
22 ENERGY", "CLEAN ENERGY", "GREEN ENERGY", "CLIMATE-FRIENDLY",
23 "CARBON-FREE", "BIOFUEL", "ZERO-CARBON", OR ANY OTHER SIMILAR
24 TERM FOR THE PURPOSE OF A PROGRAM ESTABLISHED BY STATE LAW OR
25 RULES; AND

26 (b) A COMBUSTION UNIT DOES NOT MEET A "RENEWABLE
27 PORTFOLIO STANDARD", "LOW CARBON FUEL STANDARD", "RENEWABLE

1 FUEL STANDARD", OR ANY OTHER SIMILAR STANDARD ESTABLISHED BY
2 STATE LAW OR RULES.

3 (4) NOTHING IN THIS SECTION PROHIBITS THE BURNING OF WASTE
4 TIRES OR TIRE-DERIVED PRODUCTS AS FUEL IN CEMENT KILNS.

5 (5) THE COMMISSION MAY ADOPT RULES TO ENFORCE THIS
6 SECTION.

7 **SECTION 3.** In Colorado Revised Statutes, 40-2-124, **amend**
8 (1)(a) introductory portion as follows:

9 **40-2-124. Renewable energy standards - qualifying retail and**
10 **wholesale utilities - definitions - net metering - legislative declaration**
11 **- rules.** (1) Each provider of retail electric service in the state of
12 Colorado, other than municipally owned utilities that serve forty thousand
13 customers or fewer, is a qualifying retail utility. Each qualifying retail
14 utility, with the exception of cooperative electric associations that have
15 voted to exempt themselves from commission jurisdiction pursuant to
16 section 40-9.5-104 and municipally owned utilities, is subject to the rules
17 established under this article 2 by the commission. No additional
18 regulatory authority is provided to the commission other than that
19 specifically contained in this section. In accordance with article 4 of title
20 24, the commission shall revise or clarify existing rules to establish the
21 following:

22 (a) Definitions of eligible energy resources that can be used to
23 meet the standards. "Eligible energy resources" means recycled energy,
24 renewable energy resources, and renewable energy storage. In addition,
25 resources using coal mine methane ~~and synthetic gas produced by~~
26 ~~pyrolysis of waste materials~~ are eligible energy resources if the
27 commission determines that the electricity generated by those resources

1 is greenhouse gas neutral. SYNTHETIC GAS PRODUCED BY PYROLYSIS OF
2 WASTE MATERIALS IS NOT AN ELIGIBLE ENERGY RESOURCE. The
3 commission shall determine, following an evidentiary hearing, the extent
4 to which such electric generation technologies utilized in an optional
5 pricing program may be used to comply with this standard. A fuel cell
6 using hydrogen derived from an eligible energy resource is also an
7 eligible electric generation technology. Fossil and nuclear fuels and their
8 derivatives are not eligible energy resources. As used in this section:

9 ==
10 **SECTION 4.** In Colorado Revised Statutes, 40-3.2-108, _____
11 **repeal** (2)(n)(II)(B) as follows:

12 **40-3.2-108. Clean heat targets - legislative declaration -**
13 **definitions - plans - rules - reports. (2) Definitions.** As used in this
14 section, unless the context otherwise requires:

15 == ==
16 (n) "Recovered methane" means any of the following that are
17 located in Colorado and meet a recovered methane protocol approved by
18 the air quality control commission:

- 19 (II) Methane derived from:
- 20 (B) ~~The pyrolysis of municipal solid waste;~~

21 ==
22 **SECTION 5. Safety clause.** The general assembly finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety or for appropriations for
25 the support and maintenance of the departments of the state and state
26 institutions.