



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 amendments to 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 Sites and Facilities - Waste Tires

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

The purpose of revising Section 10 is to change the waste tire hauler and mobile waste tire processor registration renewal date, clarify when the Department may cancel a waste tire hauler or mobile waste tire processor Certificate of Registration, and set the End User Fund per ton rebate.

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 C.R.S. §24-4-103(3), a notice of proposed rulemaking was submitted to the Secretary of State on October 14, 2022. 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, 2022.

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 Friday, November 4, 2022, at 11:59 p.m.** Written



1 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

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

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9 **6 CCR 1007-2**

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

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15 **Section 10 Waste Tire Amendments**

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18 **1) Section 10.3.2 (Registration for Waste Tire Haulers) is being amended by revising**
19 **paragraphs (G) and (K) to read as follows:**

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22 **SECTION 10.3 - STANDARDS FOR WASTE TIRE HAULERS**

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26 **10.3.2 REGISTRATION FOR WASTE TIRE HAULERS**

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30 (G) All Waste Tire Haulers who wish to continue hauling waste tires must submit an application for
31 renewal (Form WT-1H) no later than March 1 of every odd numbered year.

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35 (K) The Department may cancel a Waste Tire Hauler Certificate of Registration of a person who: 1) no
36 longer hauls waste tires, 2) fails to submit the waste tire hauler renewal (Form WT-1H) as required by
37 Section 10.3.2(G), or 3) fails to submit an Annual Report as required by Section 10.3.5.

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40 **2) Section 10.3.3 (Waste Tire Hauler Decals) is being amended by revising paragraph (C)**
41 **to read as follows:**

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43 **SECTION 10.3 - STANDARDS FOR WASTE TIRE HAULERS**

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10.3.3 WASTE TIRE HAULER DECALS

(C) Each Waste Tire Hauler vehicle decal and temporary decal will be valid until April 15 of the year indicated on the vehicle decal and will have a unique number. Prior to the expiration date, a Waste Tire Hauler must submit a new renewal application (Form WT-1H) for a Certificate of Registration pursuant to section 10.3.2(G) above.

3) Section 10.7.3 (Mobile Waste Tire Processors Registration Requirements) is being amended by revising paragraphs (H) and (J) to read as follows:

10.7 - STANDARDS FOR MOBILE WASTE TIRE PROCESSORS

10.7.3 MOBILE WASTE TIRE PROCESSORS REGISTRATION REQUIREMENTS

(H) All Mobile Waste Tire Processors who wish to continue mobile processing waste tires must submit an application for renewal (Form WT-1M) no later than March 1 of every odd numbered year.

(J) The Department may cancel a Certificate of Registration of a person who: 1) no longer mobile processes waste tires, 2) fails to submit a mobile waste tire processing renewal (Form WT-1M), 3) fails to submit an Annual Report as required by Section 10.7.7, or 4) fails to maintain financial assurance as required by Section 10.7.6.

4) Section 10.7.4 (Mobile Waste Tire Processor Decal) is being amended by revising paragraph (C) to read as follows:

10.7 - STANDARDS FOR MOBILE WASTE TIRE PROCESSORS

10.7.4 MOBILE WASTE TIRE PROCESSOR DECAL

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92 (C) Each Mobile Waste Tire Processor decal will be valid until April 15 of the year indicated on the vehicle
93 decal and will have a unique number. Prior to the expiration date, a Mobile Waste Tire Processor must
94 submit a new renewal application for a Certificate of Registration (Form WT-1M) pursuant to section
95 10.7.3 above.

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100 **5) Section 10.11 (Waste Tire Fee Administration) is being amended by revising paragraph**
101 **10.11.7 to read as follows:**

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103 **10.11 WASTE TIRE FEE ADMINISTRATION**

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107 10.11.7 Any person who sells new motor vehicle or new trailer tires must retain and make available to
108 the Department for review any documentation or records (such as receipts or invoices provided to
109 customers or transaction records) related to new tire sales to ensure compliance with Section 30-20-
110 10431403(1)(a), C.R.S., and the Regulations on the sales of these tires. Documentation and/or
111 records must be retained for three (3) years from the date of sale.

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116 **6) Section 10.12 (Waste Tire End User Fund) is being amended by revising paragraph**
117 **(C)(2) of Section 10.12.1 (General Rules) to read as follows:**

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119 **10.12 WASTE TIRE END USERS FUND**

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121 **10.12.1 GENERAL RULES**

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124 **C. General Rules for End Users applying for a Waste Tire Hauler rebate**

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126 1. To be eligible to apply for a rebate, a person must be registered with the Department as a Waste
127 Tire Hauler and an End User. Any hauling of waste tires prior to registration with the Department
128 is not eligible for a rebate.
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130 2. Only waste tires originated and hauled from rural counties (population of fewer than 60,000
131 residents according to the Colorado Department of Local Affairs State Demography Office) are
132 eligible for a rebate for the Waste Tire Hauler and End User. Counties that meet this standard will
133 be listed on the Waste Tire Hauler application and posted on the Department's website at the
134 Colorado Department of Local Affairs "Population Totals for Colorado Counties" website:
135 <https://demography.dola.colorado.gov/population/population-totals-counties/>. The most current

136 population statistics will be used to determine if a county is considered rural for the purpose of
137 waste tires being eligible for a rebate.

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142 **7) Section 10.12 (Waste Tire End User Fund) is being amended by revising paragraph (B)**
143 **of Section 10.12.5 (Rebate Amount) to read as follows:**

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145 **10.12.5 REBATE AMOUNT**

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149 B. Beginning January 1, ~~2022~~2023, the amount of the rebate is as follows:

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151 (1) Tier 1: \$80 per ton;

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153 (2) Tier 2: \$40 per ton;

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155 (3) Tier 3: \$20 per ton; and

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157 (4) Waste Tire Hauler: \$20 per ton.

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