

Solid Waste Certificate of Designation for Solid Waste Disposal Sites

Program Description

The siting, permitting and regulation of solid waste disposal sites is a dual responsibility of the Hazardous Materials and Waste Management Division and the local governing body having jurisdiction (the county or municipality). Each party has an assigned role and responsibilities. The Division works with the local governing bodies to evaluate the proposed disposal site. Approval of the application will allow a Certificate of Designation (CD) to be issued by the local governing body having jurisdiction. Issuance of the certificate of designation incorporates recommendations made by the Division after a thorough evaluation of the application and other local factors.

Who Must Apply

Anyone operating a facility for solid waste disposal where processing, treatment or final disposal of solid waste is performed must obtain a certificate of designation. Exceptions include:

- 1) anyone other than a governmental unit may dispose of their own waste on their own property as long as the Division has reviewed an engineering design and operations report submitted by the operator and has determined that the site complies with state regulations and will not be a public nuisance,
- 2) persons engaged in mining operations under a permit issued by the Division of Minerals and Geology of the Colorado Department of Natural Resources,
- 3) persons using processed sludge for beneficial purposes as long as the sludge meets all State Board of Health and Department of Agriculture requirements,
- 4) persons using manure as a fertilizer or soil conditioner, or conducting onsite composting of manure as part of standard agricultural practice,
- 5) solid waste transfer stations meeting the requirements of Section 7 of the Solid Waste regulations, and
- 6) recycling facilities regulated under Section 8 of the Solid Waste regulations.

Duration of Certificate

There is no set duration for the Certificate of Designation in state statute or regulation. However, some local governing bodies established time frames whereby the Design and Operations Plans must be re-evaluated and revised as necessary.

Fees

A non-refundable application fee must accompany the application to the local governing body having jurisdiction and is based on costs incurred by that body in the application review and approval process. The applicant is also responsible for the costs incurred by the Division or private contractor hired by the Division for the comprehensive technical review of the application or any amendments to an application for which a certificate of designation has been issued, as well as other activities as described in Section 1.7 of the regulations. Document review and activity fees are assessed for the Department's technical and administrative time for reviewing, writing, issuing or denying and maintaining a permit. The hourly charge is set at \$125/hr. There are fee ceilings for document review and activity fees. Ceilings range from \$500 to \$35,000. Facilities operating under a certificate of designation are subject to annual operating fees that partially offset the cost of monitoring and compliance. This fee is currently \$1000 per year. Post-closure fees may also be applicable

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Application Process

There is no state-wide application form for a solid waste certificate of designation. Obtaining a certificate of designation begins with the local governing body having jurisdiction. Persons proposing a facility in unincorporated portions of any county must apply to the commissioners of the county in which the site is to be located. If the facility is proposed to be within the corporate boundaries of a municipality, they must apply to the governing body of the municipality. The local governing body forwards copies of the application packet to the Division for review and recommendation for approval or disapproval. An application completeness determination must be made by the Division within 30 days of receipt of the application. Once it is determined that the application is complete, a comprehensive technical review of the application must be completed within 150 days either by the Division or private contractor hired by the Division, unless this timing provision is waived by the applicant.

Public Participation

As part of the Division's review of the application, the Division must provide at least 30 days for public review and comment on the application. In addition, a public hearing is required to be held by the governing body having jurisdiction prior to the issuance of a Certificate of Designation. A public notice must be published in local newspapers at least 10 days but no more than 30 days prior to the hearing. The public notice must also be posted in at least one conspicuous location at the offices of the governing body having jurisdiction and in at least one location at the proposed site. These notices must be posted at least 30 days prior to the public hearing and continuing through the day of the hearing.

Statutes and Regulations

CRS 30-20-100.5 et seq.

Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2

Guidance

[Certificate of Designation \(CD\) as a Solid Waste Disposal Site Concerning One's Own Waste on One's Own Property](#)

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