



2019-2020

Annual Report



COLORADO

**Solid & Hazardous
Waste Commission**

Department of Public Health & Environment

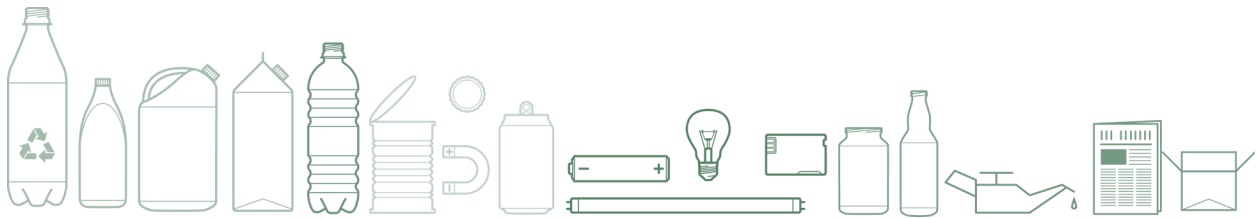
History

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 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.



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Members | Selected from regulated industry

James (Jim) Wilson, PE, Esq.

Jim Wilson has continued to follow his interest in environmental, health, and safety with over 30 years of experience working throughout the United States, Europe and Puerto Rico, by managing compliance issues in the chemical and pharmaceutical industry, as well as public and non-profit organizations. Jim currently is senior director of Compliance and Risk Management for MED-Project USA, a non-profit organization whose primary mission is to arrange for the take-back of home generated unused medicines and medical sharps.

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, 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 past vice-chair of the Colorado Air Quality Control Commission.

Christopher Gilbreath

Chris Gilbreath is a Colorado native and Colorado State University graduate with a Chemical Engineering Degree. Chris is currently the Water, Waste and Mining Compliance Manager for Tri-State Generation and Transmission Association. Tri-State is a not-for-profit wholesale power supplier to 43 member electric cooperatives in Colorado, Wyoming, Nebraska and New Mexico. Chris has worked in the environmental field in Colorado for over 25 years. From 1993-2000, Chris worked for the Colorado Department of Public Health and Environment, in the Hazardous Materials and Waste Management Division in the Federal Facilities Permitting Unit. From 2000-2005, Chris worked for Kaiser-Hill, L.L.C. responsible for the cleanup of the Rocky Flats Environmental Technology Site. As a Facility Manager, he managed the \$240 million decommissioning and demolition of Building 771/774 once deemed "the Nation's most dangerous facility." From 2005-2007, Chris worked for a small Service Disabled Veteran owned company providing waste management and demolition support in Louisiana following Hurricane Katrina. Chris joined Tri-State in 2007 and currently manages water and waste compliance throughout Tri-State's four state region.



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Charles Adams

Mr. Adams is a Certified Professional Geologist with a bachelor's degree in Earth Sciences from Dartmouth College. He completed an Executive Management Program for Small Business Owners at Stanford University in 1993. He is currently retired after over 30 years of experience in assessment and remediation of hazardous waste in soil and groundwater and engineering geology, both as an environmental consultant and as a regulator, and nine years of experience in mining geology.

Mr. Adams was a partner at Walsh Environmental in Boulder from 1988 to 1996 and the firm's President until 1996. In 1996 he formed ALTUS/WMA Environmental (now Apex Companies, LLC). In 2006, Mr. Adams co-founded Simply Efficient Solar & Wind and operated the company with his partners until 2018 providing alternative energy from Granby, CO. From 2011 until 2016 as an Environmental Protection Specialist (EPS) at the Colorado Department of Public Health and Environment, Mr. Adams provided regulatory oversight for RCRA Corrective Action facilities in Colorado, inspected those facilities for regulatory and post-closure permit compliance, reviewed technical documents for assessment, remedial design and corrective measures implementation, and corresponded on behalf of the Hazardous Materials and Waste Management Division.

Mr. Adams is an avid outdoorsman. He skis, camps, hunts, and hikes extensively near his home in Grand County and throughout Colorado with his wife Lynn. He has climbed all of Colorado's 14,000-foot peaks and many of the lower peaks, and he has climbed numerous high peaks in South America. He's a happy grandpappy with five little people in the family!



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Members | Selected from academia and local government

Elizabeth O'Connell Chapman, PhD

Elizabeth O'Connell Chapman has been an educator who focuses on helping people understand how human practices impact the environment for over 30 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. Teaching in the bachelor's program in Sustainability Studies at Colorado Mountain College, she concentrates on discussions about best practices and tangible solutions, especially those issues associated with solid and hazardous waste disposal. Her 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 waste 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 to programs which result in the increased use of reusable items and a 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 as Vice-President on the Valley Resource Management Board and is an active member of both Recycle Colorado and the Rocky Mountain Chapter of the Solid Waste Association of North America. Elizabeth currently serves as chair of the commission.

Cathleen Hall

Cathy Hall is the Solid Waste Director for Pitkin County where she manages the integrated solid waste system which includes a landfill, recycling transfer operation, a year-round household hazardous waste and electronic waste collection program, a commercial-scale compost operation, and aggregate and soil recovery programs. Pitkin County is ranked first in Colorado in waste diversion for counties outside of the front range. Prior to working at Pitkin County, Cathy spent 20 years in the solid and hazardous waste consulting industry working on landfill gas to energy projects, and solid waste management planning. She currently serves as the president for the Colorado Solid Waste Association of North America (SWANA). She is a board-certified environmental scientist specializing in solid waste management through the Academy of Environmental Engineers and Scientists and is a Certified Manager of Landfill Operations and Manager of Compost Operations through SWANA. Cathy received a bachelor's degree in geology from Ohio State University and a master's in business administration from the University of Maryland.



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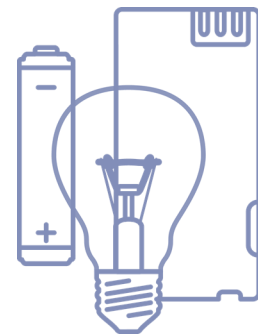
Members | Selected from academia and local government

Stephen Gillette

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

Stephen is the former Director of Solid Waste for Larimer County where he was 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 over 37 years in the solid waste business and was involved in collections, recycling, transfer and disposal. He is currently on the Board of Directors 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. Stephen recently resigned from the commission in March 2020 upon his retirement from Larimer County.



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Members | Selected from the public-at-large

Emily Freeman

Emily Freeman currently serves as a Senior Sustainability Coordinator - Zero Waste for the City of Boulder. Her projects include implementing ordinances and policies into actionable projects, with a primary focus on construction and demolition waste, and overseeing the development of a Sustainable Purchasing Policy for Boulder. Prior to this position, Emily served as the Environmental Management System, Program Manager for the City and County of Denver for over five years. In this position she assessed the potential environmental impacts of Denver's internal operations to prevent, respond to, and mitigate any operational impacts. She worked closely with Denver's environmental compliance team to ensure regulatory requirements were aligned with standards of work and integrated into daily practices. Additionally, since 2016 Emily has served as the Chair of Colorado's Pollution Prevention Advisory Board's Assistance Committee in developing new economic opportunities to improve Colorado's material diversion rate. Emily also brings experience working in the private sector where she conducted waste diversion reports and analyzed data to maximize sustainable waste solutions across various sectors. She is a dedicated public servant who has a deep interest in ensuring the proper management of solid and hazardous waste throughout the state of Colorado. Emily received her master's degree in Sustainability from Arizona State University.

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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Members | Selected from the public-at-large

Cathryn Stewart, C.P.G., P.G.

Cathryn Stewart, C.P.G., P.G., is a senior project manager and hydrogeologist with Swift River Environmental Services, LLC, an Alaska Native Corporation. She has 25 years of experience in geology, hydrogeology, and environmental consulting, primarily with permitting and compliance, environmental monitoring, hydrogeologic characterization, aquifer testing, and regulatory agency interaction and reporting for public and private solid waste management facilities. Her experience also includes environmental assessments for manufacturing, coal, and oil-producing facilities in Colorado, Missouri, Nebraska, North Dakota, Pennsylvania, and Wyoming. She transitioned to environmental services following 11 years of petroleum exploration and production in Colorado, North Dakota, Oklahoma, and Wyoming.

She provides environmental services to the hazardous and solid waste industry by conducting hydrogeologic investigations for landfill siting and expansions to depict uppermost groundwater and groundwater flow direction and to optimize locations of groundwater monitoring wells. She has prepared Groundwater Monitoring Plans (GWMPs) that include sampling and analysis plans, plans for statistical analysis of groundwater and leachate data to identify trends and changes of natural groundwater quality beneath landfills, and certification of groundwater monitoring systems. The hydrogeologic characterization and GWMPs are required components of Engineering, Design, and Operations Plans (EDOPs) to permit solid waste facilities under the approval of county, health, and state regulatory agencies.

Cathryn enjoys conducting, managing, and most of all, training others in environmental monitoring (sampling and reporting) of groundwater, landfill gas, leachate, and stormwater for solid waste facilities in Alaska, Colorado, Nebraska, and Utah.

Cathryn received a B.A. in geology from Smith College, an M.S. in geology from West Virginia University, and an M.E. in geographic information systems from University of Colorado-Denver. She is a Certified Professional Geologist (C.P.G.) through the American Institute of Professional Geologists and a Professional Geologist (P.G.) in AK, CA, NE, PA, UT, and WY. Cathryn is on the Board of Directors and a past president of the Rocky Mountain Chapter of the Solid Waste Association of North America (SWANA). She is pleased to serve on the SHWC and apply her hazardous and solid waste experience in order to have a positive impact on Coloradans and our environment.



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Solid & Hazardous
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Department of Public Health & Environment

Rulemaking hearings & public outreach

May 21, 2019

6 CCR 1007-2, Part 1, Section 1.7.3 - Solid Waste Annual Fees

The commission adopted changes to the current annual fees assessed to solid waste disposal facilities that do not pay into the Solid Waste User Fees. These sites include sites that are not attended, such as surface impoundments, and waste treatment facilities like incinerators and composters. The proposal established a structure that will set a more appropriate fee for sites in post closure, facilities with surface impoundments, facilities that are inactive for longer than one year. This results in an increase to some sites and a decrease for others. The proposal aimed to update and simplify the regulation.

6 CCR 1007-2, Part 1, Section 3.3.8 - Training Requirements for Solid Waste Landfill Personnel

The modification to Section 3.3.8 requires a written training plan and annual training of facility personnel related to the recognition of prohibited wastes, and training in the requirements of the facility's Engineering Design and Operations Plan (EDOP). The regulations will also require retention of records to verify that facility personnel have completed the required training.

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 2019-2020. The fees, which fund the operation of the commission, were not modified.

6 CCR 1007-3, Parts 260, 261, 262 - Safe Management of Recalled Airbags

The commission adopted amendments corresponding to the rule issued by EPA and published in the Federal Register on November 30, 2018. The November 30, 2018 federal rule facilitates a more expedited removal of the defective airbag inflators from vehicles by dealerships, salvage yards and other locations for safe and environmentally sound disposal by exempting the collection of airbag waste (airbag modules and airbag inflators) from hazardous waste requirements so long as certain conditions are met. This rule is intended to assist the automobile dealers and other entities in their handling of the airbags, and ensure delivery of the airbags to facilities that can more expertly manage these airbags in order to accelerate the recall of the airbags.

6 CCR 1007-3, Parts 262, Subpart L - Episodic Generation Requirements

The amendments provided additional definitions for episodic events and provide equivalency with the federal notification, labeling, duration and recordkeeping requirements. The amendments will clarify Very Small Quantity Generator (VSQG) or Small Quantity Generator (SQG) requirements for maintaining generator category during an episodic event, and clarify the exemption from biennial reporting for VSQGs and SQGs with an episodic event.

August 12-13, 2019

No rulemaking hearings were held in August 2019.

On August 12, the commission and department staff met with several representatives and elected officials from Alamosa and Rio Grande counties at the Alamosa Family Recreation Center in Alamosa, CO.

In the evening, the commission held a public meeting at the Alamosa City Council Chambers, to hear public comments about issues in the region. Earlier in the day, the commission visited the Alamosa Co-op Landfill. On August 13th, the commission traveled to Saguache County to meet with the Saguache County Commissioners and tour the Saguache County Landfill. The meetings and tours provided insights on the solid waste issues in the San Luis Valley.



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Rulemaking hearings & public outreach

October 15, 2019

6 CCR 1007-2, Part 1, Sections 1 and 10 - Waste Tires

The commission adopted amendments stemming from Senate Bill 19-198, which required the commission to set a fee on the sale of each new tire and new trailer tire, not to exceed, two dollars per tire. The commission set the fee at \$1.25 on the sales of new tires. The amendments updated definitions, set new requirements for waste tire monofills seeking a waiver, and established rules for the Waste Tire Administration, Enforcement Market Development and Cleanup Fund. Additionally, the amendments established the ruled for the End Users Fund and associated rebates as well as established ruled for the responsible usage of waste tire bales by End Users and landowners.

February 18, 2020

6 CCR 1007-2, Part 1, Sections 1 and 10 - Waste Tires

The commission adopted additional language from SB 19-198 to the 6 CCR 1007-2 Part 1 that was inadvertently left out of the amendments proposed in October 2019. Waste tire processors were added to the three year rolling average to add further clarification that a waste tire processor is required to meet this requirement as addressed in Section 10 of the Regulations. Section 10.3.2(C) was split into two parts to address when the Department will issue a Certificate of Registration and corresponding Waste Tire Hauler decals (based on if the hauler is a new applicant or existing Waste Tire Hauler registrant). An incorrect section reference in 10.3.2 (C) was corrected. The Engineering Design and Operations Plan - Fire Prevention, Training and Firefighting Plan (required for Waste Tire Monofills, Waste Tire Processors, and Waste Tire Collection Facilities) will no longer require that this Plan be written by a “qualified professional”, but will instead require that this plan be approved by the local fire department/local fire jurisdiction or in areas where no fire code exists, by the Colorado Division of Fire Prevention and Control in the Department of Public Safety. A typographical error in Section 10.6.3 was corrected to reflect the correct form reference. Language from SB 19-198 that was inadvertently excluded was added to the End User Rebate Amount section to allow the twenty-five percent of the expected annual rebate amount to be held in reserve prior to paying out the first quarterly rebate.

6 CCR 1010-23 - Rules and Regulations Pertaining to the Colorado Household Medication Take-Back Program

The commission adopted regulations proposed by the Division of Environmental Health and Sustainability. The amendments modify the regulations based upon Senate Bill 19-227, which allow the program to include a system for the collection and disposal of household sharps (needles, syringes, and other devices used to inject medications).



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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 2019.

Other activities and forecast for 2020-2021

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

The commission is currently reviewing management standards for hazardous waste pharmaceuticals.

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>



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Department of Public Health & Environment

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.



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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 with 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.



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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

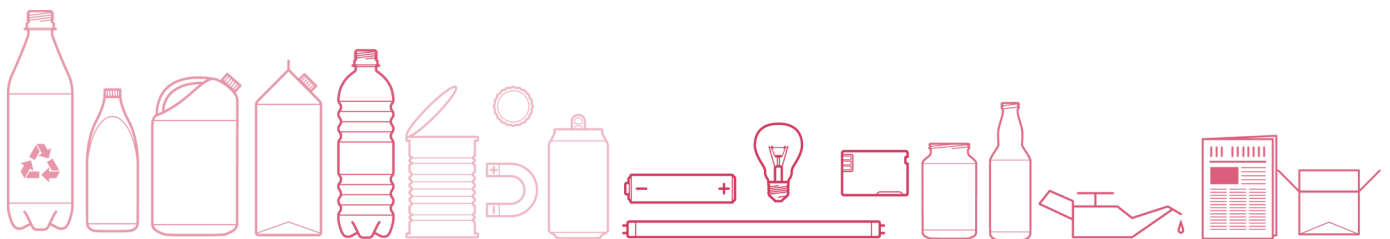
These rules set forth the annual fees that generators and transporters of hazardous waste and facilities that treat, store or dispose of hazardous waste must pay to fund the operation of the commission.

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 provide historical information about previous versions of the rules.



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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- Financial assurance requirements

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



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Department of Public Health & Environment

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