

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

INTRODUCED

LLS NO. 26-0155.01 Clare Haffner x6137

SENATE BILL 26-016

SENATE SPONSORSHIP

Cutter,

HOUSE SPONSORSHIP

Smith,

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROHIBITING THE DISCHARGE OF PREPRODUCTION**
102 **PLASTIC MATERIALS.**

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 prohibits the discharge of plastic pellets and other preproduction plastic materials through land application or into state waters, wastewater, storm water runoff, or other runoff by a facility, point source, or person that makes, uses, handles, packages, or transports plastic pellets or other preproduction plastic materials in the state.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 11 to article
3 8 of title 25 as follows:

4 **PART 11**

5 **PLASTIC PELLET-FREE WATERS ACT**

6 **25-8-1101. Short title.**

7 THE SHORT TITLE OF THIS PART 11 IS THE "PLASTIC PELLET-FREE
8 WATERS ACT".

9 **25-8-1102. Definitions.**

10 AS USED IN THIS PART 11, UNLESS THE CONTEXT OTHERWISE
11 REQUIRES:

12 (1) "DISCHARGE" MEANS THE INTRODUCTION OR ADDITION OF A
13 POLLUTANT INTO STATE WATERS, WASTEWATER, STORM WATER RUNOFF,
14 OR OTHER RUNOFF.

15 (2) "FACILITY" MEANS A FACILITY WHERE PREPRODUCTION
16 PLASTIC MATERIALS ARE MANUFACTURED, HANDLED, OR TRANSPORTED IN
17 THE STATE.

18 (3) "PREPRODUCTION PLASTIC MATERIALS" MEANS
19 PREPRODUCTION PLASTIC PELLETS, FLAKES, FIBERS, POWDERS, OR
20 POWDERED COLORING FOR PLASTICS.

21 **25-8-1103. Discharge of preproduction plastic materials**
22 **prohibited.**

23 (1) THE DISCHARGE OF PLASTIC PELLETS OR OTHER
24 PREPRODUCTION PLASTIC MATERIALS FROM A FACILITY IS PROHIBITED.

25 (2) A PERSON THAT MAKES, USES, PACKAGES, OR TRANSPORTS
26 PLASTIC PELLETS OR OTHER PREPRODUCTION PLASTIC MATERIALS SHALL

1 NOT DISCHARGE PLASTIC PELLETS OR OTHER PREPRODUCTION PLASTIC
2 MATERIALS FROM A POINT SOURCE IN THE STATE.

3 **SECTION 2.** In Colorado Revised Statutes, 25-8-501, **add** (7) as
4 follows:

5 **25-8-501. Permits required for discharge of pollutants -**
6 **administration.**

7 (7) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, THE
8 DIVISION SHALL NOT ISSUE A PERMIT FOR THE DISCHARGE OF PLASTIC
9 PELLETS OR OTHER PREPRODUCTION PLASTIC MATERIALS INTO STATE
10 WATERS.

11 **SECTION 3.** In Colorado Revised Statutes, 25-8-609, **amend** (1)
12 as follows:

13 **25-8-609. Criminal pollution - penalties.**

14 (1) ~~Any~~ A person ~~who~~ THAT recklessly, knowingly, intentionally,
15 or with criminal negligence discharges ~~any~~ A pollutant into any state
16 waters or into any domestic wastewater treatment works commits
17 criminal pollution if such discharge is made:

18 (a) In violation of ~~any~~ A permit issued under this ~~article~~; ~~or~~
19 ARTICLE 8;

20 (b) In violation of ~~any~~ A cease-and-desist order or clean-up order
21 issued by the division ~~which~~ THAT is final and not stayed by court order;
22 ~~or~~

23 (c) Without a permit, if a permit is required by ~~the provisions of~~
24 this ~~article~~ ARTICLE 8 for such discharge; ~~or~~

25 ~~(d) Repealed.~~

26 ~~(e)~~ (d) In violation of any pretreatment regulations ~~promulgated~~
27 ADOPTED by the commission; OR

1 (e) IN VIOLATION OF THE PROHIBITION ON THE DISCHARGE OF
2 PREPRODUCTION PLASTIC MATERIALS DESCRIBED IN SECTION 25-8-1103.

3 **SECTION 4.** In Colorado Revised Statutes, **add** 25-15-329 as
4 follows:

5 **25-15-329. Discharge of preproduction plastic materials**
6 **prohibited - definitions.**

7 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
8 REQUIRES:

9 (a) "DISCHARGE" MEANS THE INTRODUCTION OR ADDITION OF A
10 POLLUTANT THROUGH LAND APPLICATION AT A LOCATION THAT DOES NOT
11 HAVE FEDERAL INTERIM STATUS, A FEDERAL PERMIT GRANTED PURSUANT
12 TO THE FEDERAL ACT, OR A STATE PERMIT GRANTED BY THE DEPARTMENT
13 PURSUANT TO SECTION 25-15-303.

14 (b) "FACILITY" MEANS A FACILITY WHERE PREPRODUCTION
15 PLASTIC MATERIALS ARE MANUFACTURED, HANDLED, OR TRANSPORTED IN
16 THE STATE.

17 (c) "LAND APPLICATION" MEANS A DISCHARGE BEING APPLIED TO
18 THE LAND.

19 (d) "PREPRODUCTION PLASTIC MATERIALS" HAS THE MEANING SET
20 FORTH IN SECTION 25-8-1102.

21 (2) THE DISCHARGE OF PLASTIC PELLETS OR OTHER
22 PREPRODUCTION PLASTIC MATERIALS FROM A FACILITY IS PROHIBITED.

23 (3) A PERSON THAT MAKES, USES, PACKAGES, OR TRANSPORTS
24 PLASTIC PELLETS OR OTHER PREPRODUCTION PLASTIC MATERIALS SHALL
25 NOT DISCHARGE PLASTIC PELLETS OR OTHER PREPRODUCTION PLASTIC
26 MATERIALS IN THE STATE.

27 **SECTION 5. Act subject to petition - effective date -**

1 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
2 the expiration of the ninety-day period after final adjournment of the
3 general assembly (August 12, 2026, if adjournment sine die is on May 13,
4 2026); except that, if a referendum petition is filed pursuant to section 1
5 (3) of article V of the state constitution against this act or an item, section,
6 or part of this act within such period, then the act, item, section, or part
7 will not take effect unless approved by the people at the general election
8 to be held in November 2026 and, in such case, will take effect on the
9 date of the official declaration of the vote thereon by the governor.

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