



December 12, 2022

Members of the Joint Budget Committee  
Legislative Services Building, 3<sup>rd</sup> Floor  
200 East 14<sup>th</sup> Ave  
Denver, CO 80203

Dear Members of the Joint Budget Committee:

We are writing concerning CCI's legislative priority on environmental remediation of local government landfills, to be introduced as legislation this session. This fall, county commissioners voted *unanimously* to make this a CCI priority, indicating widespread agreement on the need to address this issue.

There are nearly 200 closed landfills in Colorado. Most of these landfills collected solid waste before laws and regulations required landfills to be environmentally engineered. Many closed to meet the 1994 deadline set by the EPA, after which landfills needed to comply with the Resource Conservation and Recovery Act (RCRA). These landfills closed in compliance with laws and regulations in place at the time of their closure. However, Colorado's Solid Waste Act has been updated over the years, and the Colorado Department of Public Health & Environment (CDPHE) continues to apply new requirements under the Act to closed landfills via costly enforcement orders.

Local governments share the goal of remediating environmental and public health issues caused by landfills. However, they do not have adequate funding for such remediation and face TABOR constraints in generating additional revenue. Moreover, CDPHE fees and fines imposed when counties lack funding to comply with enforcement orders create a further financial burden. Protecting residents and the environment is of the utmost importance, but counties cannot take this on alone – especially given the ongoing nature of this problem in the face of emerging contaminants and evolving regulations.

We would like to address this challenge by creating a statewide funding source to acknowledge the collective duty of counties and the state to protect residents and the environment. We propose creating an insurance pool with an initial \$15 million to help fund environmental remediation and maintenance of landfills owned by local governments. This pool would derive from the expansion of an existing program - we have identified several potential funding streams and are awaiting guidance from CDPHE on whether these are viable options – or setting up a new program. The fund would provide a sustainable funding stream for environmental remediation and would prioritize landfills that pose the greatest risk to health and environment. The legislation will also include statutory clarifications to help avoid future conflicts between local governments and the state, including a dispute resolution mechanism.

As the committee proceeds, we ask that you consider funding environmental remediation of local government landfills to acknowledge the joint responsibility of state and local government to address environmental and public health risks. Feel free to reach out to Reagan Shane ([rshane@ccionline.org](mailto:rshane@ccionline.org)) with questions. We look forward to speaking with you on this important topic.

Sincerely,

Colorado Counties, Inc.