

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

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

6 CCR 1007-2

STATEMENT OF BASIS AND PURPOSE AND SPECIFIC STATUTORY AUTHORITY FOR

Amendments to the Regulations Pertaining to Solid Waste Sites and Facilities (6 CCR 1007-2 Part 1) – Amendments to the Section 10 Regulations {Waste Tire Facilities and Waste Tire Haulers}

(Adopted by the Solid and Hazardous Waste Commission on May 17, 2011)

Basis and Purpose

These amendments to 6 CCR 1007-2, Section 10 are made pursuant the authority granted to the Solid and Hazardous Waste Commission in Sections 25-15-302(4.5) and 30-20-109, C.R.S.

These amendments correct inadvertent errors that exist in the Section 10 Regulations adopted by the Solid and Hazardous Waste Commission on February 15, 2011.

Section 10.1.3 is being amended to correct the conflicting language in paragraphs (H) and (I) using the existing regulatory language from Section 10.3 (Standards for Waste Tire Hauling) which requires that no person shall transport a load of ten (10) or more waste tires at one time unless he/she has registered with the Department by submitting an application for Certificate of Registration (Form WT-1) to the Hazardous Materials and Waste Management Division of the Department and received a Certificate of Registration from the Department.

The exemption language in paragraphs (H) and (I) of section 10.1.3 is being revised to correct and clarify that the Section 10 Regulations do not apply to: 1) a private citizen who beneficially uses ten (10) or more waste tires (*rather than greater than ten (10) waste tires as currently written*) with written approval from the Department; or 2) a private citizen who beneficially uses less than ten (10) waste tires (*rather than ten (10) or less waste tires as currently written*).

Sections 10.3.2(B)(4), 10.5.3(C)(4), 10.6.3(C)(4) and 10.7.3(C)(4) are also being amended at this time to require that applications for a Certification of Registration include the name and address of the "responsible officer" rather than the "principal officer". This wording change was adopted by the Commission for the registration requirements of section 10.4.3(C)(4) for Tire Retailers, Wholesalers and Fleet Service Facilities, but was not universally adopted throughout the Section 10 regulations. These amendments will make the corresponding change in the registration requirements of the Section 10 regulations for Waste Tire Hauling (section 10.3.2), Waste Tire Monofills (section 10.5.3), Waste Tire Processors and End-Users (section 10.6.3) and Waste Tire Collection Facilities (section 10.7.3).