

1 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

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4 **Solid and Hazardous Waste Commission/Hazardous Materials and**
5 **Waste Management Division**

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8 **6 CCR 1007-3**

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11 **HAZARDOUS WASTE**

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13 **Proposed Amendment of § 261.6(a)(2) and § 267.20(b) Regarding Requirements for**
14 **Recyclable Materials.**

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17 **1) Paragraph (a)(2) of § 261.6 is revised to read as follows:**

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20 **§ 261.6 Requirements for recyclable materials.**

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22 (a)(1) *****

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24 (2) The following recyclable materials are not subject to the requirements of this section but are regulated
25 under Subparts C through G of Part 267 of these regulations and all applicable provisions in Parts **268**
26 **and** 100 of these regulations:

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31 **2) Paragraph (b) of § 267.20 is revised to read as follows:**

32 **Subpart C - Recyclable Materials Used In A Manner Constituting Disposal**

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35 **§ 267.20 Applicability.**

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37 (a) *****

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39 (1) *****

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41 (2) *****

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43 (b) Products produced for the general public's use that are used in a manner that constitutes disposal and
44 that contain recyclable materials are not presently subject to regulation if the recyclable materials have
45 undergone a chemical reaction in the course of producing the products so as to become inseparable by
46 physical means and if such products meet the applicable treatment standards in Subpart D of Part 268 (or
47 applicable prohibition levels in § 268.32 or RCRA section 3004(d), where no treatment standards have
48 been established) for each recyclable material (i.e., hazardous waste) that they contain, **and the recycler**
49 **complies with § 268.7(b)(6) of these regulations.**

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53 **3) Section 8.87 {Statement of Basis and Purpose for the Rulemaking Hearing of February**
54 **21, 2017} is added to Part 8 of the Regulations to read as follows:**

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Statement of Basis and Purpose
Rulemaking Hearing of February 21, 2017

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59 **8.87 Basis and Purpose.**

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61 These amendments to 6 CCR 1007-3, Parts 261 and 267 are made pursuant to the authority granted to

62 the Solid and Hazardous Waste Commission in § 25-15-302(2), C.R.S.

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64 **Amendment of § 261.6(a)(2) and § 267.20(b) Regarding Requirements for Recyclable Materials.**

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66 Section 261.6(a)(2) is being modified to add a reference to Part 268 to clarify that the requirements of

67 Part 268 are applicable to hazardous wastes that are recycled. Section 267.20(b) is being modified to add

68 a reference to Section 268.7(b)(6) to clarify that a recycling facility must comply with the record keeping

69 requirements of Section 268.7(b)(6) and keep a one-time certification and notification related to recyclable

70 materials being used in a manner constituting disposal.

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72 These technical corrections/clarifications to the existing state regulations are applicable to the

73 amendment of the corresponding federal regulations as published in the Federal Register on March 18,

74 2010 (75 FR 12989-13009) and April 13, 2012 (77 FR 22229-22232). These amendments are

75 considered to be neither more nor less stringent than the current standards, and Colorado is not required

76 to adopt these corrections. However, the Division recommends the adoption of these technical

77 corrections to avoid any confusion or misunderstanding by the regulated community and the public.