

Thank you for submitting this referral to the Colorado Department of Public Health and Environment (CDPHE). Please note that the following requirements and recommendations are not intended to be an exhaustive list and it is ultimately the responsibility of the applicant to comply with all applicable rules and regulations. Please also note that CDPHE's failure to respond to any referrals should not be construed as a favorable response.

Hazardous and Solid Waste

The applicant must comply with all applicable hazardous and solid waste rules and regulations.

Hazardous waste regulations are available here:

<https://www.colorado.gov/pacific/cdphe/hwregs>.

Solid waste regulations are available here:

<https://www.colorado.gov/pacific/cdphe/swregs>.

The facility needs to register as an industrial recycling facility as required under Section 8.5 of the Regulations Pertaining to Solid Waste Sites and Facilities (6CCR 1007-2, Part 1) unless it can demonstrate that it meets the exemptions outlined in Section 8.5. Please see our Compliance Bulletin on this issue, Asphalt, Brick and Concrete Recycling and Beneficial Use (January 2019), available on our website at <https://www.colorado.gov/pacific/cdphe/swguidance>, for further information. The operations plan should provide details on how the facility will demonstrate it is exempt from the regulations if an exemption from the registration requirement is requested.

The operations plan needs to provide additional details on what will be done to ensure the site does not receive contaminated feed materials for processing at the site. For example, will feed materials be inspected prior to acceptance?

The operations plan should have a closure plan that delineates what actions will be taken to close the site when operations cease. The plan should include where feedstocks and product will be sent for disposal and what actions will be taken to close the site in accordance with the solid waste regulations and either redevelop it or return it to its former state prior to its use as a recycling facility.

Operations Plan Section XV, Storage Standards: The facility needs to provide information on what procedures will be followed in the event there is a spill or release of fuels or other fluids used in equipment operation or maintenance at the facility. Fluids such as petroleum and hydraulic fluids can be released in the event of equipment breakdown or improper use. Please see the Spill Reporting in Colorado brochure, available on our website at <https://www.colorado.gov/pacific/cdphe/emergency-reporting-line>, for additional information on reporting requirements for spills and releases.

Operations Plan Section XX: The plan should include a schedule for inspection of the containment system and identify specific timeframes for inspection of these areas. The plan's proposed "as needed" does not indicate specific timeframes for inspection. The plan should also include a method for documenting the inspections and their results. For example, a written or electronic log can be kept indicating the date that the areas were inspected, whether repairs or other maintenance are needed, and who conducted the inspection. The date that repairs or maintenance was completed can also be kept on this log.

Operations Plan Section XXXI: The plan needs to identify which landfill or landfills will be used to accept remaining feedstocks and processed materials in the event the site closes and these materials remain on site. If the materials are to be transferred to another recycling facility, information should be provided on these facilities.

If you have any questions regarding hazardous and/or solid waste, please contact CDPHE's Hazardous Materials and Waste Management Division (HMWMD) by emailing comments.hmwmd@state.co.us or calling 303-692-3320.

Health Equity and Environmental Justice

CDPHE notes that certain projects have potential to impact vulnerable minority and low-income communities. It is our strong recommendation that your organization consider the potential for disproportionate environmental and health impacts on specific communities within the project scope and if so, take action to mitigate and minimize those impacts. This includes interfacing directly with the communities in the project area to better understand community perspectives on the project and receive feedback on how it may impact them during development and construction as well as after completion. We have included some general resources for your reference.

Resources:

[CDPHE's Health Equity Resources](#)

[CDPHE's Checking Assumptions to Advance Equity](#)

[EPA's Environmental Justice and NEPA Resources](#)

