



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 amendment of 6 CCR 1007-2, Part 1, Section 13, along with the accompanying Statement of Basis and Purpose, the following will be considered:

Amendment of 6 CCR 1007-2, Part 1, Section 13 - Regulations Pertaining to Solid Waste Disposal Sites and Facilities - Medical Waste

These modifications are made pursuant to the authority granted to the Solid and Hazardous Waste Commission in Section 30-20-109, C.R.S.

The purpose of these amendments to the Section 13 regulations is to update the regulations applicable to medical waste treatment and temporary storage facilities. Section 13 has not been modified since 2011 and since that time, some aspects of the existing regulations have become outdated.

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 Section 24-4-103(3), C.R.S., a notice of proposed rulemaking was submitted to the Secretary of State on October 14, 2021. 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 October 25, 2021.

The proposed rulemaking materials may also be accessed at <https://cdphe.colorado.gov/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, November 3, 2021, at 11:59 p.m.**



1 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

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

4 **6 CCR 1007-2**

5 **PART 1 - REGULATIONS PERTAINING TO SOLID WASTE SITES AND FACILITIES**

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8 **Amendment of Section 13 Medical Waste Regulations**

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10 **1) Section 13.2.5 is amended to read as follows:**

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12 **13.2 GENERAL PROVISIONS**

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16 **13.2.5 Incorporation by Reference.**

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18 (A) References to material incorporated by reference in this Section 13 refer ~~to 2011 editions~~
19 ~~unless otherwise expressly noted~~ to those versions in effect on November 16, 2021, and do not
20 include any later amendments or editions.

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22 (B) Information concerning all materials or regulations incorporated by reference may be
23 obtained by contacting:

24
25 Regulatory and Program Authorization Coordinator
26 Colorado Department of Public Health and Environment
27 Hazardous Materials and Waste Management Division
28 4300 Cherry Creek Drive South
29 Denver, CO 80246-1530

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31 (C) The specific materials or regulations incorporated by reference in these regulations ~~are~~
32 ~~listed in the Statement of Basis and Purpose for this rulemaking, and~~ are available for public
33 examination during normal business hours on the Internet and at the Department. All federal
34 agency regulations incorporated by reference herein are available, at no cost, in the online
35 edition of the Code of Federal Regulations (CFR) hosted by the United States Government
36 Printing Office, online at www.govinfo.gov.
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41 **2) Section 13.3 is amended by revising paragraphs 13.3.1(B) – (B)(2), and revising**
42 **paragraph 13.3.2 to read as follows:**

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45 **13.3 CERTIFICATE OF DESIGNATION REQUIRED**

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47 13.3.1 Exemptions - the following sites and facilities shall be approved sites and facilities for which it
48 shall not be necessary to obtain a Certificate of Designation unless the Department determines that the
49 site or facility may adversely affect human health and the environment:

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51 (A) *****

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53 (B) Medical waste generators that operate equipment for treatment of medical wastes generated
54 onsite or that is generated through the normal operation of their business at other locations operated
55 by the same business and self-transported by private motor carrier from their other locations for
56 consolidation and/or treatment that ~~are in compliance with:~~

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58 (1) ~~Section 13.3.1(A) are in compliance with~~

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60 (i) Section 13.3.1(A).

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62 ~~(2) Section 13.6 Standards for Medical Waste Treatment; and~~

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64 (2) Notify the Department that they perform onsite treatment of medical waste. Onsite treatment
65 notification is a one-time notification that must be sent to the Department prior to initiating
66 treatment operations, or for facilities that are currently treating medical waste, within 90 days of
67 the effective date of this regulation.

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71 13.3.2 No person, unless exempted under Section 13.3.1, shall operate a medical waste ~~consolidation,~~
72 ~~storage,~~ treatment, processing or disposal facility without having received a Certificate of Designation in
73 accordance with Section 1.6 of these regulations.

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78 **3) Section 13.5 is amended by deleting and reserving paragraph 13.5.2(C) to read**
79 **as follows:**

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81 **13.5 STANDARDS FOR COMMERCIAL MEDICAL WASTE STORAGE FACILITIES**

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85 13.5.2 Commercial medical waste storage facilities must comply with:

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- (A) Section 13.1 Applicability.
- (B) Section 13.2 General Provisions.
- (C) ~~Reserved Section 13.3 Certificate of Designation.~~
- (D) Section 13.7 Engineering Design and Operations Plan Requirements.
- (E) Section 13.8 Operating Requirements.
- (F) Section 13.10 Transportation Requirements.

4) Section 13.7 is amended by revising paragraph 13.7.2(C)(4) to read as follows:

13.7 ENGINEERING DESIGN AND OPERATION PLAN REQUIREMENTS FOR COMMERCIAL STORAGE AND TREATMENT FACILITIES

(C) The Engineering Design and Operations Plan shall contain the following operational information.

(4) A waste characterization and acceptance plan, including waste screening methods to be used, ~~radioactive material scanning~~, waste exclusion procedures and rejection of prohibited wastes, handling methods for wastes that require special or non-standard handling, and a contingency plan for handling prohibited wastes.

5) Section 13.9.3 is amended by revising paragraphs 13.9.3(D) and 13.9.3(E) to read as follows:

13.9 STANDARDS FOR MEDICAL WASTE DISPOSAL

13.9.3 Trace chemotherapy waste and waste pharmaceuticals.

(D) Waste pharmaceuticals that contain controlled substances must be managed in accordance with the US DEA requirements in 21 CFR 1307.11 or ~~21 CFR 1317.24~~.

135 (E) Waste pharmaceuticals that are both hazardous waste and contain controlled substances
136 must be managed in accordance with the Colorado Hazardous Waste Act (Title 25 Article 15
137 Parts 1, 2, 3, and 5 CRS, as amended) and implementing regulations (6 CCR 1007-3) and the US
138 DEA requirements in 21 CFR 1307.11 or ~~21 CFR 1317.1307.21~~.