



2015-2016

Annual Report



COLORADO

**Solid & Hazardous
Waste Commission**

Department of Public Health & Environment

colorado.gov/cdphe/SHWCReport

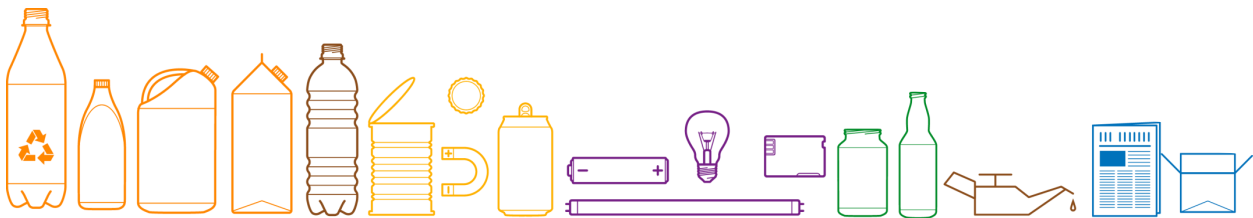
History

In 1992, §25-15-302, C.R.S. established the Hazardous Waste Commission. In 2006, as a result of Senate Bill 06-171, the Hazardous Waste Commission was renamed the Solid and Hazardous Waste Commission and assumed rulemaking responsibilities over solid waste from the state Board of Health. The commission, a type-1 agency located within the Colorado Department of Public Health and Environment but with authority independent of the executive director, has three primary duties:

- promulgates and adopts rules pertaining to solid and hazardous waste.
- sets fees and issues interpretive rules for solid and hazardous waste.
- hears appeals of administrative law judges' determinations regarding the amounts of administrative penalties for hazardous waste matters.

The Solid and Hazardous Waste Commission comprises nine gubernatorial appointees: three members from industry, three members from the public at large and three members from government or academia. While commissioners are selected from these sectors, members take into account the interests of all Colorado citizens.

The federal government authorizes Colorado to implement a state hazardous waste program in lieu of a federal program as long as the state program meets certain criteria. One of the major tasks of the commission is to ensure the state hazardous waste rules are consistent with the U.S. Environmental Protection Agency's requirements. This allows Colorado to retain its authorization and federal funding. The commission has the authority to adopt rules that are more stringent than the federal requirements and to list or define as a hazardous waste a waste not regulated by the federal rules. The commission must make a written finding, after public hearing and substantial evidence in the record, that the action is necessary to protect public health and environment. Additionally, six commissioners must vote for the action, and the commission is required to issue an opinion referring to and evaluating public health and environmental information and studies that form the basis of the rules. The rules regarding mining and mineral-processing waste, including exploration, mining, milling and smelting, and refining wastes, must be identical to the federal hazardous waste rules.



Members | Selected from regulated industry

James (Jim) Wilson, PE, Esq.

Over the past 25 years, Jim Wilson has continued to follow his interest in environmental protection while working throughout the United States, Europe and Puerto Rico, by managing compliance issues in the chemical and pharmaceutical industry while working for companies including Occidental Chemical Corporation, Bristol Myers Squibb, F. Hoffmann La Roche/Genentech, and Amgen. Jim currently is director of environment, health, safety and environment at Amgen, where he leads the global environment and sustainability program and is also head of environment, health and safety for Amgen Colorado operations.

Jim holds a law degree with honors from the University of Denver, master's degrees in engineering management and environmental engineering from Syracuse University, and undergraduate degrees in biology and chemical engineering from the State University of New York at Buffalo. Jim is licensed as a professional engineer and attorney in Colorado.

Jim has lived in Colorado since 1999, where he enjoys outdoor activities such as skiing, mountain biking, coaching youth sports and involvement in the Boy Scouts of America. Jim also has been an active advocate for diabetes research serving on the board of both the Juvenile Diabetes Research Foundation and the American Diabetes Association.

John (Jack) Kehoe

John Kehoe received a bachelor of science degree in chemistry from George Mason University in 1982 and a master of science degree in environmental engineering from Johns Hopkins University in 1998.

Jack is currently the manager of the Clean Harbors Deer Trail hazardous waste treatment and land disposal facility where he is responsible for all operations and the environmental compliance of the facility. He previously held managerial and technical positions at a similar waste treatment and land disposal facility in Utah and managed contract operations for the hazardous and radioactive waste facility for a large federal government agency in Maryland.

Jack has spent 30 years in the commercial hazardous waste management field and has been involved in all aspects of the collection, packaging and transportation of hazardous waste. He has managed and designed waste treatment systems for hazardous and radioactive waste, wastewater treatment operations and operation of final disposal sites.



Members | Selected from regulated industry

Michael Dempsey

Michael Dempsey is a managing director with Pebble Creek Partners LLC, a strategic consulting firm to growing companies, providing management consulting and financial advisory services to scores of companies in the environmental, clean energy, and business-to-business services industries. Michael has 25 years of experience in the environmental services industry with senior-level financial and operational roles for Waste Management and Republic Services, and strategic consulting roles with Veolia Environmental Services and other publicly and privately held environmental services companies. While at Waste Management, Michael was integral to the development of the company's landfill gas-to-energy joint venture with Caterpillar Financial, including the integration of alternative energy production tax credits into the company's financial evaluation process. In his senior field financial roles at Waste Management, Michael spearheaded the evaluation, due diligence and integration of numerous acquisitions in the Rocky Mountain region during the 1990s. While at Allied Waste, Michael held operational responsibility for the company's Colorado operations, including a 175 truck hauling operation and two solid waste landfill sites.

Michael graduated with honors from Northern Illinois University and holds a bachelor's degree in finance and a master's of business administration degree.



Members | Selected from academia and local government

Christopher J. Neumann, Esq.

Christopher J. Neumann is an attorney with the law firm Greenberg Traurig, LLP, where he counsels clients in the petroleum, natural gas, mining, airline and retail industries on a wide variety of litigation, environmental, natural resources, administrative and insurance coverage matters. Chris also assists clients in efforts to obtain land use approvals and financial incentives for Brownfield sites development projects and in efforts to resolve environmental concerns in complex business transactions. Prior to joining Greenberg Traurig, Chris served as a law clerk for the Environmental Enforcement Section of the U.S. Department of Justice and for Waste Management, Inc. Before attending law school, Chris studied and conducted research in the fields of groundwater hydrology, bioremediation and earthquake seismology at the University of Notre Dame and at Argonne National Laboratory near Chicago, Illinois. Chris received a bachelor's of civil engineering and environmental science degree from the University of Notre Dame and a law degree and certificate in environmental and natural resources law from the Northwestern School of Law of Lewis and Clark College. Since 2005, Chris has served as an adjunct professor in the environmental and natural resources program at the University of Colorado School of Law, where he teaches courses in hazardous waste law and environmental litigation. Chris is an instrument-rated private pilot and a member of the Aircraft Owners and Pilots Association and the American Society of Civil Engineers. **Chris served as chair of the commission for 2015-2016.**

Cameron Garcia

Cameron Garcia received a bachelor of science degree in environmental restoration and waste management from Colorado Mesa University, formerly Mesa State College, in 1996 and a master's of public administration in 2007 from the University of Colorado at Denver. He has over 20 years of environmental- and compliance-related experience and has been employed with Mesa County Solid Waste Management since February 2000. Cameron is currently the Waste and Sustainability Division Director for the division and is responsible for implementing and managing county operated waste collection, disposal, recycling and diversion programs to ensure the sustainable management of waste in an environmentally and fiscally responsible manner. **Cameron served as the secretary of the commission for 2015-2016.**

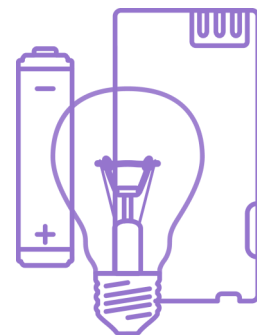
Cameron has worked in the private sector as a consultant, where he established waste management and compliance programs for businesses, including the oil and gas sector, streamlining the deployment of programs designed to minimize solid and hazardous waste disposal and energy consumption through the implementation of more efficient and cost-effective management strategies. Cameron is a Certified Hazardous Materials Manager, Registered Environmental Manager, 40-hour HAZWOPER certified, and U.S. Department Of Transportation Hazmat certified.

Members

| Selected from academia and local government

Charlotte Pitt

Charlotte Pitt is a manager for the City and County of Denver’s Solid Waste Management Division. She has worked for Solid Waste Management for 16 years, where her primary focus has been managing the Denver Recycles waste diversion programs for the city. Charlotte came to the city from the University of South Carolina’s Center for Environmental Policy and, prior to that, the South Carolina Office of Solid Waste Reduction and Recycling. She holds a master’s degree in earth resources management from the University of South Carolina. Charlotte is passionate about waste diversion and recycling and has been a strong advocate in the solid waste field for more than 21 years.



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Members | Selected from the public at-large

Joseph (Joe) Prinster Jr. , PE

Joseph Prinster received a bachelor of science degree in civil engineering from University of Notre Dame in 1976, a master of science degree in civil engineering from California Institute of Technology in 1977, and a master of business administration from University of Denver in 1985. **Joe served as the vice-chair of the commission for 2015-2016.**

Joe is a practicing civil engineer with Brown Civil Engineering (Lafayette, Colorado) and a registered professional engineer. His 18 years as a civil project manager include many residential and mixed-use urban projects, as well as educational, campus and commercial projects in numerous jurisdictions throughout Colorado. He is responsible for planning, coordinating and supervising the day-to-day work of a team of engineers and technicians. He also attends public meetings, prepares design reports and construction documents, and performs construction observation. Joe is a Certified Floodplain Manager (CFM) and LEED credentialed. He strives during design to achieve a sustainable and low-impact site concept that also aligns with the available budget.

Randall (Randy) M. Weiner, Esq.

Randall M. Weiner has been practicing environmental law on behalf of environmental groups and individuals since 1986 in New York, Alaska and Colorado. Mr. Weiner is a graduate of Haverford College and the University of Pennsylvania Law School. He previously sat on the Colorado Pollution Prevention Advisory Board and Boulder's Environmental Advisory Board.

Highlights of Randy's career include cases involving trash disposal practices, the Arctic National Wildlife Refuge, Community Right-to-Know and pesticide reform. In an effort to promote recycling and encourage a change in New York City's garbage disposal practices, Randy's legal efforts halted permitting for a garbage incinerator at New York City's Brooklyn Navy Yard and halted the infamous Long Island Garbage Barge from landing in the New York City area. To better protect the Arctic National Wildlife Refuge's natural environment, the Alaska Supreme Court ruled in his favor in two lawsuits to prevent leasing for oil drilling in state waters directly off the refuge's coast. Closer to home, Randy's efforts under the Emergency Planning and Community Right-to-Know Act resulted in a judgment against a company for failing to notify emergency response agencies of a rail car hazardous materials spill in Denver. Randy also successfully litigated an end to trash incineration in Jackson County and the remediation of arsenic-contaminated residential properties in north Denver (including damages to residents). Finally, his lawsuit in Hotchkiss, Colorado, garnered a permanent injunction to protect an organic farm from pesticide trespass.



Members | Selected from the public at-large

Garrett Clemons

Since 2012, Garrett Clemons has consulted for clients in the oil and gas and mining industries in regards to EHS compliance and program management. From 2008 to 2012, Garrett was Executive Vice President of Operations for Basic Materials & Services, LLC and Ohio Basic Minerals, LLC. Basic Materials & Services, LLC is a Denver-based company organized to make investments in companies operating in the natural resources and related service industries. From 2000 to 2008, Garrett was the air compliance program manager for TransMontaigne Inc. located in Denver. TransMontaigne operates within the pipeline and refined petroleum storage industries. As the air compliance program manager, Garrett managed all air compliance requirements as well as ethanol, butane and above-ground storage tank compliance for 55 bulk chemical storage facilities nationwide. From 2005-2008, Garrett served as chairman of the International Liquid Terminals Association Environmental Quality Committee. From 2006-2009, Garrett served as a commissioner on the Colorado Air Quality Control Commission, to which he was appointed by Gov. Bill Owens. Garrett received a bachelor's degree in geology from the University of Arkansas and a master's degree in resource law studies from the University of Denver, Sturm College of Law.



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Department of Public Health & Environment

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Solid and Hazardous Waste Commission

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Rulemaking hearings & public outreach

May 19, 2015

On May 19, 2015, the Commission held its business and annual meeting.

6 CCR 1007-2, Part 1, Section 1.7.7 - Paint Stewardship Program Fees

Senate Bill 14-029 implemented an industry operated and financed postconsumer paint management system, which intends to decrease costs to local and state governments and makes paint recycling more convenient for consumers. The bill also allows the commission to set the fees for the program. Fees are intended to fund transportation and processing costs, multilingual outreach, PaintCare staff, and CDPHE oversight fees. Fees are structured upon the amount of paint purchased by the consumer.

6 CCR 1007-3, Part 6 - Solid and Hazardous Waste Commission Annual Fee

Part 6, Section 6.04(a) of the Hazardous Waste Regulations was revised to reflect the annual commission fees being assessed for fiscal year 2015-2016. The fees, which fund the operation of the commission, were not modified.

6 CCR 1007-3, Part 261.21 and Part 261.23 - Characteristic of Ignitability and Reactivity

In July 2006 and March 2010, U.S. EPA issued final updates to 40 CFR § 261.23 to update definitions of ignitable compressed gas and the definition of oxidizer. Changes will make it easier for the regulated community to find and apply the definitions. Implementation and enforcement of ignitability and reactivity characteristic were not changed.

Annual Meeting: Solid Waste - Integrated Waste Management Study

The Hazardous Materials and Waste Management Division gave an overview of the history of solid waste management in Colorado, including the legislative declaration and 1992 report. In 2015, the division requested the authority to spend extra funds to study the current state of integrated waste management in Colorado. The division discussed the results of a similar study in the State of Wyoming and the lessons learned in that process. The results of the new Colorado study may lead the division to improve waste disposal practices, improve recycling and resource utilization, improve collaboration with the regulated industry and allow for more community training, outreach and permit reviews.

August 24, 2015

No rulemaking hearings were held in August 2015.

The commission traveled to Grand Junction, Colorado to hear comments from the public and tour the Mesa County Solid Waste Campus. Commissioners saw the day-today operations of the landfill, recycling and composting facilities.

Rulemaking hearings & public outreach

November 17, 2015

6 CCR 1007-2, Part 1, Section 10 - Waste Tire End Users Fund

Based upon forecasted revenue, projected end use, and spending authority, the division recommended that the rebate amount be set to the maximum amount of \$80 per ton. The commission adjusted the end user rebate amount to \$80 per ton.

February 16, 2016

6 CCR 1007-3, Part 100.506(c) - Hazardous Waste Public Notice Requirements

This amendment allows the division to post hazardous waste public notifications to the department and division websites and department and division Facebook pages as an additional form of notification. Previously the rule stated that the division shall publish hazardous waste public notifications in the newspaper and by public radio broadcast.

6 CCR 1007-3, Part 100 - Corrective Action Plan Amendments

Changes to Part 100 clarified that corrective action plans are permits and can serve in place of traditional RCRA permits for corrective action and closure activities.

6 CCR 1007-3, Parts 260 and 261 - Definition of Solid Waste

In 2015, U.S. EPA finalized modifications to the federal Definition of Solid Waste rule. This amendment incorporates new requirements of the 2015 rule including: the prohibition of sham recycling, the definition of legitimate recycling, accumulation date and tracking requirements, and changes to solid waste variance and non-waste determinations. Several definitions were also updated.

6 CCR 1007-3, Part 261 - Special Requirements for Hazardous Waste Generated by Conditionally Exempt Small Quantity Generators (CESQGs)

These amendments corrected an inconsistency in paragraph (b) of Part 21.5 that was created when amendments to Part 263 (Transfer Facility Regulations) were adopted in 2010. Pursuant to the previous wording, CESQGs were not subject to the Part 263 requirements. These amendments corrected the unintended omission and provide consistency with Part 263.

6 CCR 1007-3, Part 7 - Procedural Rules for the Solid and Hazardous Waste Commission

The commission deleted and replaced the commission's procedural rules. The changes are intended to assure that procedures and hearings before the commission are fair and impartial, comply with the Colorado Administrative Procedures Act, the Colorado Hazardous Waste Act, and the Colorado Solid Waste Disposal Sites and Facilities Act, and to minimize burdensome procedures.



Interpretive rules & administrative penalties

The commission has the authority to issue interpretive rules and review administrative law judges' determinations regarding amounts of administrative penalties. The commission did not review any administrative penalties or issue interpretive rules in 2015.

Other activities and forecast for 2016-2017

The commission will continue to examine all proposed rules for potential multimedia impacts, recycling and reuse opportunities, and regulatory necessity. As has been the case for the last several years, the commission's work likely will focus on the solid waste arena in 2016. The commission currently is working on updating composting regulations, rules for coal combustion residuals and the Colorado Household Medication Take-Back Program.

The commission encourages all interested parties to participate in its activities and welcomes any suggestions for amendments to the solid waste regulations and the hazardous waste regulations. Individuals or groups can be added to the commission's electronic mailing list by contacting the commission office.

If you are interested in serving on the Solid and Hazardous Waste Commission, apply online at the Governor's Office of Boards and Commissions:

<https://www.colorado.gov/governor/boards-commissions>

