



2022-2023

# 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 Coloradans.

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 the 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

## Christopher Gilbreath - Vice Chair

Chris Gilbreath is a Colorado native and Colorado State University graduate with a Chemical Engineering Degree. Commissioner Gilbreath is currently the Senior Manager for Remediation and Reclamation 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. Commissioner Gilbreath has worked in the environmental field in Colorado for over 30 years. From 1993-2000, Commissioner Gilbreath 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, Commissioner Gilbreath 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, Commissioner Gilbreath worked for a small Service Disabled Veteran owned company providing waste management and demolition support in Louisiana following Hurricane Katrina. Commissioner Gilbreath joined Tri-State in 2007 and currently manages mine reclamation and remediation projects throughout Tri-State's four state region.

## Mark Keyes

Mark Keyes is currently working as an environmental consultant focusing on providing services to the oil and gas industry. For more than 20 years, Commissioner Keyes has provided environmental services to industrial clients with a focus on solid and hazardous waste compliance and remediation of impacted soil and groundwater related to historical operations and spills. Commissioner Keyes has also worked in the environmental department of a Colorado based exploration and production oil and gas company. At the oil and gas company, he was responsible for determining and setting the policy for all waste and water issues including looking for ways to reduce waste and promote recycling. He implemented a study designed to recycle the produced water generated during oil and gas production which would eliminate the need to dispose of the salt-rich produced water. He received a bachelor's degree in Geology from Michigan State University, and was a Certified Hazardous Waste Materials Manager.

## Charles R. 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.

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## Members | Selected from academia and local government

### Matthew Chrisp

Matt Chrisp is a Colorado native, having grown up in Logan county where he currently resides after raising two amazing children with his beautiful wife of 38-years in the Loveland area.

In 2012, Commissioner Chrisp moved back to Sterling and began his career in the solid waste industry as a heavy equipment operator at the Logan County Landfill where he has obtained the title of Landfill Supervisor and has been privileged to operate the landfill in an efficient, effective and compliant manner. Currently Commissioner Chrisp is certified as a “Manager of Landfill Operations,” and is a member of Recycle Colorado. Matt has earned nearly 300-continuing education units specifically for solid waste topics and has been blessed to be involved in the policy/legislative/rule-making processes for solid waste management through working with multiple federal, state and local institutions through stakeholder meetings, testifying before committees and state officials and staying abreast of current solid waste events.

In his nine years with Logan County, Commissioner Chrisp worked closely with the Colorado Department of Public Health & Environment through many issues to include a “100-year-flood,” a “500-year-flood” and a 3500-acre brush fire that included multiple structures and left nearly 300 dead cattle, horses and wildlife.

His vision is that rural Colorado be more involved in waste diversion efforts that have been proven to reduce health and environmental risks and improve purity of natural resources in an effective and fiscally responsible manner while helping to create sustainable infrastructure that will reduce costs and allow all of our participation.

### 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 second in waste diversion for counties in Colorado. Prior to working at Pitkin County, Commissioner Hall 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 past-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. Commissioner Hall received a bachelor's degree in geology from Ohio State University and a master's in business administration from the University of Maryland.



## Members | Selected from academia and local government

### Elizabeth O'Connell Chapman, PhD - Chair

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 as an Environmental Health Administrator for the City of Aspen consists of directing research, influencing institutional programs, and creating policies for responsible waste management. 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 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.

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# Members | Selected from the public-at-large

## Emily Freeman - Secretary

Emily Freeman currently serves as a Policy Advisor for Circular Economy for the City of Boulder. She works to implement Boulder's construction and demolition waste ordinance by engaging with the public, private businesses and exploring end market development. Commissioner Freeman also manages Boulder's partnership with Repeater which supports reusable takeout containers for restaurants and meal delivery services. This partnership supports Boulder's climate action goal to eliminate single-use plastics. Previously, Commissioner Freeman served as the Environmental Management System, Program Manager for the City and County of Denver. She addressed the environmental impacts of Denver's internal operations to ensure regulatory requirements were aligned with and integrated into daily practices. Commissioner Freeman serves as the Chair of Colorado's Pollution Prevention Advisory Board's Assistance Committee to develop economic opportunities that increase Colorado's material diversion rate. She is also experienced 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 Colorado. Commissioner Freeman received her master's degree in Sustainability from Arizona State University.

## 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.

Commissioner Stewart 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.



# Members | Selected from the public-at-large

## Andrea Trujillo Guajardo

Ándrea Trujillo Guajardo is a dedicated and certified nonprofit, project management, engineering, and organizational development professional working toward environmental and social justice for communities in Colorado. She was the founder and president of Rural Project Services with offices in Antonito and Lakewood, Colorado. Responsible for providing access to capital projects in rural communities, she was responsible for bringing renewable distributed generation online. Her experience as an eighth generation resident of the San Luis Valley coupled with project management experience fueled her passion to improve health outcomes in rural Colorado by reducing built environmental stressors such as water contamination and energy generation. Ándrea founded and served on boards and committees including Conejos Clean Water, Zero Waste Services, the administrator appointment to the National Environmental Justice Advisory Council, and the governor appointment to the Solid and Hazardous Waste Commission. Her career started as an engineer in the private sector before she started nonprofit and philanthropic work in Colorado. She is currently a recent graduate of the University of Colorado at Denver's School of Public Affairs with a Master of Public Administration and serves as a Tribal Program Manager for the Environmental Protection Agency. She is a member of the nation's first Hispano labor union turned fraternal organization, Sociedad Protección Mutua de Trabajadores Unidos. She lives in Lakewood, Colorado with husband Marcel Guajardo, and two sons Javi and Migui.

## Ryan Kyle

Ryan holds both a B.A. and a B.F.A. from Colorado Mesa University, earned in 2003, with an impressive accumulation of over 230 college credits. Since May 2023, Commissioner Kyle has been serving as a contractor for the Department of Energy in Grand Junction. In his current role as the Legacy Management Support Site Lead for the Monticello, Utah, Disposal and Processing Sites, he brings 20 years of expertise in geology, hydrogeology, construction, and environmental consulting. His specialties include permitting and compliance, environmental monitoring, and comprehensive groundwater, air, and soil sampling and reporting.

Before his tenure with the Department of Energy, he excelled as the Regulatory Compliance Manager for the Mesa County Landfill, where he ensured adherence to all federal, state, and county regulations.

Ryan's extensive experience and unwavering commitment to environmental stewardship and land protection have been lifelong pursuits.



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# Rulemaking Hearings & Public Outreach

The commission held all meetings virtually. The public is always encouraged to attend the online meetings.

## May 17, 2022

### 6 CCR 1007-3, Part 6 - Rules and Regulations Pertaining to Hazardous Waste - Annual Solid and Hazardous Waste Commission Fee

The commission adopted the Amendments to 6 CCR 1007-3, Part 6- Regulations Pertaining to Hazardous Waste - Annual Solid and Hazardous Waste Commission Fee, along with the accompanying statement of basis and purpose. The Commission decided to assess the same fees in fiscal year 2022-2023 as it did in fiscal year 2021-2022.

## August 16, 2022

### 6 CCR 1007-3, Part 261, Appendix IX - Regulations Pertaining to Hazardous Waste - Concerning the Denver Arapahoe Chemical Waste Processing Facility (DACWPF)

The commission revoked the Conditional Delisting #003 found in 6 CCR 1007-3, Part 261, Appendix IX - Regulations Pertaining to Hazardous Waste - Concerning the Denver Arapahoe Chemical Waste Processing Facility (DACWPF), along with the accompanying statement of basis and purpose.

### 6 CCR 1007-2, Part 1, Section 4 - Regulations Pertaining to Solid Waste Sites and Facilities - Amendments to Solid Waste Financial Assurance

The commission adopted the amendments of 6 CCR 1007-2, Part 1, Section 4 - Regulations Pertaining to Solid Waste Sites and Facilities - Amendments to Solid Waste Financial Assurance, along with the accompanying statement of basis and purpose, which established a new mechanism (a cash deposit holding account), established a consistent financial assurance deadline of April 30 each year, required facilities to give advanced notice prior to cancelling certain types of financial assurance, and updated contact information for the Hazardous Materials and Waste Management Division.

## November 15, 2022

### 6 CCR 1007-2, Part 1, Section 10 - Regulations Pertaining to Solid Waste Sites and Facilities - Waste Tires

The commission adopted the amendments of 6 CCR 1007-2, Part 1, Section 10 - Regulations Pertaining to Solid Waste Sites and Facilities - Waste Tires, along with the accompanying statement of basis and

purpose, which updated the waste tire end user quarterly rebate amount for calendar year 2023 based on statutory criteria, changed the waste tire program's pre-existing process for registered waste tire haulers and registered mobile waste tire processors to renew their registration with the Division, and removed a "broken" website listed in the Regulations.





# Rulemaking Hearings & Public Outreach

## 6 CCR 1007-2, Part 1, Sections 1, 2, 3, 8, 9, 14 and 17, and Repeal of Section 12 - Regulations Pertaining to Solid Waste Sites and Facilities - Amendments regarding TENORM for consistency with 6 CCR 1007-1, Part 20

The commission adopted the amendments of 6 CCR 1007-2, Part 1, Sections 1, 2, 3, 8, 9, 14 and 17, and repealed Section 12 - Regulations Pertaining to Solid Waste Sites and Facilities regarding TENORM to achieve consistency with 6 CCR 1007-1, Part 20.

## 6 CCR 1007-3, Part 261, Appendix IX to Conditionally Delist F019 Hazardous Waste Generated By Golden Aluminum, Inc. located at 1405 East 14th Street, Fort Lupton, CO 80621

The commission adopted the amendments of 6 CCR 1007-3, Part 261, Appendix IX to Conditionally Delist F019 Hazardous Waste Generated By Golden Aluminum, Inc. located at 1405 East 14th Street, Fort Lupton, CO 80621 along with the accompanying statement of basis and purpose.

May, 2023

## 6 CCR 1007-2, Part 1, - Regulations Pertaining to Solid Waste Sites and Facilities - Additions to Section 1.2 (Definitions), Addition of Section 1.8 Regulations (Producer Responsibility Authorization and Dollar Limit Exemption), Placeholder for Addition of Section 18 (Producer Responsibility Regulations)

The commission adopted the amendment of 6 CCR 1007-2, Part 1, - Regulations Pertaining to Solid Waste Sites and Facilities - Additions to Section 1.2 (Definitions), and Addition of Section 1.8 Regulations (Producer Responsibility Authorization and Dollar Limit Exemption), as well as Placeholder for Addition of Section 18 (Producer Responsibility Regulations), along with the accompanying statement of basis and purpose.



# 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 2022-2023.

## Other activities and forecast for 2023-2024

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

## 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 via email [cdphe.hwcrequests@state.co.us](mailto:cdphe.hwcrequests@state.co.us).

## 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 - 6 CCR

1007-3

## 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.



## 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 the Hazardous Materials & Waste Management Division 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 for 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.



## 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.

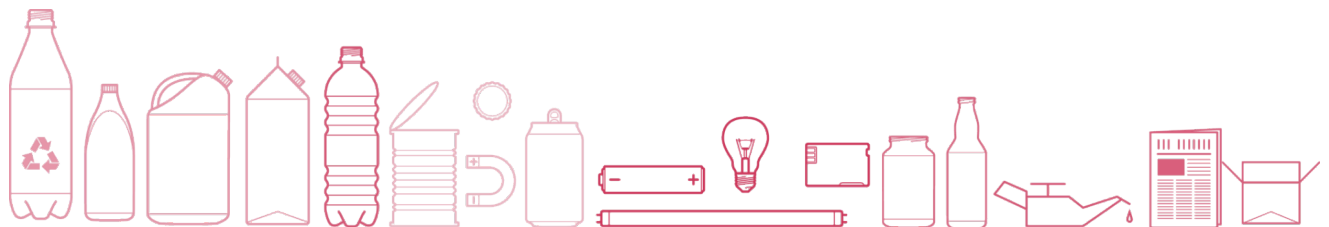
## Part 7: Commission Procedural Rules

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.

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# Summary of Regulations | Solid Waste - 6

CCR

## 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 (Reserved)

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 - Producer Responsibility (Reserved)

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

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



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## Staff & Contact information

Visit the Solid and Hazardous Waste Commission online:

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