



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:**  
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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:**  
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71  
72 **SECTION 5**  
73

74 **ASBESTOS WASTE MANAGEMENT**  
75

76 \*\*\*\*\*  
77

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

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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

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

124 \*\*\*\*\*

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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:** \*\*\*\*\*

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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.

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**(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.

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