

1 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

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3 **Solid and Hazardous Waste Commission**

4 **Hazardous Materials and Waste Management Division (HMWMD)**

5 **6 CCR 1007-2**

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8 **STATEMENT OF BASIS AND PURPOSE**

9 **AND SPECIFIC STATUTORY AUTHORITY FOR**

10 **Amendment of Regulations Pertaining to Solid Waste Sites and Facilities (6 CCR 1007-2 Part 1) –**

11 **Addition of Section 3.3.8 Training**

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14 Statement of Basis and Purpose:

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16 These amendments to 6 CCR 1007-2, Section 3, are made pursuant to the authority granted to the Solid

17 and Hazardous Waste Commission in Section 30-20-109, C.R.S.

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19 The purpose of these amendments is to add a new subsection 3.3.8 to Section 3 to establish training

20 requirements applicable to specific facility personnel identified in Section 3.3.8(A)(1) that work at a solid

21 waste landfill in the State of Colorado.

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23 Background

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25 The Regulations Pertaining to Solid Waste Sites and Facilities (the Regulations), 6 CCR 1007-2, currently

26 address training of landfill personnel in a very limited fashion. Section 2.1.2(B)(3) is the only section that

27 includes a training requirement – and this section only requires workers be trained to recognize

28 hazardous wastes and polychlorinated biphenyl (PCB) wastes to prevent disposal of these materials in

29 landfills. Section 2.1.2(B)(3) was added to Colorado’s regulations when very similar requirements were

30 promulgated in the federal solid waste rules - Subtitle D of the Resource Conservation and Recovery Act

31 in 1992.

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33 Many landfills in Colorado have been implementing effective training programs for a long time.

34 Anecdotally, the Hazardous Materials and Waste Management Division has found via inspections of

35 landfills over the years that the presence of an effective training program ties directly to better compliance

36 with regulatory requirements and EDOP requirements. This makes perfect sense. However, many

37 landfills have never developed or implemented training programs. As a result, compliance at many

38 landfills is poor. Landfills do not, by themselves, protect human health and the environment. That

39 protection only comes when the employees know the requirements and ensure those requirements are

40 implemented. As such, the Commission believes that adding these proposed training regulations is

41 overdue.

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43 Discussion of the Regulatory Proposal

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45 Training Program and Training Plan – The proposed regulations, in Section 3.3.8(A), require each landfill

46 to develop a training program that ensures that specific facility personnel identified in Section 3.3.8(A)(1)

47 are thoroughly trained in facility operations relevant to the work they do at the facility. Section 3.3.8(B)

48 requires that the training program include a written training plan that defines the initial and continuing

49 training that specific facility personnel at the landfill will receive. The goal of this training is to ensure that

50 the landfill facility complies with all regulatory requirements and all EDOP requirements which protects
51 human health and the environment.

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53 Additional Prohibited Wastes (Section 3.3.8(B)(1)) - Since 1992, industry awareness regarding the proper
54 disposal of hazardous waste has increased significantly and the use of PCBs has essentially been
55 phased out. However, there are a number of additional wastes that are specifically prohibited by state
56 law or by the regulations (liquid waste, electronic waste, lead acid batteries, used oil, whole waste tires).
57 In addition, there are wastes that have the potential to impact human health and the environment when
58 disposed in a solid waste landfill (e.g., asbestos wastes, medical wastes). Acceptable wastes are
59 specified in a waste characterization and disposal plan included in the facility's Engineering Design and
60 Operations Plan (EDOP) issued by the Division. The EDOP may also include specific provisions for how,
61 when and where some of these riskier wastes will be managed. This points to the need for personnel at
62 solid waste landfills to be a) trained to recognize a broader list of wastes in addition to hazardous waste
63 and PCB wastes, and b) trained to know how certain wastes can be managed at the facility.

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65 The Importance of the EDOP (Section 3.3.8(B)(2)) – Section 3 of the Regulations defines the standards
66 by which landfills must operate. The EDOP for each landfill site and facility incorporates those standards
67 but adds many site-specific aspects for implementation of the regulatory standards. It is therefore vital
68 that personnel designing, building, and operating landfills are familiar with the regulatory requirements
69 and with the requirements of their EDOP. This familiarity must come from a systematic and repeating
70 training program that covers the general regulatory requirements and the site-specific EDOP
71 requirements. Knowledge of, and compliance with, the EDOP is the key to ensuring that operations are
72 conducted in a compliant manner that ensures protection of human health and the environment.

73
74 Documentation (Section 3.3.8(C)) - The last element of these proposed training regulations include
75 documentation requirements. The new regulations will require owners or operators of solid waste landfills
76 to maintain the names, job titles and job duties for specific facility personnel identified in Section
77 3.3.8(A)(1). The new regulations will also require documentation of the type of initial and continuing
78 training for all facility personnel who have job duties related to the management of solid waste and/or who
79 may respond in the event of an emergency. Finally, documentation that these training requirements have
80 been met must be maintained on-site and available at the time of an inspection.

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82 These new training regulations are not expected to be onerous requirements and many landfill facilities
83 have already implemented training requirements that meet these new regulations.

84 Stakeholder Process

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87 A stakeholder meeting regarding this proposed rulemaking was held on March 6, 2019.