

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) – Amendment of § 1.2

Adopted by the Solid and Hazardous Waste Commission on February 16, 2010:

Basis and Purpose

These amendments to 6 CCR 1007-2, Section 1.2 are made pursuant the authority granted to the Solid and Hazardous Commission in Sections 25-15-302(4.5) and 30-20-109, C.R.S.

These amendments revise section 1.2 by modifying the definition of “Agricultural waste”, and adding a definition of “All-hazards event”.

The Department is currently working with the Colorado Department of Agriculture to develop a Memorandum of Understanding (MOU) regarding lead agency delineation and responsibilities given an “All-hazards event” resulting in the generation of mass livestock carcasses, such as a blizzard or the ordered depopulation of animals by the state veterinarian. The MOU will facilitate implementation of the lead agency’s authorities during specified events and preserve the Department’s authority to facilitate the composting or other beneficial uses of livestock lost during routine agricultural operations.

These proposed solid waste definition amendments correspond to the implementing regulations currently being developed for promulgation by the Colorado Department of Agriculture, and the implementing guidance being developed by the Department. Specifically these definitions will allow the agricultural waste definition to include livestock lost due to an all hazard event or depopulation orders that are “not returned to the soils as a fertilizer or soil conditioners.” Agricultural waste is exempt from being a solid waste. This exemption will facilitate a more timely response action by the Colorado Department of Agriculture, in coordination with the Department, that will prevent the spread of disease, or the contamination of soil, surface water and groundwater.