



Colorado Department
of Public Health
and Environment

Compliance Bulletin ***Solid Waste*** **One's Own Waste On** **One's Own Property Exemption**

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Colorado's solid waste laws (30-20-10 *et. seq.*, C.R.S.) and regulations (6 CCR 1007-2, Part 1) allow a person or business to dispose of their own solid waste generated on their own property without first obtaining a permit (Certificate of Designation) under the "one's own waste on one's own property" exemption. State and local government agencies are specifically excluded from using this exemption.

Some people interpret this exemption to mean that if they do not dispose of any waste other than their own, they are not required to follow the solid waste rules and regulations. This is not a correct interpretation. This exemption may be used only if you comply with the minimum standards of the state's solid waste regulations and ensure your property does not become a nuisance. Disposal must also be in compliance with local laws and ordinances, which may limit or prohibit this activity.

All sites where solid waste disposal takes place must meet certain siting requirements such as not being located in an active fault zone, wetland or floodplain, or near an aircraft runway. Local laws and ordinances may have further location restrictions. Additional specifications and procedures for controlling nuisance conditions, design of disposal area, monitoring of surface and ground water, site maintenance, site closure and post closure care are also required.

You must have a written operations plan that describes your site's design, how it will operate and how it will be managed so it will be in compliance with the solid waste regulations. The operations plan must be submitted to the Colorado Department of Public Health and Environment (the Department) and the local governing authority for review and approval before any waste disposal takes place. If you want to make changes to your plan, you will need to have the changes reviewed and approved by the Department and the local governing authority before modifying your site or its operations.

After your operations plan is approved and you begin disposal operations, you will be responsible for ensuring your site is in compliance with your plan and the solid waste regulations at all times. You will need to ensure that the waste is kept adequately covered and that there are no problems with noise, dust, erosion, windblown trash, wildlife or vermin, or other nuisances. When you cease disposal operations on your property you must implement your closure plan. Also, the property must be left in an orderly manner and with a good aesthetic appearance that blends in with the surrounding area. Depending on the nature of your disposal activities, you may be required to establish an environmental covenant with the Department that restricts how the property can be used in the future.

Be aware that the Department is authorized to bill you for the time needed to review your operations plan. This will include time spent by staff reviewing your plan, meetings with you or

your representatives, and time spent writing comments and responses. You will also be charged an annual operating fee for your site if your plan is approved. In addition, you will be required to establish financial assurance in an amount sufficient to provide for site closure and post closure care by a third party in case you become unable to close it yourself. More information on these requirements can be found in Sections 1, 2 and 3 of Part 1 the state's solid waste regulations (6 CCR 1007-2), available on the Department's website at www.colorado.gov/cs/Satellite/CDPHE-Main/CBON/1251607568997.

For more information, please contact:

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