

1                   **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

2  
3  
4                   **Solid and Hazardous Waste Commission/Hazardous Materials and**  
5                   **Waste Management Division**

6  
7  
8                                   **6 CCR 1007-3**

9  
10   **HAZARDOUS WASTE**

11  
12  
13  
14                   **Amendment of Section 262.14(a)**

15  
16  
17                   **1) Section 262.14 is amended by revising paragraph (a) to read as follows:**

18  
19                   **§ 262.14 Conditions for exemption for a very small quantity generator.**

20  
21                   (a) Provided that the very small quantity generator meets all the conditions for exemption listed in this  
22                   section, hazardous waste generated by the very small quantity generator is not subject to the  
23                   requirements of Part 262 (except §§ 262.9-262.14 and ~~262.43-262.48~~ and ~~Parts 264~~ through 268, and  
24                   100 of these regulations, and the very small quantity generator may accumulate hazardous waste on site  
25                   without complying with such requirements. VSQGs generating 3 gallons or more of F001, F002, F004, or  
26                   F005 hazardous waste in a calendar year must also comply with § 262.18. The conditions for exemption  
27                   are as follows:

28                                   \*\*\*\*\*

29  
30  
31  
32                   **2) Section 8.93 (Statement of Basis for the Rulemaking Hearing of February 19, 2019) is**  
33                   **added to Part 8 of the Regulations to read as follows:**

34  
35  
36   **Statement of Basis and Purpose**  
37   **Rulemaking Hearing of February 19, 2019**

38  
39                   **8.93 Basis and Purpose.**

40  
41                   These amendments to 6 CCR 1007-3, Part 262 are made pursuant to the authority granted to the  
42                   Solid and Hazardous Waste Commission in § 25-15-302(2), C.R.S.

43  
44                   **Amendment of the Section 262.14(a)**

45  
46                   These amendments correct technical errors and inadvertent omissions in paragraph (a) of  
47                   Section 262.14 of the Colorado Hazardous Waste Regulations (6 CCR 1007-3) that were  
48                   identified after Colorado adopted state analogs to the federal Hazardous Waste Generator

49 Improvements Rule on May 15, 2018, and after the previous HW Generator Improvement  
50 Amendments had been filed for the November 20, 2018 rulemaking hearing.

51  
52 Paragraph (a) of the Section 262.14 conditions for exemption for a very small quantity generator  
53 (VSQG) of hazardous waste is being amended to:

54  
55 1) Exempt VSQGs of hazardous waste from complying with the requirements of Part 263  
56 (Standards Applicable to Transporters of Hazardous Waste). As § 262.14(a) is currently written,  
57 VSQGs are subject to the Part 263 requirements. VSQGs are not required to manifest their  
58 hazardous waste under RCRA, and it is not the Division's intent to require VSQGs to do so under  
59 the state regulations. This amendment corrects this issue.

60  
61 2) Clarify that **only** VSQGs generating 3 gallons or more of F001, F002, F004, and/or F005  
62 hazardous waste in a calendar year are required to comply with the requirements of § 262.18  
63 (EPA identification numbers and re-notification for large quantity generators, small quantity  
64 generators, and very small quantity generators that generate 3 gallons or more in a calendar year  
65 of hazardous waste codes F001, F002, F004, and/or F005). As currently written, § 262.14(a)  
66 implies that **all** VSQGs are required to comply with the requirements of § 262.18. This  
67 amendment corrects the VSQG exemption to specify that only VSQGs generating 3 gallons or  
68 more of F001, F002, F004, and/or F005 hazardous waste in a calendar year are required to  
69 comply with the requirements of § 262.18.

70  
71 3) Add a reference to § 262.43 in Section 262.14 to require VSQGs to complete and return a Self-  
72 Certification Checklist if requested by the Division. VSQGs are already required to comply with  
73 the Self-Certification requirements of § 262.43 through § 262.10(a)(1)(i)(E). This amendment  
74 simply provides further clarification of this requirement.