

1 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

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

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8 **6 CCR 1007-3**

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11 **HAZARDOUS WASTE**

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13 **Proposed Amendment of § 263.10(b) requirement for transfer facilities handling only**
14 **CESQG waste.**

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17 **1) Section 263.10 is amended by revising paragraphs (b) to read as follows:**

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20 **§ 263.10 Scope.**

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22 (a) *****

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24 (b) Transfer facilities handling only CESQG waste are subject to the requirements of Subparts A (except
25 for the ten-day storage requirement of § 263.12(b)), C, D & E of this Part.

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30 **2) Section 8.89 {Statement of Basis and Purpose for the Rulemaking Hearing of October**
31 **17, 2017} is added to Part 8 of the Regulations to read as follows:**

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33 **Statement of Basis and Purpose**
34 **Rulemaking Hearing of October 17, 2017**

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36 **8.89 Basis and Purpose.**

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38 This amendment to 6 CCR 1007-3, Part 263.10 is made pursuant to the authority granted to the Solid and
39 Hazardous Waste Commission in § 25-15-302(2), C.R.S.

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41 **Amendment of § 263.10(b) requirement for transfer facilities handling only CESQG waste,**

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43 This amendment to paragraph (b) of section 263.10 of the Colorado Hazardous Waste Regulations (6
44 CCR 1007-3) will allow transfer facilities handling only conditionally exempt small quantity generator
45 (CESQG) waste in compliance with the applicable Part 263 requirements for transfer facilities to store the
46 waste for more than 10 days without becoming subject to regulation under Parts 100, 264, 265, 266 and
47 268 with respect to storage of those wastes. This amendment of section 263.10(b) is less stringent than
48 the existing provision.

50 On May 18, 2010, the Solid and Hazardous Waste Commission adopted amendments to the Part
51 Transfer Facility Regulations that required certain operational improvements at transfer facilities without
52 creating an undue regulatory burden. The Part 263 amendments were developed as part of a review of
53 the Part 263 regulations conducted by the Hazardous Materials and Waste Management Division (the
54 "Division") for the purpose of updating and improving the existing regulations that apply to transfer
55 facilities in Colorado in order to ensure protection of public health and safety and the environment.

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57 As part of the Part 263 amendments, a new paragraph (b) was added to § 263.10, which specifies that
58 transfer facilities handling only conditionally exempt small quantity generator (CESQG) waste are subject
59 to the requirements of Subparts A (General Requirements), C (Hazardous Waste Discharges), D (Spills at
60 Transfer Facilities) and E (Closure of a Transfer Facility). Transfer facilities handling only CESQG waste
61 are not subject to the manifest requirements in Subpart B.

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63 Pursuant to the requirements of § 263.12(b), a transporter who stores shipments of hazardous waste in
64 containers meeting the requirements of § 262.30 at a transfer facility for a period of ten days or less is not
65 subject to regulation under Parts 100, 264, 265, 266, and 268 with respect to the storage of those wastes,
66 except as specifically referenced in Part 263 of these regulations.

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68 Paragraph (b) of section 263.10 of the Colorado Hazardous Waste Regulations (6 CCR 1007-3) is being
69 amended to specify that transfer facilities handling conditionally exempt small quantity generator
70 (CESQG) waste in compliance with the applicable Part 263 requirements for transfer facilities are not
71 subject to the 10-day storage limit for storage of these hazardous wastes. The transfer facilities remain
72 subject to all other requirements of Subparts A, C, D & E of Part 263.

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74 This amendment will provide transfer facilities handling CESQG waste with greater flexibility to manage
75 the waste in a cost-effective manner while still ensuring protection of public health and safety and the
76 environment.