

1 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

2
3 Solid and Hazardous Waste Commission

4 Hazardous Materials and Waste Management Division

5 6 CCR 1007-2

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7
8 STATEMENT OF BASIS AND PURPOSE
9 AND SPECIFIC STATUTORY AUTHORITY FOR

10
11 Amendment to the Regulations Pertaining to Solid Waste Sites and Facilities (6 CCR
12 1007-2, Part 1) - Section 10.3.2 (Registration for Waste Tire Haulers), Section 10.3.3
13 (Waste Tire Hauler Decals), 10.7.3 (Mobile Waste Tire Processors Registration
14 Requirements), 10.7.4 (Mobile Waste Tire Processor Decal), Table 10-12-.01 (Eligible
15 End Uses and Retailing for the End Users Fund) and Section 10.12.5 (Waste Tire End
16 Users Fund Rebate Amount).

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18
19 Basis and Purpose

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21 I. Statutory Authority

22
23 Section 30-20-1401(2), C.R.S. gives the Solid and Hazardous Waste Commission (the
24 Commission) the authority to promulgate waste tire regulations in order to implement
25 and enforce Section 30, Article 20, Part 14, C.R.S.

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27 II. Purpose of revised regulations:

28
29 The purpose of revising 6 CCR 1007-2 Part 1 (the Regulations) is to update waste tire
30 hauler and mobile waste tire processor registration requirements and set the End User
31 fund per ton rebate.

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33 Discussion of Regulatory Proposal

34
35 Section 10.3.2 (B)(3) (Registration for Waste Tire Haulers) was modified to add that a
36 Waste Tire Hauler applicant include an email address. This change will allow the
37 Division to contact the Waste Tire Hauler about the status of their application and to
38 notify the Waste Tire Hauler about completing the annual waste tire hauler renewal
39 application and Waste Tire Hauler Annual Report.

40 Section 10.3.2 (B)(7) (Registration for Waste Tire Haulers) was removed to no longer
41 require that a Waste Tire Hauler applicant submit a current vehicle registration for
42 each vehicle used by the Waste Tire Hauler to haul waste tires. The vehicle
43 registration information that was required (license plate number, state in which the
44 vehicle is registered, the Vehicle Identification Number (“VIN”), the make/model and
45 year, and the registered owner) is not necessary. The Division is no longer collecting
46 vehicle registration information for the following reasons:

- 47 • The Division has been collecting vehicle registration information since the
48 Division initially started registering Waste Tire Haulers. The collected vehicle
49 registration information has never been used by the Division for administrative
50 or enforcement reasons. The other information required in the Certificate of
51 Registration application is sufficient to meet the Division’s regulatory
52 responsibilities.
- 53 • It is an unnecessary burden for a Waste Tire Hauler to provide the vehicle
54 registration every year for the Waste Tire Hauler renewal registration. It takes
55 considerable time for a Waste Tire Hauler with a large fleet of vehicles to
56 provide the vehicle registration information through the Division’s registration
57 or renewal registration system.
- 58 • For the second year in a row, the Division has received complaints about the
59 less than user-friendly waste tire hauler online registration renewal system,
60 which includes the Waste Tire Hauler having to access through a separate url
61 link for each vehicle’s registration information. The removal of the vehicle
62 registration information requirement will make the Waste Tire Hauler renewal
63 registration a more user-friendly process.
- 64 • There are over 230 registered Waste Tire Haulers with the Division, and it takes
65 considerable staff time to ensure that the vehicle information requirement is
66 being met. It also takes a lot of staff time to enter/correct the vehicle
67 information in the registration database and issue decals with the license plate
68 number.

69
70 The Certificate of Registration for a Waste Tire Hauler expiration date in Section
71 10.3.2 (D) (Registration for Waste Tire Haulers) was changed to April 15 instead of
72 March 15. Because the renewal application due date was changed to March 1, this
73 change will allow the Division the same amount of time to process and issue
74 registrations.

75
76 Section 10.3.2 (F) (Registration for Waste Tire Haulers) was modified to match the
77 April 15 expiration date set in Section 10.3.2(D).

78
79 The Waste Tire Hauler renewal application due date in Section 10.3.2 (G) (Registration
80 for Waste Tire Haulers) was changed from February 1 to March 1 to align with the
81 Waste Tire Hauler Annual Report due date and to avoid the confusion of different due
82 dates for the Waste Tire Hauler registration renewal and the annual report.

83
84 Section 10.3.3 (C) (Waste Tire Hauler Decals) was modified to match the April 15
85 expiration date set in Section 10.3.2.

86 Section 10.7.3 (C) (Mobile Waste Tire Processors Registration Requirements) was
87 modified to add that a Mobile Waste Tire Processor applicant include an email
88 address. This change will allow the Division to contact the Mobile Waste Tire Processor
89 about the status of their application and to notify the Mobile Waste Tire Processor
90 about completing the annual mobile waste tire processor renewal application and
91 Mobile Waste Tire Processor Annual Report.

92
93 The Certificate of Registration for a Mobile Waste Tire Processor expiration date in
94 Section 10.7.3 (F) (Mobile Waste Tire Processors Registration Requirements) was
95 changed to April 15 instead of March 15. Because the renewal application due date
96 was changed to March 1, this change will allow the Division the same amount of time
97 to process and issue registrations.

98
99 Section 10.7.3 (G) (Mobile Waste Tire Processors Registration Requirements) was
100 modified to match the April 15 expiration date set in Section 10.7.3 (F).

101
102 The Mobile Waste Tire Processor renewal application due date in Section 10.7.3 (H)
103 (Mobile Waste Tire Processors Registration Requirements) was changed from February
104 1 to March 1 to align with the Mobile Waste Tire Processor Annual Report due date and
105 to avoid the confusion of different due dates for the Mobile Waste Tire Processor
106 registration renewal and the annual report.

107
108 Section 10.7.4 (C) (Mobile Waste Tire Processor Decal) was modified to match the April
109 15 expiration date set in Section 10.7.3.

110
111 Table 10-12-.01 (Eligible End Uses and Retailing for the End Users Fund)

112
113 A scenario was added to the eligible end use table for manufacturing tire-derived
114 products (molded products, wattles, etc.) using rubber mulch. While the end use table
115 does not contemplate every potential scenario under which an End User or Retailer
116 may qualify for a rebate under the End Users Fund, the Department suggested this
117 change because it has received inquiries from some End Users about whether certain
118 kinds of end use qualify them for a rebate. Currently the table only specifies that
119 rebates are available to those who manufacture products with crumb rubber (less than
120 1/4 inch rubber material that is wire and fiber free). This update clarifies that End
121 Users of tire-derived products made from rubber mulch size material (1/4 inch to 3
122 inches that is wire and fiber free) are eligible for Tier II rebate.

123
124 Section 10.12.5 (Waste Tires End Users Fund Rebate Amount)

125
126 Section 30-20-1405(4)(a) requires the Commission to set the amount of the rebate
127 annually. With limited data due to rebates just starting in 2020, more information will
128 be needed to determine whether a change in the per-ton rates is appropriate.
129 Therefore, the per-ton rates for rebates will remain the same for 2021.

132 **Description of Local Government Involvement in the Stakeholder Process**

133
134 Executive Order D 2011-005 (EO-5), "Establishing a Policy to Enhance the Relationship
135 between State and Local Government" requires state rulemaking agencies to consult
136 with and engage local governments prior to the promulgation of any rules containing
137 mandates. The Department completed an EO-5 Internal Communication Form - Draft &
138 Conception Phase that was transmitted to local governments. These regulations would
139 impact any county or municipality that are a Waste Tire Hauler, a Mobile Waste Tire
140 Processor, and/or a Waste Tire End User.

141
142 **Issues Encountered During Stakeholder Process:**

- 143
144 1. A stakeholder submitted a comment asking if the added scenario was just a
145 clarification on the end use of rubber mulch and molded products being eligible under
146 the Tier II per ton rate. The Commission is adding this scenario to clarify that the end
147 use of waste tire rubber mulch sized material in the manufacturing process with a
148 demonstrated sale would qualify for a Tier II per ton rebate.
149 2. A stakeholder contacted the department asking the reason for the new scenario added
150 to the End Users Table. The Commission is adding this scenario to clarify that the end
151 use of waste tire rubber mulch sized material in the manufacturing process with a
152 demonstrated sale would qualify for a Tier II per ton rebate.
153 3. A stakeholder asked about how the COVID-19 outbreak and response impacted waste
154 tire fee collection. The department explained that waste tire fee collection was down
155 from this same time last year. With the reduced amount of waste tire fees collected
156 and the requirement that 25% of the waste tire fees collected be held in reserve prior
157 to issuing the first round of rebates, the department anticipates that those approved
158 for a rebate will receive a reduced per ton rate than what is currently approved in the
159 regulations.
160 4. A stakeholder asked if the definition of rubber mulch was correct in the Statement of
161 Basis and Purpose. The Commission said that the definition is correct, that rubber
162 mulch is defined as 1/4 inch - 3 inch in size that is wire and fiber free.

163
164 Stakeholders were notified by e-mail of the revision of these regulations. Stakeholders
165 were given an opportunity to provide any comments.

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167 **Regulatory Alternatives**

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169 No other regulatory alternatives were evaluated.

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171 **Cost/Benefit Analysis**

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173 A cost-benefit analysis will be performed if requested by the Colorado Department of
174 Regulatory Agencies.