



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 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 Disposal Sites and Facilities - Waste Tire End Users Fund

These modifications are made pursuant to the authority granted to the Solid and Hazardous Waste Commission in Sections 30-20-1401(2) and 30-20-1405, C.R.S.

The purpose of the revised regulations is to update the waste tire end user quarterly rebate amount for calendar year 2022 based on the criteria set forth in Section 30-20-1405(4) C.R.S. Per the statute, the commission is required to annually set the amount of the per-ton monthly rebate paid to end users and haulers of waste tires.

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.**




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, November 16, 2021
TIME: 9:00 a.m.
PLACE: Due to COVID-19, the meeting will be held online only at:

<https://us02web.zoom.us/meeting/register/tZUpcuyhrjgiGNWDruLdJHfSuK67Q-zkh-b>

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



Brandy Valdez Murphy, Administrator



1 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

2

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

5

6 **6 CCR 1007-2**

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

8

9

10 **Section 10 Waste Tire Amendments**

11

12

13 **1) Section 10.12.5 (Rebate Amount) is being amended by revising paragraph (B) to read**
14 **as follows:**

15

16 **10.12 WASTE TIRE END USERS FUND**

17

18 **10.12.5 REBATE AMOUNT**

19

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

21

22 B. Beginning ~~April 1, 2020 through December 31, 2021~~ January 1, 2022, the amount of the
23 rebate is as follows:

24

25 (1) Tier 1: ~~\$50~~ \$80 per ton;

26

27 (2) Tier 2: ~~\$25~~ \$40 per ton;

28

29 (3) Tier 3: ~~\$12.50~~ \$20 per ton; and

30

31 (4) Waste Tire Hauler: ~~\$12.50~~ \$20 per ton.

32

33 C. If the tons approved for the rebate in any one quarter multiplied by the amount of the rebate
34 rates in Section 10.12.5(B) exceeds the balance of the Fund, then the Department must
35 reduce the per ton amount of the rebate that quarter to a rate that will not cause a deficit in
36 the Fund. The Department must reduce the per ton rates proportionally until all rebate
37 funds are exhausted.

38

39 Any applicant who does not receive a full rebate due to not enough moneys in the Fund
40 cannot later claim the missing funds in a later application submittal or request.

41
42
43

- D. Twenty-five percent of the expected annual rebate amount will be held in reserve before paying the first quarterly rebate.