

2026 Legislative Priority Proposal
Updated: 9/15/25

AQCC Regulation 31 OPPOSITION	
Morgan County (Commissioner Tim Malone)	
Preferred Contact:	tmalone@co.morgan.co.us
Co-Sponsoring Counties/Commissioners:	Logan County.
Who is your subject matter expert?	Cass Yearous, Morgan County Dept of Solid Waste Management Director. 970.867.9713 cyearous@co.morgan.co.us Katheryn Sellars, Law Firm representing Morgan County, kms@hpcwclaw.com
Has this proposal been approved by your BoCC?	Yes.
Have you reviewed the CCI Instructional Memo?	Yes.
Describe the problem your proposal will solve.	Unfunded mandate being imposed through administrative rulemaking by the Air Quality Control Commission that will potentially make County landfills impossible to operate.
Areas of Impact:	Day-to-day operations of the county; Functionality of county programs or services.
What is the ultimate source of this problem?	Too broad delegation of authority to state agency, lack of funding support from the State, problematic rulemaking.
What is your initial proposal to solve this problem?	Legislative action and advocacy through rulemaking process.
Please provide sample language for this solution.	The statutes that grant the Air Quality Control Commission rulemaking powers to address greenhouse gas emissions need to be amended to limit and/or reduce the AQCC's authority to impose unfunded mandates on local governments. Especially, but not limited to, the following: C.R.S. § 25-7-102, -105, -106, -109. The first and desired option is to prohibit AQCC's ability to regulate greenhouse gas emissions from local government operated landfills. As a second option the amendment could prohibit the promulgation of rules regulating local government landfill facilities and operations related to the reduction of greenhouse gas emissions until the state budgets full funding for the implementation of such regulations. As a third option or combined with other options, a legislative amendment could require AQCC in its rulemaking to consider

	and establish deadlines for compliance with any new regulations with that deadline being a minimum of 10 years, while also providing local governments with the ability to opt out of certain regulations if funding is not available or the implementation of such regulations is not practical or impossible.
Are there any solutions that do not require state-level legislation? Has your county explored these alternatives?	The County is actively participating as a member of a coalition of local governments in the AQCC rulemaking process. There is no indication that the AQCC is sympathetic to the local governments' concerns.
Has CCI or any other organizations sought a solution to this problem before?	Possibly CCI is working on it, Other CO Counties have formed a coalition.
What possible organization(s) would support your proposed solution?	All Colorado county landfills that will be negatively impacted.
What possible organization(s) would oppose your proposed solution?	Environmental Activists.
Have you spoken with any legislators about your proposed solution? If so, what was their response?	Yes, Senator Byron Pelton.
What are the financial implications of this problem to your county? Are there any financial implications to this solution either?	If passed the regulations that landfills would be forced to conform to would be financially crippling. Estimate costs could range from 3-5 million .
What are the financial implications of this problem to any other impacted parties?	The same costs would be statewide with any County/Private owned landfill. State funding would be necessary to ensure that these landfills stay open and operational.

<p>What are the financial implications of this <i>solution</i> to any other impacted parties? <i>Please consider any relevant Colorado State Departments.</i></p>	
<p>Staff Feedback</p>	<p><u>Risk/Difficulties:</u> Medium – If the proposal is to reverse the rulemaking entirely - this will be a significant lift, as the perception will be that counties negotiated in good-faith with the AQCC for additional time to comply with the rules. If the proposal is simply to identify resources for counties to comply - the biggest difficulty is identifying new and/or sharing existing pots of funding, given the current budget constraints at the state level.</p> <p><u>Time Commitment:</u> Low – Still largely varies on the solution being sought, however, I do believe other entities will want to ensure counties are able to comply with the rulemaking; this has already been expressed from the Colorado Department of Public Health & Environment (CDPHE).</p>