



2016-2017

# Annual Report



**COLORADO**

**Solid & Hazardous  
Waste Commission**

Department of Public Health & Environment

[colorado.gov/cdphe/SHWCReport](http://colorado.gov/cdphe/SHWCReport)

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Visit the Solid and Hazardous Waste Commission online:

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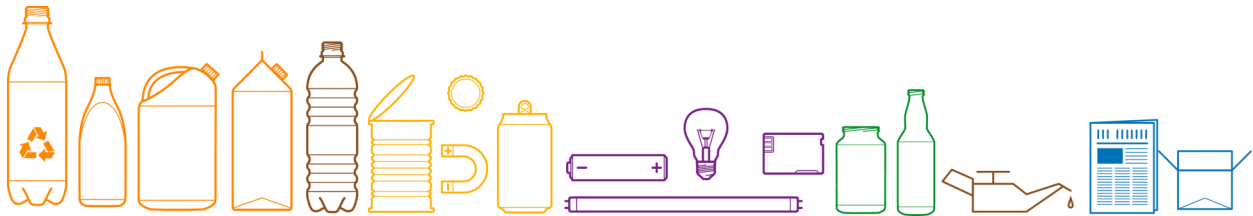
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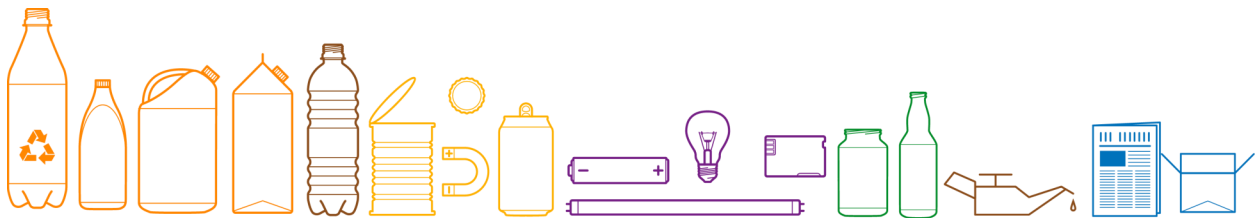
# History

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. **Jim is the current vice-chair of the commission.**

### 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 over 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 over 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.



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## 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 17 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 22 years.

### Elizabeth O'Connell Chapman, PhD

Elizabeth O'Connell Chapman has been an educator focusing on helping people understand how human practices impact the environment for over 27 years. Elizabeth's work both as a Colorado Mountain College faculty member and a Senior Environmental Health Specialist for the City of Aspen consists of directing research, influencing institutional programs, and creating policies for responsible waste management. In her work teaching in the bachelor program in sustainability studies at Colorado Mountain College she concentrates on issues associated with solid and hazardous waste disposal discussions about best practices and tangible solutions the students simultaneously learn about conflict resolution and the challenges of sustainability. Elizabeth helped her students establish new waste diversion programs on campus and is assisting in the development of a college-wide diversion policy

Establishing and enforcing the rules surrounding solid and hazardous waste disposal with staff, businesses, and citizens is a daily component of her work with the City of Aspen. Compost collection within Pitkin County has doubled because of her efforts partnering with the local landfill. Her pioneering informal education efforts continue to expand waste reduction within the city. Elizabeth has used her research background to help the city determine the most effective methods of reducing and diverting waste. This research has led programs which result in the increased use of reusable items and decrease in use of disposable plastic items at public events, government offices, and local schools.

Elizabeth earned a bachelor's degree in biology from the University of Arkansas, and a master's degree in environmental studies from Antioch University New England. Elizabeth made waste reduction behaviors the focus of her dissertation work and graduated with a PhD in sustainability education from Prescott College.

Elizabeth currently serves on the Valley Resource Management Board, the committee for Waste Free Roaring Fork, the policy committee for the Colorado Association for Recycling, and is a member of the Rocky Mountain Chapter of the Solid Waste Association of North America. **Elizabeth currently serves as secretary of the commission.**



# Members

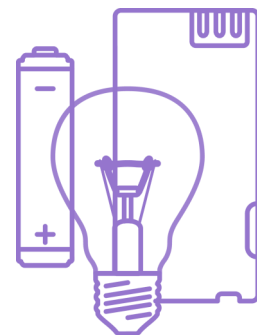
| Selected from academia and local government

## Stephen Gillette

Stephen Gillette received a bachelor of arts degree in history from the University of Northern Colorado in 1977.

Stephen is currently the Director of Solid Waste for Larimer County where he is responsible for all the solid waste programs, operations, and the environmental compliance of the county's landfill. He has served in this capacity since 2003 and has been with the County since 2000. Prior to this employment he was the manager for a waste collection and transfer station in Estes Park, Colorado working for a family owned business and then for the subsequent owners.

Stephen has spent 36 years in the solid waste business and was involved in collections, recycling, transfer and disposal. He is currently the president of the Colorado Chapter of the Solid Waste Association of North America and also serves on the International Board of Directors for the national organization.



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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 currently serves as chair of the commission.**

Joe is a practicing civil engineer with Brown Civil Engineering (Lafayette, Colorado) and a registered professional engineer. His 20 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.

### Teresa Coons, PhD

Teresa Coons is a fourth-generation Coloradan, having been born and raised in the Denver Metro area. She holds a bachelor's degree from Colorado State University and a Ph.D. in immunology from the University of New Mexico. A career in medical research of 30+ years spanned basic, clinical and public health research arenas, most recently focusing on occupational and community health related to extractive industries in the western United States. That work involved collaboration with federal, state and tribal governments and local advisory committees, both to conduct the research and to provide education regarding the outcomes and impacts of that research. As the Executive Director of the John McConnell Math & Science Center in Grand Junction, CO, Teresa Coons most recently focused her energy on developing early and lasting interest in science, technology, engineering and math (STEM), and creative problem-solving through her work with P-12 students, university undergraduates, and educators. Dr. Coons has held adjunct appointments at Colorado Mesa University and the Colorado School of Public Health at CSU, where she has taught both graduate and undergraduate courses in epidemiology, bioethics, and public policy.

During the sixteen years that, Dr. Coons lived and worked in Grand Junction, CO, she was very active in that community, serving two terms as a member of the Grand Junction City Council (and one term as Mayor), nine years on the Mesa County Board of Health, and eight years on the Grand Junction Housing Authority Board. She also served seven years on the Colorado State Air Quality Control Commission. Currently, Teresa and her husband live in Denver, where they enjoy time with their two adult daughters and three grandchildren.





## Members | Selected from the public-at-large

### Garrett Clemons

Garrett Clemons serves as Vice President, Environmental, Health & Safety for NGL Energy Partners LP. NGL Energy Partners owns and operates a vertically integrated energy business with five primary businesses – water solutions, crude oil logistics, NGL logistics, refined products/renewables and retail propane. Prior to joining NGL Energy Partners Garrett 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 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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# Rulemaking hearings & public outreach

May 17, 2016

On May 17, 2016, the commission held its business and annual meeting.

## 6 CCR 1010-23 - Rules and Regulations Governing the Colorado Household Medication Take-Back Program

The Division of Environmental Health and Sustainability presented an overview of proposed new regulations for the Colorado Household Medication Take-Back Program. The new regulation establishes a statewide collection program which would allow the collection of controlled substances. The new program would also establish qualifications, operational and recordkeeping procedures, and security requirements for collectors, transporters, and disposal locations participating in the program.

## 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 2016-2017. The fees, which fund the operation of the commission, were not modified.

August 1-2, 2016

No rulemaking hearings were held in August 2016.

The commission traveled to Pueblo to learn about issues facing the region and to hear comments during a public meeting held at the Pueblo City-County library during the evening of August 1. During their travels, the commission toured the Pueblo Chemical Agent—Destruction Pilot Plant, where they learned about the neutralization and disposal of mustard gas munitions. The commission also toured the Midway Monofill, seeing one of the largest storage and processing centers of waste tires in Colorado. Finally, the commission visited Rubberosion, Inc. in Sedalia where crumb rubber from waste tires is used to create erosion and storm water mitigation products.

# Rulemaking hearings & public outreach

November 15, 2016

## 6 CCR 1007-2, Part 1, Section 10 - Waste Tires

The commission updated the waste tire generator record keeping requirement for the transfer of all waste tires, and changed the reporting requirement for retailers that submit one “New Tire Fee Return” form for multiple stores. Additionally, based on forecasts for the upcoming year, the division proposed to modify the end user fund per-ton rebate amount to \$70 per ton. Based on stakeholder feedback, the commission modified the rebate amount to \$75 per ton.

## 6 CCR 1007-2, Part 1, Section 14 - Composting

The commission adopted the proposed deletion and replacement of current composting regulations. The new regulations contain a provision for small commercial and non-commercial composting, reduce requirements for yard waste composting and restructure composting facility classes. The proposed regulation also added clarifying language and clearer exemption categories.

February 21, 2017

## 6 CCR 1007-3, Part 261, Appendix VII and Appendix VIII - Addition of Lewisite to the K901 and K902 Hazardous Waste Listings

The commission adopted the proposed addition of Lewisite to the existing hazardous waste listings. Documentation suggests Lewisite (a chemical warfare agent) could be present at the Pueblo Chemical Depot. In the case that Lewisite is found, these listings will ensure the Lewisite and Lewisite wastes will be properly characterized as an acute hazardous waste, ensure they are properly disposed of, and managed in a manner protective of human health and the environment.

## 6 CCR 1007-3, Part 261 and Part 267 - Amendments for requirements for recyclable materials

The commission adopted an amendment to Section 261.6(a)(2) that adds a reference to Part 268 to clarify that the requirements of Part 268 are applicable to hazardous wastes that are recycled. Section 267.20(b) was modified to add a reference to Section 268.7(b)(6) to clarify that a recycling facility must comply with the record keeping requirements of Section 268.7(b)(6) and keep a one-time certification and notification related to recyclable materials being used in a manner constituting disposal. These technical corrections/clarifications were necessary due to the amendment of the corresponding federal regulations as published in the Federal Register on March 18, 2010 (75 FR 12989-13009) and April 13, 2012 (77 FR 22229-22232).



# Rulemaking hearings & public outreach

## 6 CCR 1007-3, Part 268 - Testing, tracking, and recordkeeping requirements for generators, treatment and disposal facilities

The commission adopted several amendments to Part 268. The amendments clarified the generator waste analysis and notification requirements under RCRA's land disposal restrictions. The amendments would reduce duplicative testing requirements, provide flexibility to generators of hazardous waste, and eliminate requirements to submit notifications and certifications to the division and instead keep these records in on-site files.

## 6 CCR 1007-2, Part 1, Section 9 - Waste Impoundments

The commission adopted an elimination of the partial exemption for waste impoundments that manage and contain coal combustion residuals. Coal combustion residuals will continue to be regulated under sections 1, 2, 3 and 9 of the state solid waste regulations. Existing state-approved Engineering Design and Operations Plans will remain in effect and are not superseded by the federal coal combustion rule.



## 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 2016.

## Other activities and forecast for 2017-2018

The commission will continue to examine all proposed rules for potential multimedia impacts, recycling and reuse opportunities, and regulatory necessity.

The commission currently is working on updating procedural rules, will look at any necessary updates to the waste tire regulations, and prepare for the new hazardous waste generator requirements.

## Participate in commission activities

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.

## Serve as a commissioner

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>



# Summary of regulations | Hazardous Waste

## Part 260: General Requirements for Hazardous Waste Management Systems

The purpose of these rules is to provide definitions of terms, general standards, and overview information applicable to hazardous waste rules. These rules are a necessary and required component in conducting a hazardous waste management program and to retain EPA authorization of the hazardous waste management program.

## Part 261: Identification and Listing of Hazardous Waste

These rules identify those wastes which, because of the public health and environmental hazards that they may pose in transportation, treatment, storage or disposal are subject to regulation as hazardous wastes.

## Part 262: Standards Applicable to Generators of Hazardous Waste

The responsibilities of generators of hazardous wastes in handling and transportation of that waste are set forth in this part. These rules are based upon the federal rules promulgated by the EPA under Subtitle C of the Resource Conservation and Recovery Act (RCRA). This part includes rules on hazardous waste determination, notification requirements, use of the manifest system, pre-transport requirements, and record-keeping and reporting requirements for generators.

## Part 263: Standards Applicable to Transporters of Hazardous Waste

This part sets forth the requirements for transporters of hazardous waste. The rules cover notification requirements, use of the manifest system and the transporter's responsibilities in the event of a hazardous waste discharge during transportation.

## Part 264: Standards for Owners and Operators of Permitted Hazardous Waste Treatment, Storage and Disposal Facilities

This part sets the standards for owners and operators of permitted facilities.

## Part 265: Standards for Owner and Operators of Interim Status Hazardous Waste Treatment, Storage and Disposal Facilities

This part sets the standards for owners and operators of interim status facilities.

## Part 266: Financial Requirements

The purpose of these rules is to provide assurance that funds will be available when needed for adequate closure and post-closure care of hazardous waste management facilities.



# Summary of regulations | Hazardous Waste

## Part 267: Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities

This part sets forth the requirements for recyclable materials used in a manner constituting disposal, hazardous waste burned for energy recovery, recyclable materials used for precious metal recovery and spent lead-acid batteries being reclaimed.

## Part 268: Land Disposal Restrictions

This part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.

## Part 273: Standards for Universal Waste Management

This part governs the collection and management of certain widely generated wastes. It is intended to facilitate the environmentally sound collection of these wastes and increase their proper recycling or treatment.

## Part 279: Standards for the Management of Used Oil

These rules set forth the standards for used oil management and cover used oil generators, transporters, processors and re-refiners, burners and marketers.

## Part 2: Public Information

These rules set forth under what circumstances HMWMD may deny access to records it has in its possession. The rules also set forth the substantive criteria to be used in determining whether information is a trade secret and entitled to protection from disclosure.

## Part 99: Notification

This part requires all generators and transporters of hazardous waste and owners or operators of treatment, storage, or disposal facilities to file a notification of hazardous waste activity CDPHE.

## Part 100: Permit Regulations

These rules require a permit and establish permit conditions for the treatment, storage or disposal of hazardous waste. It sets forth who must apply for a permit; the contents of the application, what conditions must be incorporated into permits; when permits may be modified, reissued, or terminated; and establishes procedures to be followed in making permit decisions. This part also includes procedures for public participation in the permitting process, and establishes fees to be assessed against treatment, storage, and disposal facilities to offset the state costs of permitting.

# Summary of regulations | Hazardous Waste

## Part 101: Hazardous Waste Appeal Regulations, Appeals of Compliance Orders

This part sets forth the types of compliance tools the Division has available to it and the appeal procedures.

## Part 6: Commission Fee Rules

These rules set forth the annual fees that generators and transporters of hazardous waste and facilities that treat, store or dispose of hazardous waste must pay to fund the operation of the commission.

## Part 7: Commission Procedural Rules

This part contains the rules under which the commission conducts its meetings, rulemaking hearings and includes conflict of interest provisions.

## Part 8: Statements of Basis and Purpose

The statements of basis and purpose provide rationale for why rules are implemented or amended. They also provided historical information about previous versions of the rules.





# Summary of regulations | Solid Waste

## Part 1: Regulations Pertaining to Solid Waste Sites and Facilities

Part A - General requirements and information concerning all solid waste disposal sites and facilities in the State of Colorado

Section 1- Administrative Information

Section 2- Minimum Standards

Part B- Requirements and information concerning all solid waste disposal sites and facilities in the State of Colorado

Section 3 - Standards for solid waste disposal landfill sites and facilities

Section 4- Construction debris and inert material landfill sites and facilities

{Reserved}

Section 5- Asbestos waste management

Section 6- Incinerator ash disposal sites and facilities

Section 7 - Transfer stations

Section 8 - Recycling and Beneficial Use

Section 9 - Waste impoundments

Section 10 - Waste Tires

Section 11- Solid waste incineration facilities

Section 12- Water treatment plant sludge

Section 13- Medical waste

Section 14 - Composting

Section 15 - {Reserved}

Section 16 - Materials prohibited from disposal

Section 17 - Commercial exploration and production of waste impoundments

Section 18 - Waste Grease transporters, facilities, and personal users of waste grease

## Part 2: Requirements for Siting Hazardous Waste Disposal Sites

## Part 3: Requirements for Inspections of Off-Site Hazardous Waste Disposal Sites

