

1 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

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

4 6 CCR 1007-2

5 PART 1 - REGULATIONS PERTAINING TO SOLID WASTE SITES AND FACILITIES

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7
8 Addition of Section 3.3.8 Training

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10
11 1) Section 3 is being amended by adding subsection 3.3.8 to read as follows:

12
13 3.3.8 Training

14
15 (A) Owners and operators of all solid waste landfills shall develop and implement a training
16 program at the facility that ensures facility personnel are thoroughly trained in facility operations
17 relevant to each person's job duties at the facility.

18
19 (1) ~~At a minimum, the training program applies to~~For purposes of this Section 3.3.8, "facility
20 personnel" means all personnel who work at a solid waste landfill and whose duties include
21 implementing Section 3 of the Regulations and the requirements of the Engineering Design
22 and Operations Plan for the landfill, and whose actions or failure to act may result in non-
23 compliance with these requirements. Facility personnel includes: landfill managers,
24 supervisors, operators and facility personnel that collect groundwater samples or methane
25 gas samples, conduct facility inspections, check leachate levels, and/or review waste profiles
26 or waste acceptance documentation.

27
28 (B) The training program must include a written training plan that identifies the introductory and
29 continuing annual training each employee at the landfill will receive related to the management of
30 solid waste ~~and personnel safety~~ that ensures compliance with the solid waste regulations and
31 the facility's Engineering Design and Operations Plan (EDOP). At a minimum, the training plan
32 must include:

33
34 (1) A description of personnel training that ensures that hazardous waste, polychlorinated
35 biphenyls, and other prohibited wastes, as specified in the facility's EDOP, are identified and
36 restricted from disposal at the facility; and

37
38 (2) A description of personnel training that ensures that facility personnel are thoroughly
39 familiar with applicable portions of the facility's EDOP such that compliance with all aspects
40 of the EDOP is ensured.

41
42 (C) The following training records must be maintained at the facility:

43
44 (1) The name, job title and job duties for each employee at the landfill related to the
45 management of solid waste;

46
47 (2) Written documentation that records the type, date, and amount of initial and annual
48 training provided to each facility employee consistent with the training plan, and
49

- 50 (3) Documentation that facility personnel have received training within six (6) months of being
51 initially employed at the facility or being transferred to a position involving the management of
52 solid waste. ~~and documentation that facility personnel did not work unsupervised until they~~
53 ~~completed the training required in paragraph 3.3.8(A).~~
54
55 (4) Training records must be made available for review during an inspection for all current
56 facility personnel and maintained on-site for three years.

1 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

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3 **Solid and Hazardous Waste Commission**

4 **Hazardous Materials and Waste Management Division (HMWMD)**

5 **6 CCR 1007-2**

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8 **STATEMENT OF BASIS AND PURPOSE**

9 **AND SPECIFIC STATUTORY AUTHORITY FOR**

10 **Amendment of Regulations Pertaining to Solid Waste Sites and Facilities (6 CCR 1007-2 Part 1) –**

11 **Addition of Section 3.3.8 Training**

12

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14 Statement of Basis and Purpose:

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16 These amendments to 6 CCR 1007-2, Section 3, are made pursuant to the authority granted to the Solid

17 and Hazardous Waste Commission in Section 30-20-109, C.R.S.

18

19 The purpose of these amendments is to add a new subsection 3.3.8 to Section 3 to establish training

20 requirements applicable to specific facility personnel identified in Section 3.3.8(A)(1) that work at a solid

21 waste landfill in the State of Colorado.

22

23 Background

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25 The Regulations Pertaining to Solid Waste Sites and Facilities (the Regulations), 6 CCR 1007-2, currently

26 address training of landfill personnel in a very limited fashion. Section 2.1.2(B)(3) is the only section that

27 includes a training requirement – and this section only requires workers be trained to recognize

28 hazardous wastes and polychlorinated biphenyl (PCB) wastes to prevent disposal of these materials in

29 landfills. Section 2.1.2(B)(3) was added to Colorado’s regulations when very similar requirements were

30 promulgated in the federal solid waste rules - Subtitle D of the Resource Conservation and Recovery Act

31 in 1992.

32

33 Many landfills in Colorado have been implementing effective training programs for a long time.

34 Anecdotally, the Hazardous Materials and Waste Management Division has found via inspections of

35 landfills over the years that the presence of an effective training program ties directly to better compliance

36 with regulatory requirements and EDOP requirements. This makes perfect sense. However, many

37 landfills have never developed or implemented training programs. As a result, compliance at many

38 landfills is poor. Landfills do not, by themselves, protect human health and the environment. That

39 protection only comes when the employees know the requirements and ensure those requirements are

40 implemented. As such, the Commission believes that adding these proposed training regulations is

41 overdue.

42

43 Discussion of the Regulatory Proposal

44

45 Training Program and Training Plan – The proposed regulations, in Section 3.3.8(A), require each landfill

46 to develop a training program that ensures that specific facility personnel identified in Section 3.3.8(A)(1)

47 are thoroughly trained in facility operations relevant to the work they do at the facility. Section 3.3.8(B)

48 requires that the training program include a written training plan that defines the initial and continuing

49 training that specific facility personnel at the landfill will receive. The goal of this training is to ensure that

50 the landfill facility complies with all regulatory requirements and all EDOP requirements which protects
 51 human health and the environment.

52
 53 Additional Prohibited Wastes (Section 3.3.8(B)(1)) - Since 1992, industry awareness regarding the proper
 54 disposal of hazardous waste has increased significantly and the use of PCBs has essentially been
 55 phased out. However, there are a number of additional wastes that are specifically prohibited by state
 56 law or by the regulations (liquid waste, electronic waste, lead acid batteries, used oil, whole waste tires).
 57 In addition, there are wastes that have the potential to impact human health and the environment when
 58 disposed in a solid waste landfill (e.g., asbestos wastes, medical wastes). Acceptable wastes are
 59 specified in a waste characterization and disposal plan included in the facility's Engineering Design and
 60 Operations Plan (EDOP) issued by the Division. The EDOP may also include specific provisions for how,
 61 when and where some of these riskier wastes will be managed. This points to the need for personnel at
 62 solid waste landfills to be a) trained to recognize a broader list of wastes in addition to hazardous waste
 63 and PCB wastes, and b) trained to know how certain wastes can be managed at the facility.

64
 65 The Importance of the EDOP (Section 3.3.8(B)(2)) – Section 3 of the Regulations defines the standards
 66 by which landfills must operate. The EDOP for each landfill site and facility incorporates those standards
 67 but adds many site-specific aspects for implementation of the regulatory standards. It is therefore vital
 68 that personnel designing, building, and operating landfills are familiar with the regulatory requirements
 69 and with the requirements of their EDOP. This familiarity must come from a systematic and repeating
 70 training program that covers the general regulatory requirements and the site-specific EDOP
 71 requirements. Knowledge of, and compliance with, the EDOP is the key to ensuring that operations are
 72 conducted in a compliant manner that ensures protection of human health and the environment.

73
 74 Documentation (Section 3.3.8(C)) - The last element of these proposed training regulations include
 75 documentation requirements. The new regulations will require owners or operators of solid waste landfills
 76 to maintain the names, job titles and job duties for specific facility personnel identified in Section
 77 3.3.8(A)(1). The new regulations will also require documentation of the type of initial and continuing
 78 training for all facility personnel who have job duties related to the management of solid waste and/or who
 79 may respond in the event of an emergency. Finally, documentation that these training requirements have
 80 been met must be maintained on-site and available at the time of an inspection.

81
 82 These new training regulations are not expected to be onerous requirements and many landfill facilities
 83 have already implemented training requirements that meet these new regulations.

84 85 Stakeholder Process

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 87 A stakeholder meeting regarding this proposed rulemaking was held on March 6, 2019. ~~Based-The~~
 88 ~~Commission also received on stakeholder public comments received as part of the rulemaking hearing. In~~
 89 ~~response, the Division has modified paragraph (A)(1) of Section 3.3.8 in the proposed rulemaking to~~
 90 ~~include a definition of "facility personnel" that are subject to the Section 3.3.8 training requirements."~~

91
 92 ~~Additionally, "Ffacility personnel" shall not is not intended to include consulting staff or other off-site~~
 93 ~~personnel who are contracted to perform work at the landfill. employed to collect groundwater~~
 94 ~~samples or methane gas samples, conduct facility inspections, check leachate levels, and/or review~~
 95 ~~waste profiles or waste acceptance documentation.~~