Preproduction Plastic Materials: Colorado General Assembly Enacts Discharge Prohibition



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The General Assembly of the State of Colorado has enacted Senate Bill 26-016 addressing preproduction plastic materials ("Bill").

The Bill prohibits a facility that makes, uses, packages, or transports plastic pellets or other preproduction plastic materials from discharging such materials through state waters, wastewater, stormwater runoff, or other runoff.

Sewage treatment facilities are excluded.

Preproduction plastic materials are defined to include:

… PREPRODUCTION PLASTIC PELLETS, FLAKES, FIBERS, POWDERS, OR POWDERED COLORING FOR PLASTICS, IN THEIR RAW OR PRIMARY STATE.

The term includes preproduction plastic materials produced from virgin resin or from recycled or post-consumer plastic sources, prior to incorporation or reincorporation into a finished plastic product.

Preproduction plastic materials do not include materials resulting from the breakdown of manufactured or otherwise useful plastic products.

The Colorado Department of Public Health and Environment is prohibited from issuing a permit for the discharge of plastic pellets or other preproduction plastic materials into state waters.

The Bill was signed into law on March 31st by Colorado Governor Jared Polis.

A copy of the Bill can be found here.