

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

**ENGROSSED**

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

LLS NO. 24-0619.02 Sarah Lozano x3858

**SENATE BILL 24-150**

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**SENATE SPONSORSHIP**

**Cutter,**

**HOUSE SPONSORSHIP**

**Froelich,**

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**Senate Committees**  
Transportation & Energy

**House Committees**

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**A BILL FOR AN ACT**

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

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**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  
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.

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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.