

1 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

2
3 Solid and Hazardous Waste Commission/Hazardous Materials and
4 Waste Management Division
5
6

7 6 CCR 1007-2

8 PART 1 REGULATIONS PERTAINING TO SOLID WASTE SITES AND FACILITIES
9

10 Correction of Typographical Errors and Outdated References
11

12
13 1) Section 1.2 (Definitions) is being amended by revising the definition of “Ground water
14 protection standard” to read as follows:

15
16 Section 1

17
18 Administrative Information

19
20 1.2 DEFINITIONS

21 *****
22

23
24 “Ground water protection standard” means those standards established by following 40 CFR
25 258.55(H) and (I) methodology or standards established by this Department (5 CCR 1002-8).
26

27 *****
28
29

30 2) Section 1.9.2 (Enforcement) is being amended by revising paragraph (F) to read as
31 follows:
32

33
34 1.9 INSPECTIONS - ENFORCEMENT - CIVIL PENALTY

35
36 1.9.2 Enforcement. *****
37

38 *****
39

40 (F) In accordance with Section 30-20-113(5)(b), C.R.S. of the Act, the Department may settle
41 claims for administrative or civil penalties of up to ~~\$2000~~ \$10,000 per violation per day through
42 settlement agreements or compliance orders on consent. Such a settlement may include, but is
43 not limited to, payment or contribution of the penalty amount to state or local agencies or for other

44 environmentally beneficial purposes. Penalties collected by the Department shall be paid to the
45 state treasurer.
46
47

48 **3) Section 1.9.4 (Judicial Enforcement Actions) is being amended by revising paragraph**
49 **(B) to read as follows:**
50

51
52 **1.9 INSPECTIONS - ENFORCEMENT - CIVIL PENALTY**
53

54 1.9.4 Judicial Enforcement Actions
55

56 (A) The Department may, at any time that the Department finds that the respondent is or has been in
57 violation of the Act, commence a civil action for injunctive relief, in accordance with section 30-20-113(2)
58 C.R.S. in the district court of the judicial district in which the violation occurs.
59

60 (1) The Department may file a civil action for injunctive relief in addition to, or as an alternative to, the
61 issuance of a Compliance Order.
62

63 (B) In accordance with the Act, the Department may seek a civil penalty for each violation of the Act in
64 the district court of the judicial district in which the violation occurs. The district court may impose a civil
65 penalty of no more than ~~\$2000~~ \$10,000 per violation per day.
66
67

68 **4) Section 5.5.7 (Standard Requirements for the Disturbance of RACS) is being amended**
69 **by revising paragraph (E)(2)(e)(ii) to read as follows:**
70

71
72 **SECTION 5**
73

74 **ASBESTOS WASTE MANAGEMENT**
75

76 *****
77

78 **5.5 MANAGEMENT OF REGULATED ASBESTOS-CONTAMINATED SOIL (RACS):**
79

80 *****
81

82 **5.5.7 STANDARD REQUIREMENTS FOR THE DISTURBANCE OF RACS**
83

84 (E) AIR MONITORING
85

86 (2) *****
87

88 (e) TEM presence/absence analysis is required (analysis providing fiber
89 counts/concentrations is always optional) as described in paragraphs (i) through (iv) below.
90 The laboratory shall be requested to provide verbal results by the start of the next working
91 day, or as soon as possible after the start of the next working day, with written results within
92 24 hours of the receipt of verbal results.
93

94 i. *****

95 ii. During the first five (5) days of RACS disturbance – A minimum of 25% of the samples
96 collected from each RWA, inclusive of the downwind floating samples as described in

97 5.5.7(E)(23), shall be submitted for TEM analysis. The sample(s) selected for TEM
98 analysis shall have the highest PCM result(s) based on fiber concentration. If all PCM
99 results are Below Detectable Limit (BDL) for fiber concentration, then the sample(s)
100 selected for TEM analysis shall be determined by highest fiber count. If all samples
101 have no fiber counts (i.e. zero (0) fibers counted, not a "below detection limit" fiber
102 concentration) then no TEM analysis is required.

103 iii. *****

104 *****

105
106
107
108 **5) Section 7.2.2 (Design criteria) is being amended by revising paragraph (B)(4) to read as**
109 **follows:**

110 SECTION 7

111 REGULATIONS FOR TRANSFER STATIONS

112 7.2 OPERATING PLAN CRITERIA

113 7.2.2 Design criteria

114 *****

115 (B) On-site roads

116 *****

117
118
119
120
121
122 (4) Where public dumping is allowing allowed, separate access for passenger vehicles shall
123 be provided.

124 *****

125
126
127
128
129
130
131
132 **6) Section 9.3.5 (Recordkeeping and Reporting Requirements) is being amended by**
133 **renumbering paragraphs (H) and (I) as paragraphs (F) and (G) to read as follows:**

134 SECTION 9

135 WASTE IMPOUNDMENTS

136 9.3 REQUIREMENTS FOR TYPE B WASTE IMPOUNDMENTS

137 9.3.5 RECORDKEEPING AND REPORTING REQUIREMENTS

138 (E) **Routine Monitoring:** *****

139
140
141
142
143
144
145
146
147 **(HF) Inspections:** Records shall be maintained by all facilities with Type B waste impoundments
148 that fully document all inspections, fluid level measurements, damage, repairs and repair verifications
149 to impoundments, the liner systems or ancillary equipment.

150
151
152
153
154
155
156
157
158

(G) Reporting Requirements:

For facilities receiving third party wastes, waste characterization results indicating excursions from the facility's approved plans, such as inadvertent receipt of unapproved wastes, shall trigger notification in writing to the Department within seven (7) calendar days after receipt of such results by the owner or operator.

1 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

2
3 **Solid and Hazardous Waste Commission**

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

5 **6 CCR 1007-2**

6
7
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**
11 **Part 1) – Correction of Typographical Errors and Outdated References**

12
13 **Basis and Purpose**

14 These amendments to 6 CCR 1007-2, Part 1 are made pursuant to the authority granted to the
15 Solid and Hazardous Waste Commission in Sections 25-15-302(4.5) and 30-20-109, C.R.S.

16 **Discussion of Regulatory Proposal**

17 These amendments correct typographical errors and outdated references that exist in the
18 Colorado Regulations Pertaining to Solid Waste Sites and Facilities (6 CCR 1007-2). The
19 amendments being adopted at this time include the following:

20 1) Revision of the definition of “Ground water protection standard” in Section 1.2 of the
21 Regulations. The reference to “5 CCR 1002-8” is being replaced with a reference to the
22 current location of the Water Quality Control Commission regulations at “5 CCR 1002”. The
23 Water Quality Control Commission regulations previously found at 5 CCR 1002-8 (Surface
24 Water/Classification and Numeric Standards for River Basins/Ground Water) were divided
25 into 5 CCR 1002-31 through 1002-42 when separate classifications and numeric standards
26 were adapted for the various river basins in Colorado.

27 2) Revision of Section 1.9.2 (Enforcement) and Section 1.9.4 (Judicial Enforcement Actions).
28 Paragraph (F) of Section 1.9.2 and Paragraph (B) of Section 1.9.4 are being amended to
29 reflect the maximum penalty amount that may be assessed for violation of Colorado solid
30 waste disposal requirements, in accordance with Section 30-20-113(5) of the Colorado Solid
31 Wastes Disposal Sites and Facilities Act. The penalty amount was increased from \$2,000 to
32 \$10,000 by HB09-1056. Paragraph (F) of Section 1.9.2 is also being amended to clarify that
33 Section 30-20-113(5) authorizes a compliance order issued by the Division to include an
34 administrative or civil penalty.

35 3) Revision of Section 5.5.7. Paragraph (E)(2)(e)(ii) of Section 5.5.7 is being amended to
36 replace the incorrect reference to section “5.5.7(E)(2)” with the correct reference to
37 “5.5.7(E)(3)” regarding the requirement for “downwind floating samples”.

38 4) Revision of Section 7.7.2. Paragraph (B)(4) is being amended by replacing “allowing”
39 with “allowed”.

40 5) Revision of Section 9.3.5. Paragraphs (H) and (I) in Section 9.3.5 are being
41 renumbered as paragraphs (F) and (G).