

## **Solid Waste Certificate of Designation for Scrap Tire Facilities**

### **Program Description**

All scrap tire processing and disposal facilities that are not regulated under the recycling rules in Section 8 of the Solid Waste regulations are required to obtain a certificate of designation under Section 10 of these regulations. The siting, permitting and regulation of scrap tire processing and disposal facilities is a dual responsibility of the Hazardous Materials and Waste Management Division and the local governing body having jurisdiction (the county or municipality). The Division works with the local governing body to evaluate the scrap tire processing and/or disposal activities proposed for the facility. Approval of the application will allow a Certificate of Designation (CD) to be issued by the local governing body having jurisdiction. Issuance of the certificate of designation incorporates recommendations made by the Division after a thorough evaluation of the application and other local factors. However, the local governing body may independently deny the application or require compliance with local requirements.

### **Who Must Apply**

Anyone operating a facility for the purposes of treatment, storage or disposal of scrap tires that is not regulated under the recycling requirements of Section 8 of the Solid Waste regulations must obtain a certificate of designation. These facilities must also submit an [annual report](#) on the amounts of scrap tires received, processed, disposed of on-site and shipped off-site each year, and pay Solid Waste User Fees on a quarterly basis.

### **Duration of Certificate**

There is no set duration for the Certificate of Designation in state statute or regulation. However, some local governing bodies may have local requirements.

### **Fees**

A non-refundable application fee must accompany the application to the local governing body having jurisdiction and is based on costs incurred by that body in the application review and approval process. The applicant is also responsible for the costs incurred by the Division or private contractor hired by the Division for the comprehensive technical review of the application or any amendments to an application for which a certificate of designation has been issued, as well as other activities as described in Section 1.7 of the regulations. Document review and activity fees are assessed for the Department's technical and administrative time for reviewing, writing, issuing or denying and maintaining a permit. The hourly charge is set at \$125/hr. There are fee ceilings for document review and activity fees. Ceilings range from \$500 to \$35,000. Facilities operating under a certificate of designation are subject to annual operating fees that partially offset the cost of monitoring and compliance. This fee is currently \$1000 per year. Post-closure fees may also be applicable and are used to partially offset the cost of monitoring and compliance. These fees are \$1000 per year.

### **Application Process**

There is no state-wide application form for a scrap tire facility certificate of designation. Obtaining a certificate of designation begins with the local governing body having jurisdiction. Persons proposing a facility in unincorporated portions of any county must apply to the commissioners of the county in which the site is to be located. If the facility is proposed to be

within the corporate boundaries of a municipality, they must apply to the governing body of the municipality. The local governing body forwards copies of the application packet to the Division for review and recommendation of approval or disapproval. An application completeness determination must be made by the Division within 30 days of receipt of the application. Once it is determined that the application is complete, a comprehensive technical review of the application must be completed within 150 days either by the Division or private contractor hired by the Division, unless this timing provision is waived by the applicant.

### **Public Participation**

As part of the Division's review of the application, the Division must provide at least 30 days for public review and comment on the application. In addition, a public hearing is required to be held by the governing body having jurisdiction prior to the issuance of a Certificate of Designation. A public notice must be published in local newspapers at least 10 days but no more than 30 days prior to the hearing. The public notice must also be posted in at least one conspicuous location at the offices of the governing body having jurisdiction and in at least one location at the proposed site. These notices must be posted at least 30 days prior to the public hearing and continuing through the day of the hearing.

### **Forms**

[Tire Facility Reporting Form](#)

<http://www.cdphe.state.co.us/hm/forms/tiresformstandard.pdf>

### **Statutes and Regulations**

CRS 30-20-100.5 et seq.

Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2 Section 10

### **Guidance**

[Certificate of Designation \(CD\) as a Solid Waste Disposal Site](#)

### **Division Contact**

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