



COLORADO

Solid & Hazardous
Waste Commission

Department of Public Health & Environment

NOTICE OF PROPOSED RULEMAKING HEARING BEFORE THE COLORADO SOLID AND HAZARDOUS WASTE COMMISSION

SUBJECT:

For consideration of the amendments to 6 CCR 1007-2, Part 1, Sections 10, along with the accompanying Statement of Basis and Purpose, the following will be considered:

Amendment of 6 CCR 1007-2, Part 1, Section 10 - Regulations Pertaining to Solid Waste Sites and Facilities - Amendments to Waste Tires

These modifications are made pursuant to the authority granted to the Solid and Hazardous Waste Commission in Sections 30-20-1401(2), C.R.S.

The purpose of these amendments are to amend Section 10, specifically, to update the waste tire hauler and mobile waste tire processor registration requirements and to set the End User fund per ton rebate amount.

Proposed amendments include:

- To require an email address from waste tire haulers and mobile waste tire processors.
- Remove the requirement to collect information on vehicle registrations for waste tire haulers.
- Change various dates of expiration and dates of renewal applications, and decal dates for waste tire haulers and mobile waste tire processors.
- Update Table 10.12.01 to include that users of tire-derived products made from rubber mulch size material (1/4 inch to 3 inches, that is wire and fiber free) are eligible for Tier II rebates.
- To maintain the same per-ton rate for rebates in 2021.

Any information that is incorporated by reference in these proposed rules is available for review at the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division and any state publications depository library.

Pursuant to C.R.S. §24-4-103(3), a notice of proposed rulemaking was submitted to the Secretary of State on July 8, 2020. Copies of the proposed rulemaking will be mailed to all persons on the Solid and Hazardous Waste Commission's mailing list on or before the date of publication of the notice of proposed rulemaking in the Colorado Register on July 25, 2020.

The proposed rulemaking materials may also be accessed at <https://www.colorado.gov/pacific/cdphe/shwc-rulemaking-hearings>.



WRITTEN TESTIMONY

Any alternative proposals for rules or written comments relating to the proposed amendment of the regulation will be considered. The Solid and Hazardous Waste Commission will accept written testimony and materials regarding the proposed alternatives. **The commission strongly encourages interested parties to submit written testimony or materials to the Solid and Hazardous Waste Commission Office, via email to cdphe.hwcrequests@state.co.us by Wednesday, August 5, 2020, at 11:59 p.m. Written materials submitted in advance will be distributed to the commission members prior to the day of the hearing. Submittal of written testimony and materials on the day of the hearing will be accepted, but is strongly discouraged.**

HEARING SCHEDULE:

DATE: Tuesday, August 18, 2020
TIME: 9:00 a.m.
PLACE: Due to social distancing requirements due to COVID-19,
the meeting will be held online only at:

<https://us02web.zoom.us/meeting/register/tZUofuiupzgoGdRCqwY6A7okmV3OVQUuPg1Y>

Please register for the meeting at the above link or on the commission's website:
<https://www.colorado.gov/pacific/cdphe/shwc>

Oral testimony at the hearing regarding the proposed amendments may be limited.



Brandy Valdez Murphy, Administrator



1 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

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

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6 **6 CCR 1007-2**

7 **PART 1 REGULATIONS PERTAINING TO SOLID WASTE SITES AND FACILITIES**

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9

10 **Section 10 Waste Tire Amendments**

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12

13 **1) Section 10.3.2 (Registration for Waste Tire Haulers) is being amended by revising**
14 **paragraphs (B), (D), (F) and (G) to read as follows:**

15

16 **SECTION 10.3 STANDARDS FOR WASTE TIRE HAULERS**

17

18 *****

19

20 **10.3.2 REGISTRATION FOR WASTE TIRE HAULERS**

21

22 (A) *****

23

24 (B) An application for a Certificate of Registration as a Waste Tire Hauler must be submitted on Form WT-
25 1 or WT-1H. The application must be delivered to the Department, electronically or by hard copy, and
26 must include, at a minimum, the following information:

27

28 (1) The business name of the Waste Tire Hauler and any other names under which the Waste Tire
29 Hauler may do business;

30

31 (2) The principal business address of the Waste Tire Hauler;

32

33 (3) A business telephone number(s) and email address;

34

35 (4) The name and address of the responsible officer of a corporate Waste Tire Hauler or the owner(s)
36 of a Waste Tire Hauler operating a proprietorship or partnership;

37

38 (5) The signature and date of signature of the Waste Tire Hauler applicant; and

39

40 (6) The number of vehicles the Waste Tire Hauler uses to transport waste tires in Colorado, ~~;~~ and

~~(7) A current vehicle registration for each vehicle the Waste Tire Hauler will use to haul waste tires which includes the following information for each vehicle: the license plate number, the state in which the vehicle is registered, the Vehicle Identification Number ("VIN"), the make/model and year, and the registered owner.~~

(C) *****

(D) The Certificate of Registration for a Waste Tire Hauler is valid from the date of issuance to MarchApril 15 of the year indicated on the Certificate of Registration.

(E) *****

(F) A Waste Tire Hauler is not authorized to haul waste tires after the MarchApril 15 expiration date unless the Waste Tire Hauler has applied to renew the Waste Tire Hauler Certificate of Registration prior to expiration and has received a new Certificate of Registration as a Waste Tire Hauler from the Department and Waste Tire Hauler decals, pursuant to section 10.3.3 below.

(G) All Waste Tire Haulers who wish to continue hauling waste tires must submit application for renewal no later than FebruaryMarch 1.

2) Section 10.3.3 (Waste Tire Hauler Decals) is being amended by revising paragraph (C) to read as follows:

SECTION 10.3 STANDARDS FOR WASTE TIRE HAULERS

10.3.3 WASTE TIRE HAULER DECALS

(C) Each Waste Tire Hauler vehicle decal will be valid until MarchApril 15 of the year indicated on the vehicle decal and will have a unique number. Prior to the expiration date, a Waste Tire Hauler must submit a new application for a Certificate of Registration pursuant to section 10.3.2 above.

3) Section 10.7.3 (Mobile Waste Tire Processors Registration Requirements) is being amended by revising paragraphs (C)(3), (F), (G) and (H) to read as follows:

10.7 STANDARDS FOR MOBILE WASTE TIRE PROCESSORS

10.7.3 MOBILE WASTE TIRE PROCESSORS REGISTRATION REQUIREMENTS

92 *****

93

94 (C) Certificate of Registration applications for operating as a Mobile Waste Tire Processor must include:

95

96 *****

97

98 (3) A business telephone number(s) and email address;

99

100 *****

101

102 *****

103

104 (F) The Certificate of Registration for a Mobile Waste Tire Processor is valid from the date of issuance to
105 MarchApril 15 of the year indicated on the Certificate of Registration.

106

107 (G) A Mobile Waste Tire Processor is not authorized to mobile process waste tires after the MarchApril 15
108 expiration date unless the Mobile Waste Tire Processor has applied to renew the Certificate of
109 Registration prior to expiration and has received a new Certificate of Registration as a Mobile Waste Tire
110 Processor from the Department and Mobile Waste Tire Processor decals, pursuant to section 10.7.4
111 below.

112

113 (H) All Mobile Waste Tire Processors who wish to continue mobile processing waste tires must submit
114 application for renewal no later than FebruaryMarch 1.

115

116 *****

117

118

119 **4) Section 10.7.4 (Mobile Waste Tire Processor Decal) is being amended by revising**
120 **paragraph (C) to read as follows:**

121

122 **10.7 STANDARDS FOR MOBILE WASTE TIRE PROCESSORS**

123

124 *****

125

126 **10.7.4 MOBILE WASTE TIRE PROCESSOR DECAL**

127

128 *****

129

130 (C) Each Mobile Waste Tire Processor decal will be valid until MarchApril 15 of the year indicated on the
131 vehicle decal and will have a unique number. Prior to the expiration date, a Mobile Waste Tire Processor
132 must submit a new application for a Certificate of Registration pursuant to section 10.7.3 above.

133

134 *****

135

136 **5) Table 10-12.01 (Eligible End Uses and Retailing for the End Users Fund) is being**
 137 **amended as follows to add a scenario for manufacturing tire-derived products (molded**
 138 **products, wattles, etc.) using rubber mulch:**

139
 140
 141 **10.12 WASTE TIRE END USERS FUND**

142 *****

143
 144 **Table 10-12.01 Eligible End Uses and Retailing for the End Users Fund**
 145
 146

Scenario, if you are	Then you are eligible for			
	Tier I	Tier II	Tier III	Not Eligible for a rebate

An End User who installs rubber mulch on a playground or landscaping project on a residential, commercial or public property.		X		
<u>An End User who end uses rubber mulch to manufacture a final product (e.g. molded products, deck boards, furniture, wattles, etc.) with a demonstrated sale to an ultimate customer.</u>		<u>X</u>		
A retailer who sells rubber mulch to the ultimate customer who will use the rubber mulch for its final intended use (e.g. landscaping, playground, etc.). Applicant charges sales tax for this transaction, or does not charge sales tax for this transaction because the consumer is an exempt organization (charity, government agency, or another tax exempt entity).		X		

147 **6) Section 10.12.5 (Rebate Amount) is being amended by revising paragraph (B) to read**
148 **as follows:**

149
150 **10.12 WASTE TIRE END USERS FUND**

151
152 *****

153
154 **10.12.5 REBATE AMOUNT**

155
156 A. The Department will pay the rebate amount on a per-ton basis.

157
158 B. Beginning April 1, 2020 through December 31, 2021, the amount of the rebate is as follows:

159
160 (1) Tier 1: \$50 per ton;

161
162 (2) Tier 2: \$25 per ton;

163
164 (3) Tier 3: \$12.50 per ton; and

165
166 (4) Waste Tire Hauler: \$12.50 per ton.

167
168 *****

169

1 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

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3 Solid and Hazardous Waste Commission

4 Hazardous Materials and Waste Management Division

5 6 CCR 1007-2

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7
8 STATEMENT OF BASIS AND PURPOSE
9 AND SPECIFIC STATUTORY AUTHORITY FOR

10
11 Amendment to the Regulations Pertaining to Solid Waste Sites and Facilities (6 CCR
12 1007-2, Part 1) - Section 10.3.2 (Registration for Waste Tire Haulers), Section 10.3.3
13 (Waste Tire Hauler Decals), 10.7.3 (Mobile Waste Tire Processors Registration
14 Requirements), 10.7.4 (Mobile Waste Tire Processor Decal), Table 10-12-.01 (Eligible
15 End Uses and Retailing for the End Users Fund) and Section 10.12.5 (Waste Tire End
16 Users Fund Rebate Amount).

17
18
19 Basis and Purpose

20
21 I. Statutory Authority

22
23 Section 30-20-1401(2), C.R.S. gives the Solid and Hazardous Waste Commission (the
24 Commission) the authority to promulgate waste tire regulations in order to implement
25 and enforce Section 30, Article 20, Part 14, C.R.S.

26
27 II. Purpose of revised regulations:

28
29 The purpose of revising 6 CCR 1007-2 Part 1 (the Regulations) is to update waste tire
30 hauler and mobile waste tire processor registration requirements and set the End User
31 fund per ton rebate.

32
33 Discussion of Regulatory Proposal

34
35 Section 10.3.2 (B)(3) (Registration for Waste Tire Haulers) was modified to add that a
36 Waste Tire Hauler applicant include an email address. This change will allow the
37 Division to contact the Waste Tire Hauler about the status of their application and to
38 notify the Waste Tire Hauler about completing the annual waste tire hauler renewal
39 application and Waste Tire Hauler Annual Report.

40 Section 10.3.2 (B)(7) (Registration for Waste Tire Haulers) was removed to no longer
41 require that a Waste Tire Hauler applicant submit a current vehicle registration for
42 each vehicle used by the Waste Tire Hauler to haul waste tires. The vehicle
43 registration information that was required (license plate number, state in which the
44 vehicle is registered, the Vehicle Identification Number (“VIN”), the make/model and
45 year, and the registered owner) is not necessary. The Division is no longer collecting
46 vehicle registration information for the following reasons:

- 47 • The Division has been collecting vehicle registration information since the
48 Division initially started registering Waste Tire Haulers. The collected vehicle
49 registration information has never been used by the Division for administrative
50 or enforcement reasons. The other information required in the Certificate of
51 Registration application is sufficient to meet the Division’s regulatory
52 responsibilities.
- 53 • It is an unnecessary burden for a Waste Tire Hauler to provide the vehicle
54 registration every year for the Waste Tire Hauler renewal registration. It takes
55 considerable time for a Waste Tire Hauler with a large fleet of vehicles to
56 provide the vehicle registration information through the Division’s registration
57 or renewal registration system.
- 58 • For the second year in a row, the Division has received complaints about the
59 less than user-friendly waste tire hauler online registration renewal system,
60 which includes the Waste Tire Hauler having to access through a separate url
61 link for each vehicle’s registration information. The removal of the vehicle
62 registration information requirement will make the Waste Tire Hauler renewal
63 registration a more user-friendly process.
- 64 • There are over 230 registered Waste Tire Haulers with the Division, and it takes
65 considerable staff time to ensure that the vehicle information requirement is
66 being met. It also takes a lot of staff time to enter/correct the vehicle
67 information in the registration database and issue decals with the license plate
68 number.

69
70 The Certificate of Registration for a Waste Tire Hauler expiration date in Section
71 10.3.2 (D) (Registration for Waste Tire Haulers) was changed to April 15 instead of
72 March 15. Because the renewal application due date was changed to March 1, this
73 change will allow the Division the same amount of time to process and issue
74 registrations.

75
76 Section 10.3.2 (F) (Registration for Waste Tire Haulers) was modified to match the
77 April 15 expiration date set in Section 10.3.2(D).

78
79 The Waste Tire Hauler renewal application due date in Section 10.3.2 (G) (Registration
80 for Waste Tire Haulers) was changed from February 1 to March 1 to align with the
81 Waste Tire Hauler Annual Report due date and to avoid the confusion of different due
82 dates for the Waste Tire Hauler registration renewal and the annual report.

83
84 Section 10.3.3 (C) (Waste Tire Hauler Decals) was modified to match the April 15
85 expiration date set in Section 10.3.2.

86 Section 10.7.3 (C) (Mobile Waste Tire Processors Registration Requirements) was
87 modified to add that a Mobile Waste Tire Processor applicant include an email
88 address. This change will allow the Division to contact the Mobile Waste Tire Processor
89 about the status of their application and to notify the Mobile Waste Tire Processor
90 about completing the annual mobile waste tire processor renewal application and
91 Mobile Waste Tire Processor Annual Report.

92
93 The Certificate of Registration for a Mobile Waste Tire Processor expiration date in
94 Section 10.7.3 (F) (Mobile Waste Tire Processors Registration Requirements) was
95 changed to April 15 instead of March 15. Because the renewal application due date
96 was changed to March 1, this change will allow the Division the same amount of time
97 to process and issue registrations.

98
99 Section 10.7.3 (G) (Mobile Waste Tire Processors Registration Requirements) was
100 modified to match the April 15 expiration date set in Section 10.7.3 (F).

101
102 The Mobile Waste Tire Processor renewal application due date in Section 10.7.3 (H)
103 (Mobile Waste Tire Processors Registration Requirements) was changed from February
104 1 to March 1 to align with the Mobile Waste Tire Processor Annual Report due date and
105 to avoid the confusion of different due dates for the Mobile Waste Tire Processor
106 registration renewal and the annual report.

107
108 Section 10.7.4 (C) (Mobile Waste Tire Processor Decal) was modified to match the April
109 15 expiration date set in Section 10.7.3.

110
111 Table 10-12-.01 (Eligible End Uses and Retailing for the End Users Fund)

112
113 A scenario was added to the eligible end use table for manufacturing tire-derived
114 products (molded products, wattles, etc.) using rubber mulch. While the end use table
115 does not contemplate every potential scenario under which an End User or Retailer
116 may qualify for a rebate under the End Users Fund, the Department suggested this
117 change because it has received inquiries from some End Users about whether certain
118 kinds of end use qualify them for a rebate. Currently the table only specifies that
119 rebates are available to those who manufacture products with crumb rubber (less than
120 1/4 inch rubber material that is wire and fiber free). This update clarifies that End
121 Users of tire-derived products made from rubber mulch size material (1/4 inch to 3
122 inches that is wire and fiber free) are eligible for Tier II rebate.

123
124 Section 10.12.5 (Waste Tires End Users Fund Rebate Amount)

125
126 Section 30-20-1405(4)(a) requires the Commission to set the amount of the rebate
127 annually. With limited data due to rebates just starting in 2020, more information will
128 be needed to determine whether a change in the per-ton rates is appropriate.
129 Therefore, the per-ton rates for rebates will remain the same for 2021.

132 **Description of Local Government Involvement in the Stakeholder Process**

133
134 Executive Order D 2011-005 (EO-5), "Establishing a Policy to Enhance the Relationship
135 between State and Local Government" requires state rulemaking agencies to consult
136 with and engage local governments prior to the promulgation of any rules containing
137 mandates. The Department completed an EO-5 Internal Communication Form - Draft &
138 Conception Phase that was transmitted to local governments. These regulations would
139 impact any county or municipality that are a Waste Tire Hauler, a Mobile Waste Tire
140 Processor, and/or a Waste Tire End User.

141
142 **Issues Encountered During Stakeholder Process:**

- 143
144 1. A stakeholder submitted a comment asking if the added scenario was just a
145 clarification on the end use of rubber mulch and molded products being eligible under
146 the Tier II per ton rate. The Commission is adding this scenario to clarify that the end
147 use of waste tire rubber mulch sized material in the manufacturing process with a
148 demonstrated sale would qualify for a Tier II per ton rebate.
- 149 2. A stakeholder contacted the department asking the reason for the new scenario added
150 to the End Users Table. The Commission is adding this scenario to clarify that the end
151 use of waste tire rubber mulch sized material in the manufacturing process with a
152 demonstrated sale would qualify for a Tier II per ton rebate.
- 153 3. A stakeholder asked about how the COVID-19 outbreak and response impacted waste
154 tire fee collection. The department explained that waste tire fee collection was down
155 from this same time last year. With the reduced amount of waste tire fees collected
156 and the requirement that 25% of the waste tire fees collected be held in reserve prior
157 to issuing the first round of rebates, the department anticipates that those approved
158 for a rebate will receive a reduced per ton rate than what is currently approved in the
159 regulations.
- 160 4. A stakeholder asked if the definition of rubber mulch was correct in the Statement of
161 Basis and Purpose. The Commission said that the definition is correct, that rubber
162 mulch is defined as 1/4 inch - 3 inch in size that is wire and fiber free.

163
164 Stakeholders were notified by e-mail of the revision of these regulations. Stakeholders
165 were given an opportunity to provide any comments.

166
167 **Regulatory Alternatives**

168
169 No other regulatory alternatives were evaluated.

170
171 **Cost/Benefit Analysis**

172
173 A cost-benefit analysis will be performed if requested by the Colorado Department of
174 Regulatory Agencies.