



COLORADO

**Solid & Hazardous
Waste Commission**

Department of Public Health & Environment

NOTICE OF PROPOSED RULEMAKING HEARING
BEFORE THE
COLORADO SOLID AND HAZARDOUS WASTE COMMISSION

SUBJECT:

For consideration of the amendments to 6 CCR 1007-2, Part 1, Section 1 and Reserving Section 18, along with the accompanying Statement of Basis and Purpose, the following will be considered:

Amendment of 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)

These modifications are made pursuant to the authority granted to the Solid and Hazardous Waste Commission in Section 25-17-713, C.R.S.

These proposed revisions to the regulations were developed in response to House Bill 22-1355, passed by the legislature in 2022, in which the General Assembly directed the Commission to adjust the Producer's dollar limitation exemption by the consumer price index annually by July 1.

Section 1.2 (Definitions) is being amended by adding the definition of "Producer" as defined in Section 25-17-703 (30) C.R.S.

Section 1.8 (Producer Responsibility Authorization and Dollar Limit Exemption) is being added to adjust by rule the dollar limitation based on the percentage change in the United States Department of Labor's Bureau of Labor Statistics Consumer Price Index (CPI) for Denver-Aurora-Lakewood for all items and all urban consumers, or its successor index.

Section 1.8.2 Producer Exemption Dollar Limit is also being added which describes that as of July 1, 2023, a producer is exempt from the requirements of Sections 25-17-701, et. seq., C.R.S., if the producer is a person with less than five million three hundred twenty thousand dollars (\$5,320,000) in realized gross total revenue, not including on-premises alcohol sales, during the prior calendar year.

Section 18 is being amended as a placeholder for the upcoming producer responsibility regulations.



Any information that is incorporated by reference in these proposed rules is available for review at the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division and any state publications depository library.

Pursuant to C.R.S. §24-4-103(3), a notice of proposed rulemaking was submitted to the Secretary of State on April 14, 2023. Copies of the proposed rulemaking will be mailed to all persons on the Solid and Hazardous Waste Commission's mailing list on or before the date of publication of the notice of proposed rulemaking in the Colorado Register on April 25, 2023.

The proposed rulemaking materials may also be accessed at <https://cdphe.colorado.gov/shwc-rulemaking-hearings>.

WRITTEN TESTIMONY

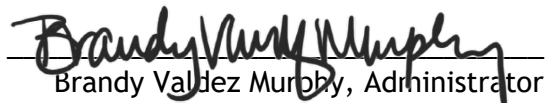
Any alternative proposals for rules or written comments relating to the proposed amendment of the regulation will be considered. The Solid and Hazardous Waste Commission will accept written testimony and materials regarding the proposed alternatives. **The commission strongly encourages interested parties to submit written testimony or materials to the Solid and Hazardous Waste Commission Office, via email to cdphe.hwcrequests@state.co.us by Thursday, May 4, 2023, at 11:59 p.m. Written materials submitted in advance will be distributed to the commission members prior to the day of the hearing.** Submittal of written testimony and materials on the day of the hearing will be accepted, but is strongly discouraged.

HEARING SCHEDULE:

DATE: Tuesday, May 16, 2023
TIME: 9:00 a.m.
PLACE: **This meeting will be held online only at:**

<https://us02web.zoom.us/meeting/register/tZcldO2tqz8iGtWNIFbFjxIBKeAKk-6Rzco->

Oral testimony at the hearing regarding the proposed amendments may be limited.


Brandy Valdez Murphy, Administrator



1 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

2 Solid and Hazardous Waste Commission/Hazardous Materials and
3 Waste Management Division

4 6 CCR 1007-2

5 PART 1 - REGULATIONS PERTAINING TO SOLID WASTE SITES AND FACILITIES

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7
8 Addition of Section 1.8 Producer Responsibility Authorization and Dollar Limit
9 Exemption. Placeholder for Section 18. Producer Responsibility Regulations, and
10 Associated Addition to Section 1.2 Definitions

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14 1) Section 1 of the Table of Contents of the Solid Waste Regulations is being amended by
15 revising Section 1.8 to read as follows:

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18 PART 1 - REGULATIONS PERTAINING TO SOLID WASTE SITES AND FACILITIES

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21 TABLE OF CONTENTS

22
23 PART B
24 REQUIREMENTS AND INFORMATION CONCERNING
25 ALL SOLID WASTE DISPOSAL SITES AND FACILITIES
26 IN THE STATE OF COLORADO

27
28 *****

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30 SECTION 1 ADMINISTRATIVE INFORMATION

- 31 1.1 General information
32 1.2 Definitions
33 1.3 Scope and effective date
34 1.4 Exemptions
35 1.5 Waiver processes and procedures
36 1.6 Application for certificate of designation
37 1.7 Solid waste authorization and fees
38 1.8 ~~Reserved~~ Producer Responsibility Authorization and Dollar Limit Exemption
39 1.9 Inspections and enforcement

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41 *****

42 2) Section 1 of the Table of Contents of the Solid Waste Regulations is being amended by
43 revising Section 18 to read as follows:
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46 **PART 1 - REGULATIONS PERTAINING TO SOLID WASTE SITES AND FACILITIES**
47

48
49 **TABLE OF CONTENTS**
50

51 **PART B**
52 **REQUIREMENTS AND INFORMATION CONCERNING**
53 **ALL SOLID WASTE DISPOSAL SITES AND FACILITIES**
54 **IN THE STATE OF COLORADO**
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58 **SECTION 18 ~~{RESERVED}~~ PRODUCER RESPONSIBILITY (RESERVED)**
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61 *****

62 3) Section 1.2 (Definitions) is being amended by adding the following definition in
63 alphabetical order to read as follows:
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65 **1.2 Definitions**
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69 “Producer” as defined in Section 25-17-703 (30) C.R.S.
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71 *****
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74 4) Section 1.8 (Producer Responsibility Authorization and Dollar Limit Exemption) is being
75 added to read as follows:
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77 **SECTION 1.8 ~~{RESERVED}~~ PRODUCER RESPONSIBILITY AUTHORIZATION AND DOLLAR LIMIT EXEMPTION**
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79 **1.8.1 Authorization** The Commission is authorized pursuant to Section 25-17-713 (2) C.R.S. to adjust
80 by rule the dollar limitation set forth in Section 25-17-713(1)(a) C.R.S., based on the percentage change in
81 the United States Department of Labor’s Bureau of Labor Statistics Consumer Price Index (CPI) for
82 Denver-Aurora-Lakewood for all items and all urban consumers, or its successor index. This Index is
83 available January of each year at [https://www.bls.gov/regions/mountain-plains/news-](https://www.bls.gov/regions/mountain-plains/news-release/consumerpriceindex_denver.htm)
84 [release/consumerpriceindex_denver.htm](https://www.bls.gov/regions/mountain-plains/news-release/consumerpriceindex_denver.htm).
85

86 **1.8.2 Producer Exemption Dollar Limit** As of July 1, 2023, a producer is exempt from the requirements
87 of Sections 25-17-701 - 25-17-716, C.R.S., and Section 18 if the producer is a person with less than five
88 million three hundred twenty thousand dollars (\$5,320,000) in realized gross total revenue, not including
89 on-premises alcohol sales, during the prior calendar year.
90

91 5) Section 18 is being amended as a placeholder for the upcoming producer
92 responsibility regulations

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SECTION 18 – PRODUCER RESPONSIBILITY (RESERVED)

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