



2023-2024

# Annual Report



**COLORADO**

**Solid & Hazardous  
Waste Commission**

Department of Public Health & Environment

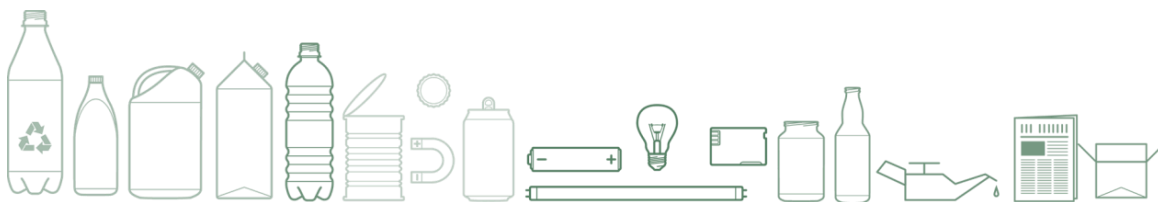
# History

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

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.



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# Members | Selected from regulated industry

## James Spaanstra

Jim is a partner in the Denver office of the national law firm Holland & Hart. He moved to Denver in 1978 after starting his professional career at President Jimmy Carter's White House Council on Environmental Quality. In the intervening years, Commissioner Spaanstra has practiced environmental and natural resources law continuously with private firms, except for a year as the Executive Director of Great Outdoors Colorado.

In the solid and hazardous waste field, Commissioner Spaanstra was a member and Chair of the Colorado Committee on Hazardous Waste Regulation, the Colorado regulatory body responsible for developing the state's initial hazardous waste regulations. A representative sample of Commissioner Spaanstra's work in Colorado includes the siting and permitting of the Deer Trail commercial hazardous waste treatment, storage, and disposal facility in eastern Adams County, serving as general outside environmental counsel for Kaiser-Hill LLC, including in relation to the cleanup of the "nation's most dangerous facility" (see Commissioner Gilbreath above), representing Continuum Partners in addressing the environmental issues associated with the demolition of the historic Villa Italia mall and its replacement with the new Lakewood Downtown Belmar Center, and the successful vertical expansion of the Tower Road landfill, despite the challenges posed by its proximity to Denver International Airport.

In his role as Commissioner, Commissioner Spaanstra hopes to continue his work collaborating with CDPHE in developing environmentally protective regulations that were initiated in the late 1970s.



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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 - Vice Chair

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.



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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.

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

## Cathryn Stewart, C.P.G., P.G. - Chair

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.



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# Rulemaking Hearings & Public Outreach

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

## August 15, 2023

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

The commission adopted proposed amendments to revise Sections 1 and 10 to change the waste tire hauler and mobile waste tire processor registration requirements, and to set the Waste Tire Fee and the End User fund per ton rebate for 2024.

## November 21, 2023

The commission did not adopt any rules at the November 21, 2023 meeting.

## February 20, 2024

### 6 CCR 1007-2, Part 1, Section 1.7.4 - Solid Waste User Fees

The commission adopted proposed amendments to Part 1 to increase the solid waste management fund's portion of the solid waste user fee authorized in Section 25-16-104.5(1.7)(a)(I) C.R.S. from \$0.13 per cubic yard to \$0.22 per cubic yard for one year beginning on July 1, 2024. Beginning on July 1, 2025, the solid waste management fund's portion will decrease to \$0.17 per cubic yard. During the one-year period from July 1, 2024 to June 30, 2025, the Hazardous Substance Response Fund's portion of the solid waste user fee will drop from \$0.05 per cubic yard to \$0.00.

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

The commission adopted proposed amendments to Section 14 to increase food waste diversion opportunities by increasing allowable Type 2 feedstock volumes for Conditionally Exempt Small Quantity facilities, and allowing certain Class I facilities to accept food waste from offsite locations. A standard operator training requirement is included for Class I, II, and III facilities. The requirements for sampling, storage, and use of finished compost and soil amendments have also been updated to be more protective of human health and the environment.

### 6 CCR 1007-3, Part 267, Subpart Q - PFAS in Class B Firefighting Foam

The commission adopted proposed amendments to Subpart Q to remove requirements which correspond to repealed statutory requirements found in C.R.S. 24-33.5-1234 and to add the current requirements of C.R.S. 24-33.5-1234, 25-5-1303.5, and 25-5-1309 to Subpart Q. The revised Subpart requires all persons who store or use one or more gallons of PFAS Aqueous Film-Forming Foam (AFFF) to comply with the requirements of the registration and certificate program, the restrictions surrounding certain uses of PFAS AFFF, the additional reporting requirements which pertain to self-certification and water quality spills hotline reporting, capture requirements for the containment of finished PFAS AFFF during use, and the safe storage requirements for the storage of spent PFAS AFFF and all associated wastes. These amendments incorporate the exemption criteria created by HB22-1345 and found in 25-5-1303.5 for the use of PFAS AFFF as required or authorized by federal law or implemented as required for a military purpose. These amendments do not prohibit the use of PFAS AFFF for real-world Class B fire responses, nor do they establish requirements for persons using or storing Class B firefighting foams which do not contain PFAS.



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# Rulemaking Hearings & Public Outreach

May 21, 2024

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

The commission adopted proposed amendments to revise paragraph (a) of Section 6.04 to reflect the annual commission fees to be assessed for fiscal year 2024-2025. Please note that this does not change the amounts of the annual commission fees, but changes the rule to reflect the 2024-2025 fiscal year. The current fee amounts are adequate to cover the commission's anticipated expenses for fiscal year 2024-2025.

## 6 CCR 1007-2, Part 1, - Addition of Section 19 - Closed Landfill Remediation Grant Program

The commission adopted proposed amendments to Part 1, Section 19 (the Regulation) is to promulgate rules establishing how the Colorado Department of Public Health and Environment will administer the grant program for the remediation of closed solid waste landfills owned by eligible local governments in Colorado. These proposed revisions to the regulations were developed in response to House Bill 23-1194, passed by the legislature in 2023 and as codified at Section 30-20-124, C.R.S.

June 14, 2024 - Special Session

## 6 CCR 1007-2, Part 1, - Amendment of Section 1.8 Regulations, Producer Responsibility Authorization and Dollar Limit Exemption, and Addition of Section 18, Producer Responsibility Regulations

The commission adopted proposed amendments to Part 1, Section 18 (the Regulations) is to set rules for the extended producer responsibility program. These proposed revisions to the regulations were developed in response to House Bill (HB) 22-1355, passed by the legislature in 2022. The Section 18 regulations codify the producer responsibility regulations as authorized under the Act. The primary subsections of the rules address the regulatory requirements through the following categories: 1) general provisions including program specific definitions, 2) producer requirements, 3) the producer responsibility organization (PRO) requirements, 3) covered materials under the program, 4) covered entities, 5) individual program plan requirements, 6) additional producer responsibility organization requirements, 7) education and outreach requirements, 8) reimbursement requirements, and 9) inspection, enforcement and penalties. Each section clarifies and expands on the program requirements and administrative criteria established under the Act. Section 1.8.2 is also updated to adjust the consumer price index to establish the dollar limitation threshold to exempt small businesses from the producer requirements under Section 18.



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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 2023-2024.

## Other activities and forecast for 2024-2025

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

The commission looks forward to hybrid meetings in 2024-2025.

## 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>



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# 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.



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# Summary of Regulations | Hazardous Waste - 6 CCR 1007-3

## 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 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.



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# Summary of Regulations | Hazardous Waste - 6 CCR 1007-3

## 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

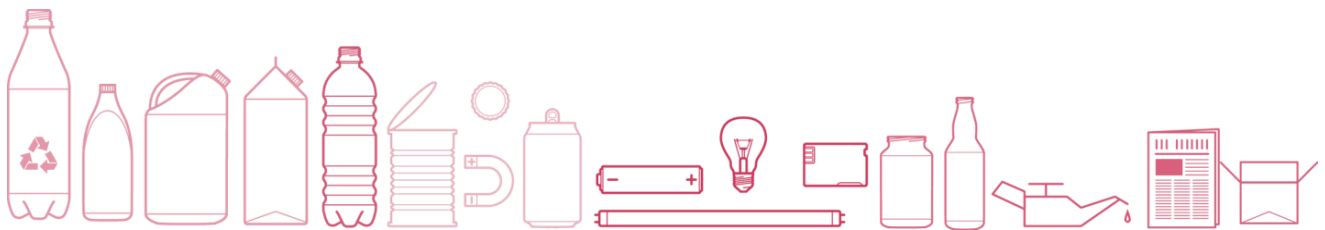
These rules set forth the annual fees that generators and transporters of hazardous waste and facilities that treat, store or dispose of hazardous waste must pay to fund the operation of the commission.

## 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

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

Section 19 - Administration of the Closed Landfill Remediation Grant Program

## 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

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