



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 Section 10, along with the accompanying Statement of Basis and Purpose, the following will be considered:

Amendment of 6 CCR 1007-2, Part 1, Section 1 and Section 10 - Regulations Pertaining to Solid Waste Sites and Facilities - Waste Tires

These modifications are made pursuant to the authority granted to the Solid and Hazardous Waste Commission in Section 30-20-1401(2), C.R.S.

The purpose of revising Sections 1 and 10 is to change the waste tire hauler and mobile waste tire processor registration requirements, and to set the Waste Tire Fee and the End User fund per ton rebate for 2024.

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 July 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 July 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 Friday, August 4, 2023, at 11:59 p.m. Written materials submitted in advance will be distributed to the commission members prior to**



1 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

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

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9 **6 CCR 1007-2**

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12 **PART 1 REGULATIONS PERTAINING TO SOLID WASTE SITES AND FACILITIES**

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15 **Waste Tire Amendments**

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18 **1) Section 1.7.6 (Waste Tire Fee) is being amended to read as follows:**

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20 **1.7.6 Waste Tire Fee**

21 Retailers must collect a fee of ~~\$1.25~~ \$0.55 on the sale of each new motor vehicle tire and new
22 trailer tire. Retailers must submit to the Department all fees collected from the sale of each new
23 motor vehicle tire and new trailer tire. The fees collected each month are due to the Department
24 no later than the 20th day of the following month.

25 The Waste Tire Fee must be distributed as follows:

- 26 a. \$0.50 must be deposited into the Waste Tire Administration, Enforcement, Market
27 Development, and Cleanup Fund (Section 30-20-1404, C.R.S.).
- 28 b. ~~\$0.75~~ \$0.05 must be deposited into the End Users Fund (Section 30-20-1405, C.R.S.).

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32 **2) Section 10.3.2 (Registration for Waste Tire Haulers) is being amended by revising**
33 **paragraphs (B)(5) and (B)(6); adding paragraph (B)(7); and revising paragraph (C)(2) to**
34 **read as follows:**

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37 **SECTION 10.3 - STANDARDS FOR WASTE TIRE HAULERS**

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40 **10.3.2 REGISTRATION FOR WASTE TIRE HAULERS**

41 (A) *****

42 (B) An application for a Certificate of Registration as a Waste Tire Hauler must be submitted on Form
43 WT-1 or WT-1H. The application must be delivered to the Department, electronically or by hard
44 copy, and must include, at a minimum, the following information:

45 *****

46 (5) The signature and date of signature of the Waste Tire Hauler applicant; ~~and~~

47 (6) The number of vehicles the Waste Tire Hauler uses to transport waste tires in Colorado; ~~and~~

48 (7) A certification that, if registered for the previous year, the Waste Tire Hauler has submitted the
49 Annual Report for the prior year as required by Section 10.3.5.

50 (C)(1) The Department will issue a Certificate of Registration and corresponding decal(s) to a new
51 applicant if the applicant has submitted an application to the Department containing all
52 information required in section 10.3.2(B).

53 (2) The Department will issue a Certificate of Registration and corresponding decal(s) to a Waste
54 Tire Hauler who is registered with the Department at the time of applying, if the applicant has
55 submitted a timely application to the Department containing all information required in section
56 10.3.2(B) and has submitted an ~~a~~Annual ~~r~~Report containing all of the information required by
57 section 10.3.5 for all waste tires hauling activities completed in the previous year. Failure to
58 submit an Annual Report or submittal of an incomplete Annual Report will result in the denial of
59 the application.

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63 **3) Section 10.7.3 (Mobile Waste Tire Processors Registration Requirements) is being**
64 **amended by revising paragraphs (C)(5) and (C)(6), adding paragraph (C)(7), and revising**
65 **paragraph (D) to read as follows:**

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68 **10.7 - STANDARDS FOR MOBILE WASTE TIRE PROCESSORS**

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72 **10.7.3 MOBILE WASTE TIRE PROCESSORS REGISTRATION REQUIREMENTS**

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75 (C) Certificate of Registration applications for operating as a Mobile Waste Tire Processor must include:

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- 77 (5) The signature and date of signature of the Mobile Waste Tire Processor applicant; ~~and~~
- 78 (6) The types of mobile processing equipment the Mobile Waste Tire Processor uses to process
- 79 waste tires in Colorado; ~~and~~

80 (7) A certification that, if registered for the previous year, the Mobile Waste Tire Processor has

81 submitted the Annual Report for the prior year as required by Section 10.7.7.

82 (D) The Department will issue a Certificate of Registration to ~~the applicant after approval of the~~

83 ~~application a Mobile Waste Tire Processor only if the applicant has submitted a timely application to~~

84 ~~the Department containing all information required in section 10.7.3 (C) and has submitted an Annual~~

85 ~~Report containing all of the information required by section 10.7.7 for all mobile waste tire processing~~

86 ~~activities completed in the previous year. Failure to submit an Annual Report or submitting an~~

87 ~~incomplete Annual Report will result in a denial of the application.~~ Certificates of Registration must be

88 maintained at the permanent address of the Mobile Waste Tire Processor and made available for

89 inspection.

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93 **4) Section 10.11 (Waste Tire Fee Administration) is being amended by revising paragraph**

94 **(2) of Section 10.11.8 to read as follows:**

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97 **10.11 WASTE TIRE FEE ADMINISTRATION**

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100 10.11.8 Every receipt or invoice from the purchase of a new vehicle tire or new trailer tire must have the

101 following statement:

102 (1) In the largest bold-face type capable base on point-of-sale software, on existing invoice printers

103 possible, or from a permanent stamp, not to exceed fifteen points: "SECTION 30-20-1403,

104 COLORADO REVISED STATUTES, REQUIRES RETAILERS TO COLLECT A WASTE TIRE FEE

105 SET BY THE SOLID AND HAZARDOUS WASTE COMMISSION ON THE SALE OF EACH NEW

106 MOTOR VEHICLE TIRE AND EACH NEW TRAILER TIRE."

107 (2) The ~~\$1.25~~ \$.55 Waste Tire fee for each new tire purchased.

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110 **5) Section 10.12 (Waste Tire End User Fund) is being amended by revising paragraphs**

111 **(B) - (B)(4) of Section 10.12.5 (Rebate Amount) to read as follows:**

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114 **10.12.5 REBATE AMOUNT**

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118 B. Beginning January 1, ~~2023~~2024, the amount of the rebate is as follows:

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- |120 (1) Tier 1: ~~\$80~~ \$50 per ton;
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|122 (2) Tier 2: ~~\$40~~ \$25 per ton;
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|124 (3) Tier 3: ~~\$20~~ \$12.50 per ton; and
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|126 (4) Waste Tire Hauler: ~~\$20~~ \$12.50 per ton.
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128 *****