

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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14 Hazardous Waste Generator Improvements Rule Amendments.

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17 1) The Table of Contents for Part 262 is amended by revising Subparts A and B to read as
18 follows:

19
20
21 PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

22
23 Subpart A - General

24 Sec.

- 25 262.1 Terms used in this part.
26 262.9 Generator Annual Fees
27 262.10 Purpose, scope, and applicability.
28 262.11 Hazardous waste determination.
29 262.12 Reserved.
30 262.13 Generator category determination.
31 262.14 Conditions for exemption for a very small quantity generator.
32 262.15 Satellite accumulation area regulations for small and large quantity generators.
33 262.16 Conditions for exemptions for a small quantity generator that accumulates hazardous waste.
34 262.17 Conditions for exemptions for a large quantity generator that accumulates hazardous waste.
35 262.18 EPA identification numbers and re-notification for ~~very small quantity generators, small quantity~~
36 ~~generators, and~~ large quantity generators, small quantity generators, and very small quantity generators that
37 generate 3 gallons or more in a calendar year of hazardous waste codes F001, F002, F004, and/or F005.
38
39

40 Subpart B - Manifest Requirements Applicable to Small and Large Quantity Generators

- 41
42 262.20 General requirements.
43 262.21 Manifest tracking numbers, manifest printing, and obtaining manifests.
44 262.22 Number of copies.
45 262.23 Use of the manifest.
46 ~~262.24 262.26 Reserved.~~
47 262.24 Use of the electronic manifest.
48 262.25 Electronic manifest signatures.
49 262.26 Reserved.

50 262.27 Waste minimization certification.

51

52

53 *****

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55

56 **2) Section 262.10 is amended by revising paragraphs (a)(1)(i) through (a)(1)(iii) to read as**
57 **follows:**

58

59

60 **§ 262.10 Purpose, scope, and applicability.**

61 (a) The regulations in this part establish standards for generators of hazardous waste as defined in § 260.10 of these
62 regulations.

63 (1) A person who generates a hazardous waste as defined in § 260.10 of these regulations must comply with all
64 the applicable independent requirements in the subparts and sections listed below:

65 (i) **Independent requirements of a very small quantity generator.**

66 (A) Section 262.9 Generator Annual Fees;~~;~~

67 (B) Section 262.11(a) through (d) Hazardous waste determination and recordkeeping; ~~and~~

68 (C) Section 262.13 Generator category determination;~~;~~

69 (D) Section 262.18 EPA Identification numbers and re-notification for ~~very small quantity generators,~~
70 ~~small quantity generators, and~~ large quantity generators, ~~small quantity generators, and very small~~
71 ~~quantity generators that generate 3 gallons or more in a calendar year of hazardous waste codes F001,~~
72 ~~F002, F004, and or F005;~~

73 (E) Section 262.43 Additional reporting;~~;~~ ~~and~~

74 (F) Part 99 ~~N~~otification ~~R~~equirements (~~Required~~ for VSQGs that generate 3 gallons or more in a
75 calendar year of hazardous waste codes F001, F002, F004 and/or F005).

76 (ii) **Independent requirements of a small quantity generator.**

77 (A) Section 262.9 Generator Annual Fees;~~;~~

78 (B) Section 262.11 Hazardous waste determination and recordkeeping;~~;~~

79 (C) Section 262.13 Generator category determination;

80 (D) Section 262.18 EPA Identification numbers and re-notification for ~~very small quantity generators,~~
81 ~~small quantity generators, and~~ large quantity generators, ~~small quantity generators, and very small~~
82 ~~quantity generators that generate 3 gallons or more in a calendar year of hazardous waste codes F001,~~
83 ~~F002, F004, and or F005;~~

84 (E) Part 262 subpart B – Manifest requirements applicable to small and large quantity generators;

85 (F) Part 262 subpart C – Pre-transport requirements applicable to small and large quantity generators;

86 (G) Section 262.40 Recordkeeping;

- 87 (H) Section 262.43 Additional Reporting~~;~~
- 88 (I) Section 262.44 Recordkeeping for small quantity generators; ~~and~~
- 89 (J) Part 262 subpart H – Transboundary movements of hazardous waste for recovery or disposal~~;~~
- 90 (K) Part 268 Land Disposal Restrictions~~;~~
- 91 (L) Part 99 Notification Requirements~~;~~ and
- 92 (M) Section 6.04 Annual Commission Fee.
- 93 (iii) **Independent requirements of a large quantity generator.**
- 94 (A) Section 262.9 Generator Annual Fees~~;~~
- 95 (B) Section 262.11 Hazardous waste determination and recordkeeping~~;~~
- 96 (C) Section 262.13 Generator category determination;
- 97 (D) Section 262.18 EPA Identification numbers and re-notification for ~~very small quantity generators,~~
- 98 ~~small quantity generators, and~~ large quantity generators, small quantity generators, and very small
- 99 quantity generators that generate 3 gallons or more in a calendar year of hazardous waste codes F001,
- 100 F002, F004, and or F005;
- 101 (E) Part 262 subpart B – Manifest requirements applicable to small and large quantity generators;
- 102 (F) Part 262 subpart C – Pre-transport requirements applicable to small and large quantity generators;
- 103 (G) Part 262 subpart D – Recordkeeping and reporting applicable to small and large quantity
- 104 generators, except § 262.44; ~~and~~
- 105 (H) Section 262.43 Additional Reporting~~;~~
- 106 (I) Part 262 subpart H – Transboundary movements of hazardous waste for recovery or disposal~~;~~
- 107 (J) Part 268 Land Disposal Restrictions~~;~~
- 108 (K) Part 99 Notification Requirements~~;~~ and
- 109 (L) Section 6.04 Annual Commission Fee.

110
111
112 **3) Section 262.10 is amended by revising paragraph (d) to read as follows:**

113
114 **§ 262.10 Purpose, scope, and applicability.**

115 *****

116
117 (d) Any person who exports or imports hazardous wastes must comply with § 262.18 and Subpart H of this part.

118
119 *****

123 **4) Section 262.10 is amended by revising paragraph (g)(2) to read as follows:**

124
125 **§ 262.10 Purpose, scope, and applicability.**

126 *****
127

128 (g)(1) A generator's violation of an independent requirement is subject to penalty and injunctive relief under section
129 3008 of RCRA and sections 25-15-308, C.R.S. through 25-15-310, C.R.S.

130 (2) A generator's noncompliance with a condition for exemption in this part is ~~not~~ subject to penalty or
131 injunctive relief under ~~section 3008 of RCRA and~~ sections 25-15-308, C.R.S. through 25-15-310, C.R.S. as a
132 violation of a Part 262 condition for exemption. Noncompliance by any generator with an applicable condition
133 for exemption from storage permit and operations requirements means that the facility is a storage facility
134 operating without an exemption from the permit, interim status, and operations requirements in Parts 264
135 through 267, and 100 of these regulations. Without an exemption, any violations of such storage requirements
136 are also subject to penalty and injunctive relief under section 3008 of RCRA and sections 25-15-308, C.R.S.
137 through 25-15-310, C.R.S.

138 *****
139

141 **5) Section 262.15 is amended by revising paragraph (a)(7) to read as follows:**

142
143 **§ 262.15 Satellite accumulation area regulations for small and large quantity generators.**

144 (a) *****

145 (7) All satellite accumulation areas operated by a small quantity generator must meet the preparedness and
146 prevention regulations of § 262.16(b)(8) and emergency procedures at § 262.16(b)(~~9~~10).

147 *****

148 *****

149
150
151 **6) Section 262.15 is amended by adding paragraph (a)(10) to read as follows:**

152
153 **§ 262.15 Satellite accumulation area regulations for small and large quantity generators.**

154 (a) *****

155 (10) The generator complies with the training requirements of § 262.16(b)(9) if operating as an SQG, and with
156 the training requirements of § 262.17(a)(7) if operating as an LQG.

157 *****

158
159
160 **7) Section 262.16 is amended by revising paragraphs (b) and (b)(1), and adding**
161 **paragraphs (b)(1)(i) through (b)(1)(i)(B) to read as follows:**

162
163 **§ 262.16 Conditions for exemption for a small quantity generator that accumulates hazardous waste.**

164 *****

165 (b) **Accumulation.** The small quantity generator accumulates hazardous waste on site for no more than 180 days,
166 unless in compliance with the conditions for exemption for longer accumulation in paragraphs (c~~d~~) and (d~~e~~) of this
167 section. The following accumulation conditions also apply:

168 (1) **Accumulation limit.** The quantity of non-acute hazardous waste accumulated on site never exceeds 6,000
169 kilograms (13,200 pounds);

170
171 (i) If the small quantity generator accumulates at any time greater than 1 kilogram (2.2 lbs) of acute
172 hazardous waste or 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other
173 debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous
174 waste listed in §§ 261.31 or 261.33(e) of these regulations, all quantities of that acute hazardous waste
175 are subject to the following additional conditions for exemption:

176
177 (A) Such waste is held on site for no more than 90 days beginning on the date when the
178 accumulated wastes exceed the amounts provided above; and

179
180 (B) The conditions for exemption in § 262.17(a) through (g).

181
182
183 **8) Section 262.16 is amended by deleting and reserving paragraph (b)(8)(vi)(D)(5) to read**
184 **as follows:**

185
186 **§ 262.16 Conditions for exemption for a small quantity generator that accumulates hazardous waste.**

187 *****

188 (b) *****

189 (8) *****

190 (vi) *****

191 (D) Facilities which are not provided with fire protection services by a fire protection district or
192 municipal fire department must be maintained and operated in accordance with a plan for providing
193 their own fire protection and prevention which has been approved by the Department and which meets
194 the following requirements:

195 *****

196 (5) ~~Reserved. The approved plan shall become a part of the facility's contingency plan when a~~
197 ~~contingency plan is required.~~

198 *****

199
200 **9) Section 262.16 is amended by revising paragraph (b)(10)(i) to read as follows:**

201
202 **§ 262.16 Conditions for exemption for a small quantity generator that accumulates hazardous waste.**

203 *****

204 (b) *****

205 (10) **Emergency procedures.** The small quantity generator must comply with the following conditions for those
206 areas of the generator facility where hazardous waste is generated, accumulated, and stored:

207 (i) At all times there must be at least one employee either on the premises or on call (i.e., available to
208 respond to an emergency by reaching the facility within a short period of time) with the responsibility for
209 coordinating all emergency response measures specified in paragraph (b)(910)(iv) of this section. This
210 employee is the emergency coordinator.

211

212 *****

213

214 **10) Section 262.16 is amended by revising paragraph (d) to read as follows:**

215

216 **§ 262.16 Conditions for exemption for a small quantity generator that accumulates hazardous waste.**

217 *****

218 (d) **Accumulation time limit extension.** A small quantity generator who accumulates hazardous waste for more
219 than 180 days (or for more than 270 days if it must transport its waste, or offer its waste for transportation, over a
220 distance of 200 miles or more) is subject to the requirements of Parts 264, 265, 267, 268, and 100 of these
221 regulations unless it has been granted an extension to the 180-day (or 270-day if applicable) period. Such extension
222 may be granted by ~~EPA~~the Department if hazardous wastes must remain on site for longer than 180 days (or 270
223 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days
224 may be granted at the discretion of the Department on a case-by-case basis.

225 *****

226

227 **11) Section 262.17 is amended by revising paragraph (a)(7)(i)(A) to read as follows:**

228

229 **§ 262.17 Conditions for exemption for a large quantity generator that accumulates hazardous waste.**

230 *****

231 (a) *****

232 *****

233 (7) **Personnel training.** (i)(A) Facility personnel must successfully complete a program of classroom
234 instruction, and/or online training (e.g., computer-based or electronic), ~~or~~and on-the-job training that teaches
235 them to perform their duties in a way that ensures compliance with this part. The large quantity generator must
236 ensure that this program includes all the elements described in the document required under paragraph (a)(7)(iv)
237 of this section.

238 *****

239 *****

240 **12) The title of Section 262.18 is revised to read as follows:**

241
242 § 262.18 EPA identification numbers and re-notification for ~~very small quantity generators, small quantity~~
243 ~~generators, and~~ large quantity generators, small quantity generators, and very small quantity generators that
244 generate 3 gallons or more in a calendar year of hazardous waste codes F001, F002, F004, and/or F005.

245 *****

246
247 **13) Section 262.18 is amended by revising paragraph (d)(3) to read as follows:**

248
249 § 262.18 EPA identification numbers and re-notification for very small quantity generators, small quantity
250 generators, and large quantity generators.

251 *****

252 (d) *****

253 (3) A large quantity generator must re-notify ~~EPA~~ the Department by March 1 of each even-numbered year
254 thereafter using EPA Form 8700-12. A large quantity generator may submit this re-notification as part of its
255 Biennial Report required under § 262.41.

256 *****

257
258
259
260

14) Section 262.20 is amended by revising paragraph (f) to read as follows:

261 § 262.20 General requirements.

262 *****

263 (f) The requirements of this subpart and § 262.32(b) do not apply to the transport of hazardous wastes on a public or
264 private right-of-way within or along the border of contiguous property under the control of the same person, even if
265 such contiguous property is divided by a public or private right-of-way. Notwithstanding § 263.10(a), the generator
266 or transporter must comply with ~~therequirements~~ the requirements for transporters set forth in §§ 263.30 and 263.31
267 of these regulations in the event of a discharge of hazardous waste on a public or private right-of-way.

268
269

270 **15) Part 262 is amended by adding a reference to read as follows indicating that Subparts**
271 **I through K are reserved:**

272
273 §§ 262.85-262.89 [Reserved]

274 Subparts I – K [Reserved]

275

276 **16) Section 262.230 is amended by revising paragraph (c) to read as follows:**

277

278 **§ 262.230 Applicability.**

279 *****

280 (c) A VSQG or an SQG that generates hazardous waste episodically at the level of an LQG may exceed its generator
281 category once per calendar year without affecting its generator category, and must comply with all LQG
282 requirements of §§ 262.10(a)(1)(iii) ~~and 262.17~~, except for § 262.41(Biennial reporting): 262.15; and 262.17. A
283 VSQG or an SQG that generates hazardous waste episodically at the level of an LQG more than once per calendar
284 year must comply with all LQG requirements of §§ 262.10(a)(1)(iii) ~~and 262.17~~, including § 262.41(Biennial
285 reporting): 262.15 and 262.17.

286 *****

287

288

289 **17) Section 262.251 is amended by revising paragraph (b)(5) to read as follows:**

290

291 **§ 262.251 Maintenance and operation of facility.**

292 *****

293 (b) Facilities which are not provided with fire protection services by a fire protection district or municipal fire
294 department must be maintained and operated in accordance with a plan for providing their own fire protection and
295 prevention which has been approved by the Department and which meets the following requirements:

296 *****

297 (5) The approved plan shall become a part of the facility's contingency plan. ~~when a contingency plan is~~
298 ~~required.~~

299

300

301 **18) Subpart M of Part 262 is amended as follows by adding a listing prior to § 262.260 to**
302 **indicate that sections 262.257 through 262.259 are reserved:**

303

304 *****

305 **§§ 262.257- 262.259 Reserved.**

306

307 **§ 262.260 Purpose and implementation of contingency plan.**

308 *****

309 **19) Section 262.261 is amended by revising paragraph (h) to read as follows:**

310
311 **§ 262.261 Content of contingency plan.**

312
313 *****

314
315 (h) A large quantity generator that first becomes subject to these provisions or a large quantity generator that is
316 otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to
317 the local emergency responders identified ~~in section 262.262 at paragraph (a) of this section~~ or, as appropriate, the
318 Local Emergency Planning Committee. The quick reference guide must include the following elements:

319
320 *****

321
322
323 **20) Section 8.92 (Statement of Basis for the Rulemaking Hearing of November 20, 2018) is**
324 **added to Part 8 of the Regulations to read as follows:**

325
326
327 **Statement of Basis and Purpose**
328 **Rulemaking Hearing of November 20, 2018**

329
330 **8.92 Basis and Purpose.**

331
332 These amendments to 6 CCR 1007-3, Part 262 are made pursuant to the authority granted to the Solid and
333 Hazardous Waste Commission in § 25-15-302(2), C.R.S.

334
335 **Hazardous Waste Generator Improvements Rule Amendments**

336
337 These amendments correct technical errors and inadvertent omissions that were identified after Colorado
338 adopted state analogs to the federal Hazardous Waste Generator Improvements Rule on May 15, 2018.

339
340 These amendments correct typographical errors and inadvertent omissions that exist in §§ 262.10, 262.15,
341 262.16, 262.17, 262.18, 262.20, 262.230, 262.251, 262.261 and the Table of Contents for Part 262 of the
342 current regulations.