

1 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**
2

3 **Solid and Hazardous Waste Commission/Hazardous Materials and**
4 **Waste Management Division**

5 **6 CCR 1007-3**
6
7

8 **HAZARDOUS WASTE**
9

10 **Proposed Amendment of § 100.506(c) Hazardous Waste Public Notice Requirements**
11

12 **1) § 100.506(c) is revised to read as follows:**

13 **§ 100.506 PUBLIC NOTICE OF PERMIT ACTIONS AND PUBLIC COMMENT PERIOD.**
14

15 *****
16

17 (c) **Methods.** Public notice of activities described in paragraph (a)(1) of this section shall be given by the
18 following methods:
19

20 (1) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive
21 notice under this paragraph may waive his or her rights to receive notice for any classes and
22 categories of permits):
23

24 (i) The applicant;
25

26 (ii) Any other agency which the Director knows has issued or is required to issue a UIC, PSD,
27 NPDES or 404 permit for the same facility or activity (including EPA when the draft permit is
28 prepared by the state).
29

30 (iii) Federal and State agencies with jurisdiction over fish and wildlife resources, the Advisory
31 Council on Historic Preservation, State Historic Preservation Officers and other appropriate
32 government authorities, including any affected States;
33

34 (iv) Persons on a mailing list developed by:
35

36 (A) Including those who request in writing to be on the list;
37

38 (B) Soliciting persons for "area lists" from participants in past permit proceedings in that
39 area; and
40

41 (C) Notifying the public of the opportunity to be put on the mailing list through periodic
42 publication in the public press, publication on the Department's and the Division's website,
43 and in such publications as Regional and State funded newsletters, environmental bulletins,

44 or State law journals. (The Director may update the mailing list from time to time by
45 requesting written indication of continued interest from those listed. The Director may delete
46 from the list the name of any person who fails to respond to such a request.)

47
48 (v)(A) Local government having jurisdiction over the area where the facility is proposed to be
49 located; and

50
51 (B) State agency having any authority under State law with respect to the construction or
52 operation of such facility.

53
54 (2) Publication of a notice on the Department's and the Division's website.

55
56 (3) Publication on the Department's and Division's Facebook page.

57
58 (42) Publication of a notice in a daily or weekly major local newspaper of general circulation and
59 broadcast over local radio stations.

60
61 (53) Any other method deemed reasonably calculated reasonable and necessary to give actual notice
62 of the action in question to the persons potentially affected by it, including which may include press
63 releases or any other forum or medium to elicit public participation, based upon the consideration of
64 the status of the facility as an onsite or offsite facility, the potential impact the denial of the permit will
65 have on the regulated community and the degree of public interest in the site or facility.

66
67 *****

68 **2) Section 8.85 {Statement of Basis and Purpose for the Rulemaking Hearing of**
69 **November 17, 2015} is added to Part 8 of the Regulations to read as follows:**

70
71 **Statement of Basis and Purpose**
72 **Rulemaking Hearing of November 17, 2015**

73 **8.85 Basis and Purpose.**

74 This amendment to 6 CCR 1007-3, Part 100 is made pursuant to the authority granted to the Solid and
75 Hazardous Waste Commission in § 25-15-302(2), C.R.S.

76 **Proposed Amendment of § 100.506(c) Hazardous Waste Public Notice Requirements**

77 These regulatory changes expand and modernize the methods by which the Department must notify the
78 public about certain hazardous waste permitting activities. These proposed regulatory amendments to
79 the public notice requirements of 6 CCR 1007-3, Section 100.506(c) add the requirement for public
80 notices of permit actions to be published to the Department's and Division's website and Facebook page.

81 The Division is proposing to add this requirement for public notices to be published to the Department's
82 and Division's website and Facebook page because these forums are increasingly utilized by the public
83 as their information source of choice. In fact, the Division is already announcing all public notice
84 opportunities to these sites. However, we feel it is important to formalize these requirements because it
85 clarifies for the public, in our regulations, that they can expect these sites to carry this type of information.