

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

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2/21/23

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LLS NO. 23-0839.01 Josh Schultz x5486

SENATE BILL

SENATE SPONSORSHIP

Cutter,

HOUSE SPONSORSHIP

Joseph and Kipp,

BILL TOPIC: CDPHE Organics Diversion Study
DEADLINES: File by: 2/27/2023

A BILL FOR AN ACT

101 CONCERNING A STUDY REGARDING DIVERSION OF ORGANIC MATERIALS
102 FROM LANDFILLS.

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 requires the department of public health and environment (department) to study the impacts, benefits, and feasibility of requiring diversion of organic materials away from landfills. The organics diversion study (study) must:

- Incorporate and utilize data contained in the statewide organics management plan and other existing Colorado

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

- studies and research from other states;
- Explore how to leverage existing organics diversion pilot projects in Colorado to inform implementation of broader organics diversion projects across the state;
- Evaluate the environmental benefits of diversion of organic materials from landfills;
- Review and identify the infrastructure necessary to enable diversion of organic materials from landfills and create a plan for infrastructure development;
- Create a timeline to effectively and equitably phase in required diversion of organic materials from landfills;
- Outline policy and regulations which would enable diversion of organic materials from landfills;
- Assess informational resources necessary to enable diversion of organic materials from landfills; and
- Identify opportunities for end market development of organic materials diverted from landfills.

On or before November 1, 2023, the department is required to submit a report of the study's research and findings to committees of reference in the senate and the house of representatives.

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) Thirty-seven percent of the material that is landfilled in
5 Colorado is organic material including yard trimmings and food scraps
6 that could have been diverted from landfills through food donation,
7 composting or mulching. These diversion practices reduce greenhouse
8 gas emissions, support resilient local economies, create green jobs and,
9 in the case of compost, build healthy soils, conserve water, and create
10 more productive agricultural lands;

11 (b) For decades, many US states have had diversion requirements
12 for organic materials including yard and food waste from landfills in
13 order to prolong the life spans of landfills, to reduce food waste and to
14 divert materials to better end-of-life management including recycling and

1 composting. Many states that have landfill diversion requirements for
2 organic materials have complimentary policies requiring food scrap
3 diversion from large food scrap generators;

4 (c) The statewide organics management plan (the plan)
5 commissioned by the department of public health and environment (the
6 department) found that the "untapped demand for finished compost is
7 potentially five times greater than the amount of compost being produced
8 today." The plan also found that "Economics, awareness, and lack of
9 existing infrastructure are the greatest barriers to increased organics
10 recovery in Colorado." Additionally, the plan stated that "The CDPHE
11 should work to gain interagency cooperation to implement strategies that
12 lead to development of organics infrastructure and end-market use of
13 compost." These findings underscore the imperative and timely need and
14 opportunity to increase investment to divert more organic materials out
15 of landfills and back into the circular economy. The plan highlighted the
16 need for more compost processing facilities to realize the potential cost
17 savings, job creation, and environmental benefits of diverting organic
18 materials;

19 (d) The plan recommended the state pursue a landfill diversion
20 requirement for yard trimmings. However, it also noted the lack of current
21 processing capacity to responsibly manage those diverted materials;

22 (I) Yard trimmings make up 11% of the material being landfilled
23 in Colorado (more than the national average of 8%). In 2021, Coloradans
24 landfilled over 625,000 tons of yard trimmings while only diverting
25 around 130,000 tons from landfill;

26 (II) Yard trimmings, including landscaping debris, are generally
27 contamination-free material and can make the highest quality finished

1 mulch and compost;

2 (III) Diverting organic material to create compost creates up to
3 four times more jobs than landfilling those same materials;

4 (IV) Processing yard trimmings, agricultural green waste, and
5 landscaping debris are the easiest type of organics processing facilities to
6 fund and permit and are good first steps towards building facilities
7 permitted to take food scraps;

8 (V) Applying finished compost to soils improves the soil nutrient
9 content, conserves water, and sequesters carbon from the atmosphere;

10 (VI) Requiring diversion of yard trimmings from landfills would:

11 (A) Create an incentive for local jurisdictions and private entities
12 to add new yard trimming recycling infrastructure;

13 (B) Reduce the production of landfill-based methane, a
14 greenhouse gas 84 times more potent than CO2 in the near term;

15 (C) Prolong the useful lives of landfills by reducing the amount
16 of divertable materials landfilled each year thereby saving taxpayer
17 dollars for the creation of new or expanded landfills; and

18 (D) Develop local organics systems that would create valuable
19 soil amendments including compost and mulch through local facilities
20 and jobs, reducing the amount of compost and mulch needed to be
21 imported from other states and countries to meet agricultural and public
22 needs;

23 (e) The statewide organics management plan commissioned by the
24 department recommended the state pursue mandatory organics recycling
25 for food scraps as a landfill diversion strategy;

26 (I) Food scraps make up 18% of the material being landfilled in
27 Colorado. In 2021, Coloradans landfilled over 1,000,000 tons of food

1 scraps while only diverting about 200,000 tons from being landfilled;

2 (II) One in ten Coloradans is food insecure. A quarter of young
3 adults in rural areas (25.4%) and a fifth of black Coloradans (22.2%)
4 experienced food insecurity in 2019. People with lower incomes,
5 Hispanic and Latinx Coloradans, and women were also disproportionately
6 food insecure;

7 (III) Most states requiring food scraps diversion or required
8 organics recycling recommend reduction and diversion methods by:

9 (A) Preferably, reducing food waste by donating edible food to
10 local food rescue organizations; or

11 (B) Diverting non-human edible food to animal feed or to
12 compost or anaerobic digestion;

13 (IV) Most states requiring food scrap recycling phase-in
14 requirements starting with large generators such as those creating 52 tons
15 or more of organic materials per year;

16 (V) Requiring large food generators to reduce food waste by
17 donating food, diverting non-human edible food to animal feed or to
18 compost facilities would:

19 (A) Provide needed food to food rescue organizations and food
20 banks around the state;

21 (B) Reduce methane gas produced from anaerobic breakdown of
22 organic materials in landfills;

23 (C) Prolong lives of landfills by reducing the amount of divertable
24 materials landfilled each year; and

25 (D) Support development of local organics systems that would
26 create valuable soil amendments through local facilities and local jobs,
27 reducing the amount of amendments needing to be imported from other

1 states and countries to meet agricultural and public use needs.

2 (2) The general assembly further declares its intent that the
3 department conduct a study that:

4 (a) Evaluates policies intended to divert organic materials away
5 from landfills and into beneficial usages such as:

6 (I) Preferably, reducing food waste by donating edible food to
7 local food rescue organizations; and

8 (II) Diverting non-human edible food to animal feed or to
9 compost, anaerobic digestion, mulching or biochar creation;

10 (b) Creates actionable parameters for determining how, where and
11 what types of infrastructure are needed and provide as well a proposed
12 timeline for build-out;

13 (c) Generates a summary report to outline the options for
14 diversion requirements based on information gathered from other states
15 with similar requirements, which approaches are preferred by the
16 stakeholders, and how best to implement them;

17 (d) Reviews policies that will incentivize and support the use of
18 STA certified compost; and

19 (e) The department will complete by the **end of 2023**, so further
20 legislative support to realize the benefits of increased organics diversion
21 across the state can be implemented beginning in 2024.

22 **SECTION 2.** In Colorado Revised Statutes, **add** 25-17-801 as
23 follows:

24 **PART 8**
25 **ORGANICS DIVERSION**

26 **25-17-801. Definitions.** AS USED IN THIS **PART 8**, UNLESS THE
27 CONTEXT OTHERWISE REQUIRES:

1 (1) "COMMISSION" MEANS THE SOLID AND HAZARDOUS WASTE
2 COMMISSION CREATED IN THE DEPARTMENT OF PUBLIC HEALTH AND
3 ENVIRONMENT IN SECTION 25-15-302.

4 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
5 AND ENVIRONMENT CREATED IN SECTION 25-1-102.

6 (3) "COLORADO REGIONS" MEANS THE FOUR GEOGRAPHIC REGIONS
7 IDENTIFIED IN THE STATEWIDE ORGANICS MANAGEMENT PLAN, WHICH
8 ARE THE WESTERN SLOPE, MOUNTAINS, FRONT RANGE, AND EASTERN
9 PLAINS.

10 (4) "ORGANIC MATERIALS" MEANS ANY SOLID WASTE THAT IS A
11 BIOLOGICAL SUBSTANCE OF PLANT OR ANIMAL ORIGIN THAT CAN BE
12 BROKEN DOWN IN BIOLOGICAL PROCESSES INCLUDING FOOD SCRAPS AND
13 YARD TRIMMINGS.

14 (5) "STATEWIDE ORGANICS MANAGEMENT PLAN" OR "SOMP"
15 MEANS THE STATEWIDE ORGANICS MANAGEMENT COMMISSIONED BY THE
16 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND DATED
17 AUGUST 29, 2022.

18 (6) "STUDY" MEANS THE ORGANICS DIVERSION STUDY REQUIRED
19 BY SECTION 25-17-802.

20 **25-17-802. Organics diversion study - report - funding.**

21 (1) THE DEPARTMENT SHALL CONDUCT A STUDY THAT EXPLORES WHAT
22 COLORADO JURISDICTIONS AND OTHER STATES ARE DOING TO FACILITATE
23 THE DIVERSION OF ORGANIC MATERIALS FROM LANDFILLS AND CREATE
24 POLICY AND LEGISLATIVE RECOMMENDATIONS REGARDING THE
25 FEASIBILITY OF REQUIRING DIVERSION OF ORGANIC MATERIALS FROM
26 LANDFILLS IN COLORADO.

27 (2) THE DEPARTMENT AND ANY THIRD PARTY CONDUCTING THE

1 STUDY SHALL ENGAGE WITH AND SEEK INPUT FROM, AT A MINIMUM, THE
2 FOLLOWING STAKEHOLDERS FROM WITHIN AND OUTSIDE THE FRONT RANGE
3 REGION OF THE STATE:

4 (a) EXPERTS IN ORGANICS RECYCLING, INCLUDING COMPOSTING
5 AND MULCHING, AND DIVERSION;

6 (b) EXPERTS IN FOOD RECOVERY FOR HUMAN USE AND FOR ANIMAL
7 USE;

8 (c) REPRESENTATIVES OF LARGE AND SMALL MUNICIPALITIES AND
9 COUNTIES OF ALL AREAS OF THE STATE;

10 (d) REPRESENTATIVES OF UNIVERSITIES OR OTHER INSTITUTIONS
11 THAT COORDINATE THEIR OWN COMPOSTING;

12 (e) WASTE HAULERS;

13 (f) LANDFILL OPERATORS;

14 (g) COMPOST FACILITY OPERATORS;

15 (h) FARMERS AND OTHER USERS OF END PRODUCTS FROM
16 ORGANICS PROCESSING;

17 (i) REPRESENTATIVES OF LARGE GENERATORS OF FOOD AND YARD
18 TRIMMINGS; AND

19 (j) REPRESENTATIVES OF THE CERTIFIED COMPOSTABLE PRODUCTS
20 INDUSTRY.

21 (3) THE STUDY MUST, AT A MINIMUM:

22 (a) INCORPORATE AND UTILIZE DATA CONTAINED IN THE SOMP,
23 OTHER EXISTING COLORADO STUDIES AND RESEARCH FROM OTHER
24 STATES;

25 (b) REVIEW AND IDENTIFY HOW TO LEVERAGE EXISTING ORGANICS
26 DIVERSION PILOT PROJECTS IN COLORADO TO INFORM IMPLEMENTATION OF
27 BROADER ORGANICS DIVERSION PROJECTS IN ALL COLORADO REGIONS;

1 (c) EVALUATE THE FEASIBILITY AND BENEFITS OF CLASSIFYING
2 ORGANIC MATERIALS WHICH WILL BE DIVERTED FROM LANDFILLS INTO
3 CATEGORIES DETERMINED BY THE DEPARTMENT;

4 (d) REGARDING THE BENEFITS OF DIVERSION OF ORGANIC
5 MATERIALS FROM LANDFILLS:

6 (I) EVALUATE THE POTENTIAL TO EXTEND THE LIFE OF LANDFILLS
7 BY REDUCING THE AMOUNT OF MATERIAL LANDFILLED;

8 (II) EVALUATE THE GREENHOUSE GAS EMISSION AVOIDANCE OF
9 DIVERTING ORGANIC MATERIALS FROM LANDFILLS;

10 (III) EVALUATE THE WATER SAVINGS POTENTIAL OF APPLYING
11 FINISHED COMPOST TO COLORADO SOILS; AND

12 (IV) EVALUATE THE BENEFITS OF REGIONALLY DISPERSED
13 ORGANICS PROCESSING FACILITIES AND THE FUNDING, INFRASTRUCTURE,
14 AND REGULATION CHANGES NEEDED FOR IMPLEMENTATION;

15 (e) REGARDING INFRASTRUCTURE NECESSARY TO ENABLE
16 DIVERSION OF ORGANIC MATERIALS FROM LANDFILLS:

17 (I) CREATE ACTIONABLE PARAMETERS TO CONSIDER WHEN
18 DECIDING WHERE AND WHAT TYPE OF FACILITY IS NEEDED TO PROCESS
19 ORGANICS. PARAMETERS MAY INCLUDE POPULATION DENSITY, MATERIAL
20 TYPE AND VOLUME GENERATION, DISTANCE TO EXISTING
21 INFRASTRUCTURE, ACCESS TO TRANSPORTATION INFRASTRUCTURE AND
22 POTENTIAL FOR CO-LOCATING WITH ANOTHER FACILITY;

23 (II) PROVIDE A PLAN FOR HOW THE INFRASTRUCTURE WILL BE
24 FUNDED AND CREATE A TIMELINE FOR INFRASTRUCTURE DEVELOPMENT.
25 THE PLAN WILL INCLUDE BEST PRACTICES FROM OTHER STATES THAT HAVE
26 INCENTIVIZED OR FACILITATED DEVELOPMENT OF ORGANICS PROCESSING
27 INFRASTRUCTURE;

1 (III) DETERMINE THE BEST METHODS FOR COLLECTING ORGANIC
2 MATERIALS BASED ON MATERIALS, GENERATORS, GEOGRAPHIC LOCATION,
3 POPULATION DENSITY AND TYPES OF COLLECTION FACILITIES AND FLEETS;

4 (IV) DETERMINE THE SORTING INFRASTRUCTURE, POLICIES, OR
5 OTHER MECHANISMS REQUIRED TO REDUCE CONTAMINATION AND SORT
6 OUT REMAINING CONTAMINANTS; AND

7 (V) COMPARE DISTANCES REQUIRED TO TRANSPORT ORGANIC
8 MATERIALS TO LANDFILLS BY REGION VERSUS CURRENT AND POTENTIAL
9 DISTANCES REQUIRED TO TRANSPORT ORGANIC MATERIALS TO PERMITTED
10 COMPOSTING OPERATIONS. UTILIZE THE INFORMATION GATHERED
11 REGARDING THE DISTANCES TO CREATE RECOMMENDATIONS TO MINIMIZE
12 EMISSIONS AND TRANSPORTATION COSTS;

13 (f) REGARDING THE TIMELINE NEEDED TO PHASE IN REQUIRED
14 DIVERSION OF ORGANIC MATERIALS FROM LANDFILLS:

15 (I) DETERMINE THE INFRASTRUCTURE NECESSARY TO ENABLE
16 IMPLEMENTATION OF DIVERSION REQUIREMENTS; AND

17 (II) DETERMINE THE TIMELINE AND MATERIAL TYPE AND AMOUNT
18 GENERATION BENCHMARKS TO PHASE IN LANDFILL DIVERSION
19 REQUIREMENTS AND FOOD RECYCLING REQUIREMENTS IN EACH COLORADO
20 REGION. IN CREATING A TIMELINE AND BENCHMARKS, THE STUDY MUST
21 CONSIDER:

22 (A) HOW TO MITIGATE NEGATIVE OR UNINTENDED IMPACTS ON
23 RURAL AND UNDERSERVED COMMUNITIES INCLUDING INCREASED COST
24 BURDENS AND ILLEGAL DUMPING OF MATERIALS. MITIGATION MAY
25 INCLUDE IDENTIFYING FUNDING, REGULATION CHANGES AND OTHER
26 CONSIDERATIONS FOR DEVELOPING VARIOUS TYPES OF NEEDED
27 INFRASTRUCTURE TO PROCESS THE MATERIALS;

1 (B) HOW TO BEST SERVE LOW POPULATION AREAS AND THOSE AT
2 HIGH ALTITUDES WHERE SOME COMPOSTING PROCESSES MAY NOT BE
3 PRACTICAL. THE STUDY SHOULD EXAMINE DIFFERENT TYPES OF
4 COMPOSTING INFRASTRUCTURE INCLUDING IN-VESSEL COMPOSTING AND
5 ANAEROBIC DIGESTION;

6 (C) PHASE IN IMPACTS BASED ON DISTANCE TO PROCESSING OR
7 COLLECTION SITES INCLUDING TRANSFER STATIONS, MATERIALS RECOVERY
8 FACILITIES, MULCHING SITES OR COMPOST FACILITIES AND MAKE
9 RECOMMENDATIONS INCLUDING THE MOST ADVANTAGEOUS DISTANCE
10 FROM SOURCE TO PROCESSOR OR TRANSFER STATION; AND

11 (D) PHASE IN IMPACTS BASED ON THE TYPE AND SIZE OF
12 GENERATOR AND AMOUNT AND TYPE OF ORGANIC MATERIAL GENERATED;
13 AND

14 (III) RECOMMEND PHASE IN GOALS ACROSS MULTIPLE YEARS
15 WHICH MAY VARY BY GEOGRAPHIC REGION;

16 (g) REGARDING POLICY AND REGULATIONS TO ENABLE DIVERSION
17 OF ORGANIC MATERIALS FROM LANDFILLS:

18 (I) RECOMMEND UPDATES OR AMENDMENTS TO EXISTING STATE
19 REGULATIONS TO BEST ACCOMMODATE, IMPLEMENT, MONITOR, AND
20 ENFORCE ANY PROPOSED ORGANIC DIVERSION REQUIREMENTS;

21 (II) RECOMMEND DIVERSION GOALS BY REGION TO THE
22 COMMISSION AND, IF NEEDED, TO BE UPDATED IN THE COMMISSION'S
23 INTEGRATED SOLID WASTE AND MATERIALS MANAGEMENT PLAN; AND

24 (III) REVIEW AND IDENTIFY HOW OTHER STATES MONITOR AND
25 ENFORCE DIVERSION REQUIREMENTS AT LOCAL AND STATE LEVELS;

26 (h) REGARDING EDUCATION AND LOCAL SUPPORT TO ENABLE
27 DIVERSION OF ORGANIC MATERIALS FROM LANDFILLS:

1 (I) DETERMINE THE INFORMATIONAL RESOURCES THE DEPARTMENT
2 AND OTHER STATE AGENCIES AND DEPARTMENTS SHALL DEVELOP FOR
3 LOCAL JURISDICTIONS TO USE TO FACILITATE DEVELOPMENT OF ORGANICS
4 PROCESSING FACILITIES NECESSARY FOR DIVERTING YARD TRIMMINGS AND
5 OTHER ORGANIC MATERIALS. INFORMATIONAL RESOURCES MAY INCLUDE
6 MODEL ORDINANCES, SAMPLE SITING GUIDELINES, RESOURCES FOR
7 FUNDING, EDUCATIONAL MATERIALS, RESOURCES ON FOOD DONATIONS,
8 AND AN ACCESSIBLE MAP OF WHERE ORGANICS PROCESSING FACILITIES
9 ARE IN COLORADO;

10 (II) DETERMINE EDUCATION NECESSARY TO ENSURE RESIDENT AND
11 BUSINESS UNDERSTANDING OF THE VALUE AND OPERATIONS OF ORGANICS
12 DIVERSION PROGRAMS; AND

13 (III) REVIEW AND IDENTIFY HOW OTHER STATES HAVE EDUCATED
14 MUNICIPALITIES, BUSINESSES, AND RESIDENTS ABOUT ORGANICS
15 DIVERSION REQUIREMENTS;

16 (i) REGARDING END MARKET DEVELOPMENT OF ORGANIC
17 MATERIALS DIVERTED FROM LANDFILLS:

18 (I) EVALUATE HOW TO COMBINE THE GOAL OF DIVERTING ORGANIC
19 MATERIALS FROM LANDFILLS WITH RESOURCES FOR END MARKET
20 DEVELOPMENT SPECIFICALLY FOR PRODUCTION OF COMPOST, MULCH, AND
21 BIOCHAR;

22 (II) REVIEW AND IDENTIFY INTERDEPARTMENTAL OPPORTUNITIES
23 FOR PARTNERSHIP IN DEVELOPING USAGE REQUIREMENTS FOR DIVERTED
24 ORGANIC MATERIAL END PRODUCTS INCLUDING PUBLIC WORKS PROJECTS,
25 EROSION CONTROL, WILDFIRE MITIGATION AND POST-FIRE
26 REHABILITATION, AGRICULTURAL APPLICATION OF COMPOST, AND MINE OR
27 OTHER RECLAMATION PROJECTS. INTERDEPARTMENTAL OPPORTUNITIES

1 MUST INCLUDE:

2 (A) REVIEW THE EXISTING DEPARTMENT OF TRANSPORTATION
3 SPECIFICATIONS REGARDING COMPOST. DETERMINE IF THERE ARE REGIONS,
4 PROJECT TYPES, OR OTHER WAYS IN WHICH COMPOST USE CAN BE
5 REQUIRED; AND

6 (B) IDENTIFY METHODS TO WORK WITH THE DEPARTMENT OF
7 AGRICULTURE AND THE COLORADO SOIL HEALTH PROGRAM IN THE
8 DEPARTMENT OF AGRICULTURE TO ADVANCE THE USE OF COMPOST IN
9 AGRICULTURE;

10 (III) REVIEW AND IDENTIFY HOW OTHER STATES HAVE DEVELOPED
11 END MARKETS FOR ORGANICS USAGE AND INCENTIVIZED END USAGE;

12 (IV) REVIEW AND IDENTIFY HOW LANDFILL DIVERSION
13 REQUIREMENTS WORK IN SUPPORT OF RECENT LEGISLATION AIMED AT
14 REDUCING WASTE AND STRENGTHENING LOCAL SUPPLY CHAINS THROUGH
15 RECYCLING AND COMPOSTING INCLUDING THE FRONT RANGE WASTE
16 DIVERSION CASH FUND CREATED IN SECTION 25-16.5-111 (4), CIRCULAR
17 ECONOMY DEVELOPMENT CENTER CREATED IN SECTION 25-17-602, AND
18 THE PRODUCER RESPONSIBILITY PROGRAM FOR STATEWIDE RECYCLING
19 CREATED IN ACCORDANCE WITH SECTION 25-17-705;

20 (V) REVIEW AND IDENTIFY BENEFITS OF DIVERTING MATERIALS
21 FROM LANDFILLS INCLUDING USING ORGANIC RESIDUALS TO MAKE
22 COMPOST AND OTHER PRODUCTS TO BUILD SOIL THAT PROVIDES THE
23 ECOSYSTEM SERVICES OF SEQUESTERING CARBON, REDUCING WATER
24 NEEDS, AND PROVIDING LOCAL RESILIENCE; AND

25 (VI) DETERMINE WHETHER THERE IS A SIGNIFICANT VOLUME OF
26 COMPOST SOLD IN COLORADO THAT IS PRODUCED OUT OF STATE, AND
27 IDENTIFY THE IMPACT OF A BILL REQUIRING DIVERSION OF ORGANIC

1 MATERIALS ON THOSE SALES; AND

2 (j) REGARDING THE IMPACTS OF DIVERTING ORGANIC MATERIALS
3 FROM LANDFILLS THAT ARE SPECIFIC TO COLORADO:

4 (I) REVIEW AND IDENTIFY BEST PRACTICES IN COMPOSTING LARGE
5 QUANTITIES OF WOOD MATERIALS IN AN ARID CLIMATE AND AT HIGH
6 ALTITUDES, INCLUDING RESEARCHING TECHNIQUES SUCH AS BIOCHAR
7 PRODUCTION AND UTILIZATION, MYCELIUM INOCULATION, AND OTHER
8 ACCELERATED COMPOSTING METHODS THAT CAN HELP BREAK DOWN
9 ORGANIC MATERIALS OUTSIDE THE CONFINES OF INDUSTRIAL COMPOST
10 FACILITIES AS OFTEN OCCURS IN RURAL AREAS;

11 (II) REVIEW AND IDENTIFY HOW TO ADDRESS THE POTENTIAL
12 OVERSTOCK OF ORGANIC MATERIALS AWAITING PROCESSING;

13 (III) REVIEW AND IDENTIFY BEST PRACTICES IN DIVERTING
14 MATERIALS IN COMMUNITIES WITH TOURISM BASED ECONOMIES THAT
15 EXPERIENCE LARGE INFLUXES OF VISITOR GENERATED FOOD SCRAPS
16 DURING SPECIFIC PERIODS THROUGHOUT THE YEAR; AND

17 (IV) EVALUATE CONCERNS REGARDING TOXINS IN COMPOST FROM
18 PESTICIDES, HERBICIDES AND COMPOSTABLE PACKAGING AND REVIEW AND
19 IDENTIFY POTENTIAL SOLUTIONS TO THE CONCERNS

20 (4) ON OR BEFORE NOVEMBER 1, 2023, THE DEPARTMENT SHALL
21 SUBMIT A REPORT TO THE AGRICULTURE AND NATURAL RESOURCES
22 COMMITTEE AND THE TRANSPORTATION AND ENERGY COMMITTEE OF THE
23 SENATE; AND THE AGRICULTURE, WATER AND NATURAL RESOURCES
24 COMMITTEE AND THE ENERGY AND ENVIRONMENT COMMITTEE OF THE
25 HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES. THE
26 REPORT MUST INCLUDE THE STUDY'S RESEARCH, FINDINGS, AND
27 RECOMMENDATIONS, IN ACCORDANCE WITH SUBSECTION (3) OF THIS

1 SECTION.

2 (5) THE DEPARTMENT MAY CONTRACT A THIRD PARTY TO CONDUCT
3 PART OR ALL OF THE STUDY.

4 (6) THE DEPARTMENT MAY COMBINE FUNDING WITH OTHER STATE
5 AGENCIES OR DEPARTMENTS TO HIRE A THIRD PARTY TO CONDUCT THE
6 STUDY.

7 (7) THE GENERAL ASSEMBLY SHALL APPROPRIATE EIGHTY-EIGHT
8 PERCENT OF THE MONEY NEEDED TO IMPLEMENT THIS SECTION FROM THE
9 FRONT RANGE WASTE DIVERSION CASH FUND CREATED IN SECTION
10 25-16.5-111 (4), NOT TO EXCEED \$XXX. THE GENERAL ASSEMBLY SHALL
11 APPROPRIATE TWELVE PERCENT OF THE MONEY NEEDED TO IMPLEMENT
12 THIS SECTION FROM THE RECYCLING RESOURCES ECONOMIC OPPORTUNITY
13 FUND CREATED IN SECTION 25-16.5-106.5.

14 <{*This subsection (7) is a work in progress, I need to discuss the needed*
15 *language with others.*>

16 SECTION 3. **Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, or safety.

19 <{*Please let me know your preference on a safety clause or petition*
20 *clause*>