
Colorado Hazardous Waste Regulations

Part 263

Standards Applicable to Transporters of Hazardous Waste

(Amended 8/16/11, effective 9/30/11)

To obtain more information regarding the
Colorado Hazardous Waste Regulations,
please contact the Hazardous Materials and
Waste Management Division at 303-692-3300.

PART 263 - STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE

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Subpart A - General

§ 263.10 Scope.

(a) These regulations establish standards which apply to persons: transporting hazardous waste within Colorado, storing hazardous waste at a transfer facility located in Colorado, or transferring a hazardous waste from one container to another at a transfer facility located in Colorado. In this Part 263, these persons are referred to as "transporters."

(b) Transfer facilities handling only CESQG waste are subject to the requirements of Subparts A, C, D & E of this Part.

(c) These regulations do not apply to on site transportation of hazardous waste by generators or by owners or operators of permitted hazardous waste management facilities or to hazardous waste management activities regulated under Parts 262, 264 or 265 of these regulations.

(d) A transporter of hazardous waste subject to the Federal manifesting requirements of 40 CFR Part 262, or subject to the waste management standards of 40 CFR Part 273, or subject to the waste management standards of Part 273 of these regulations, that is being imported from or exported to any of the countries listed in § 262.58(a)(1) for purposes of recovery is subject to this subpart and to all other relevant requirements of Subpart H of Part 262, including, but not limited to, § 262.84 for movement documents.

(e) An attached statement of basis and purpose for these regulations has been adopted by the Board of Health, and is hereby incorporated by reference in these regulations pursuant to C.R.S. 1973, 24 4 103.

§ 263.11 EPA identification number.

(a) A transporter must not transport hazardous wastes or operate a transfer facility located in Colorado without having received an EPA identification number.

(b) A transporter who has not received an EPA identification number may obtain one by applying to the Department using the Colorado Hazardous Waste Notification Form. Upon receiving the request, the Department will assign and forward an EPA identification number to the transporter.

§ 263.12 Transfer facility requirements.

(a) **Notification:** Owners/operators of transfer facilities located in Colorado shall notify the Department, as part of the notification filed under Part 99 of these regulations, of the location and general description of the activities at each transfer facility.

(b) **Applicability.** A transporter who stores shipments of hazardous waste in containers meeting the requirements of § 262.30 at a transfer facility for a period of ten days or less is not subject to regulation under Parts 100, 264, 265, 266, and 268 with respect to the storage of those wastes, except as specifically referenced in Part 263 of these regulations.

(c) **General standards applicable to all transfer facilities.**

(1) **Documentation of storage.** The owner or operator of a transfer facility must maintain documentation to verify that the ten-day storage requirement of § 263.12(b) has been met. Information used to make this demonstration may include hazardous waste manifests, log sheets, or other documentation showing the date of waste arrival and shipment from the transfer facility. This record shall include the generator's name, the generator's EPA identification number, and the manifest number. For conditionally exempt small quantity generators (CESQGs) without an EPA identification number, the record shall include the name and address of the generator. This recordkeeping requirement applies to all hazardous wastes, including hazardous waste generated by CESQGs.

(2) **Weekly inspections/Record of inspection.** The owner or operator shall conduct weekly inspections of all areas where containers are stored, and shall maintain written records of the results of the inspection, including, at a minimum, any evidence of container failure, the condition of secondary containment (if applicable) and remediation correcting any problems noted. The owner or operator shall maintain the written records of these weekly inspections for a period of at least three years from the date of inspection. This requirement shall not apply to the interior of trucks or trailers where containers are stored, so long as those trucks or trailers were loaded in accordance with DOT regulations.

(3) **Base/Floor Requirements.** Loading docks, temporary container storage areas, and all areas where transfer of hazardous wastes occurs must have a base or floor that is smooth, free of cracks or gaps, and sufficiently impervious to contain leaks or spills until the spilled material is detected and removed. This requirement shall not apply to trucks or trailers that were loaded in accordance with DOT regulations. Any leaks or spills that do occur must be promptly cleaned up by the transfer facility operator.

(4) **Truck/trailer storage requirements.** For hazardous waste stored in trucks or trailers, the truck/trailer must be stored on a manmade surface that is capable of containing spills or releases to the ground. Any leaks or spills that do occur must be promptly cleaned up by the transfer facility operator.

(5) **Arrangements with local authorities.**

(i) The transporter must contact local authorities to make arrangements to familiarize police, fire departments, local departments of health, and local emergency planning committees (LEPCs) with the layout of the transfer facility, NFPA hazardous class of hazardous waste handled at the transfer facility and associated hazards, places where transfer facility personnel would normally be working, entrances to roads inside the transfer facility, and possible evacuation routes.

(ii) Transporters shall document attempts to make such arrangements, and shall document any case where State or local authorities decline to enter into such arrangements.

(6) **Security.** All transfer facilities must be adequately fenced or secured to control public access and prevent unauthorized access to areas of hazardous waste storage. For a truck/trailer parked at a transfer facility that has no 24-hour surveillance system or artificial or natural barrier, the truck/trailer must meet the placarding requirements of 49 CFR Part 172

and the hazardous waste must be secured (i.e., locked) or the hazardous waste must be transferred to a secured area of the facility to prevent unknowing entry and minimize unauthorized access.

(7) Signage.

(i) A sign with the legend, "Danger – Unauthorized Personnel Keep Out," must be posted at each entrance to the active portion of the transfer facility, and at other locations, in sufficient numbers to be seen from any approach to this active portion of the facility. The legend must be written in English and in any other language predominant in the area surrounding the facility and must be legible from a distance of at least 25 feet. For storage of hazardous waste on trucks or trailers, the truck/trailer must meet the applicable placarding requirements of 49 CFR Part 172.

(ii) Existing signs with a legend other than "Danger – Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion, and that entry onto the active portion can be dangerous.

(8) Emergency preparedness, prevention, and response. Transfer facility owners and operators shall comply with the following emergency planning and response requirements:

(i) At all times during which hazardous wastes are temporarily stored at the transfer facility there must be an emergency coordinator or a trained designee who is either on the premises or on call and available to respond to an emergency by reaching the facility within a short period of time. The emergency coordinator shall coordinate all emergency response measures specified in § 263.40 of these regulations.

(ii) The portion of the transfer facility where hazardous waste is stored or transferred must be equipped with the following, unless none of the hazards posed by the storage/transfer of hazardous waste could require a particular kind of equipment specified below:

(A) A device, such as a telephone (accessible near the waste storage area) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or local emergency response teams;

(B) Firefighting systems appropriate to the hazards, such as portable fire extinguishers, water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, water spray systems, or other fire control equipment using inert gas or dry chemicals; and

(C) Spill control, first aid and safety equipment appropriate to the hazards.

(iii) All communications systems, fire protection equipment, and spill control equipment, where required, must be tested and maintained as necessary to assure their proper operation in time of emergency.

(iv) The transfer facility owner or operator shall post the following information at the facility:

(A) The name and telephone number of the emergency coordinator;

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(B) Location of fire extinguishers and spill control material, and, if present, fire alarm; and

(C) The telephone number of the fire department, unless the facility has a direct alarm.

(d) A transporter of hazardous waste who mixes hazardous wastes of different applicable DOT shipping descriptions by placing them within a single container at a transfer facility located in Colorado must:

(1) Make a hazardous waste determination of the resulting waste mixture pursuant to § 262.11;

(2) Comply with the manifest requirements of §§ 262.20, 262.21, 262.22, and 262.23 (in addition to the requirements of §§ 263.20 and 263.21) with regard to the resulting waste mixture;

(3) Comply with the pre-transport packaging, labeling, marking, and placarding requirements of §§ 262.30, 262.31, 262.32, and 262.33 with regard to the resulting waste mixture; and

(4) Comply with the recordkeeping and reporting requirements of §§ 262.40 and 262.42 (in addition to the requirements of § 263.22) with regard to the resulting waste mixture.

(e) A transporter of hazardous waste who mixes hazardous wastes of different applicable DOT shipping descriptions by placing them into a single container at a transfer facility located in Colorado must, with regard to the containers into which the resulting waste mixture is placed, comply with the following:

(1) The transporter must use a container made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous wastes to be mixed, so that the ability of the container to contain the resulting waste mixture is not impaired.

(2) If a container holding the resulting waste mixture is not in good condition, or if it begins to leak, the transporter must transfer the resulting waste mixture from this container to a container that is in good condition.

(3) The container holding the resulting waste mixture must always be closed during storage, except when it is necessary to add or remove waste. The container holding the resulting waste mixture must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

(4) Incompatible wastes, or incompatible wastes and materials (see Appendix V of Part 265 for examples) must not be placed in the same container, unless § 265.17(b) is complied with. Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material (see Appendix V of Part 265 for examples), unless § 265.17(b) is complied with. A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall or other device.

Note to paragraph (d)(4): Re-use of containers in transportation is governed by U.S. Department of Transportation regulations and the Colorado Public Utilities Commission, including those set forth in 49 CFR § 173.28.

(5) The transporter shall manage all hazardous waste placed in a container in accordance with the requirements of Subpart CC of Part 265.

(f) A transporter of hazardous waste who mixes hazardous wastes of different applicable DOT shipping descriptions by placing them into a single container at a transfer facility located in Colorado must, with regard to that portion of the transfer facility where the mixing occurs, comply with the following:

(1) The portion of the transfer facility where the mixing occurs must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or water which could threaten human health or the environment. If the transfer facility is not provided with fire protection services by a fire protection district or municipal fire department, the portion of the transfer facility where mixing occurs must be maintained and operated in accordance with a plan for providing its own fire protection and prevention which has been approved by the Department and which meets the following requirements:

(i) The plan shall provide for adequate fire protection and prevention for the portion of the transfer facility where mixing occurs based upon the location and construction of the transfer facility, and based upon the kinds and amounts of hazardous wastes mixed and stored at the transfer facility.

(ii) The plan shall specify the required equipment and the required availability and training of transfer facility personnel.

(iii) The plan shall be based upon the provisions of the Uniform Fire Code, the National Fire Code, the Uniform Building Code, and 29 CFR, Chapter XVII, part 1910, subpart L, Fire Protection.

(iv) Before submitting the plan to the Department for review, the transfer facility shall have the plan reviewed and approved by a registered professional engineer experienced in fire protection.

(2) The portion of the transfer facility where mixing occurs must be equipped with the following, unless none of the hazards posed by the mixing could require a particular kind of equipment specified below:

(i) A device, such as a telephone (accessible near the area where the mixing occurs) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;

(ii) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

(iii) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

(3) All communications systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

(4) If there is ever just one employee on the premises while the mixing occurs, he/she must have access to a device, such as a telephone (accessible near the area where the mixing occurs) or a hand-held two-way radio, capable of summoning external emergency assistance.

(5) While mixing occurs, the transporter must maintain aisle space within the transfer facility to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to the area of mixing in an emergency.

Subpart B Compliance with the Manifest System and Recordkeeping

§ 263.20 The manifest system.

(a)(1) **Manifest requirements.** A transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest signed in accordance with the provisions of § 262.23.

(2) **Exports.** In the case of exports other than those subject to Subpart H of Part 262, a transporter may not accept such waste from a primary exporter or other person: (1) if he/she knows the shipment does not conform to the EPA Acknowledgment of Consent; and (2) unless, in addition to a manifest signed by the generator as provided in this section, the transporter shall also be provided with an EPA Acknowledgment of Consent which, except for shipments by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)). For exports of hazardous waste subject to the requirements of Subpart H of Part 262, a transporter may not accept hazardous waste without a tracking document that includes all information required by § 262.84.

(3) **Compliance Date for Form Revisions.** The revised manifest form and procedures in §§ 260.10, 261.7, 263.20, and 263.21 of these regulations shall not apply until September 5, 2006. The manifest form and procedures contained in §§ 260.10, 261.7, 263.20, and 263.21 of these regulations at the time of the May 2006 rulemaking hearing shall be applicable until September 5, 2006.

(b) Before transporting the hazardous waste, the transporter must sign and date the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter must return a signed copy to the generator before leaving the generator's property.

(c) The transporter must ensure that the manifest accompanies the hazardous waste. In the case of exports, the transporter must ensure that a copy of the EPA Acknowledgment of Consent also accompanies the hazardous waste.

(d) A transporter who delivers a hazardous waste to another transporter or to the designated facility must:

(1) Obtain the date of delivery and the handwritten signature of that transporter or of the owner or operator of the designated facility on the manifest; and

(2) Retain one copy of the manifest in accordance with § 263.22; and

(3) give the remaining copies of the manifest to the accepting transporter or designated facility.

(e) The requirements of paragraphs (c), (d) and (f) of this section do not apply to water (bulk shipment) transporters if:

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- (1) The hazardous waste is delivered by water (bulk shipment) to the designated facility; and
 - (2) A shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures) and, for exports, an EPA Acknowledgment of Consent accompanies the hazardous waste; and
 - (3) The delivering transporter obtains the date of delivery and hand-written signature of the owner or operator of the designated facility on either the manifest or the shipping paper; and
 - (4) The person delivering the hazardous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and
 - (5) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with § 263.22.
- (f) For shipments involving rail transportation, the requirements of paragraphs (c) and (d) do not apply and the following requirements do apply:
- (1) When accepting hazardous waste from a non-rail transporter, the initial rail transporter must:
 - (i) Sign and date the manifest acknowledging acceptance of the hazardous waste;
 - (ii) Return a signed copy of the manifest to the non-rail transporter;
 - (iii) Forward at least three copies of the manifest to:
 - (A) The next non-rail transporter, if any; or,
 - (B) The designated facility if the shipment is delivered to that facility by rail; or
 - (C) The last rail transporter designated to handle the waste in the United States;
 - (iv) Retain one copy of the manifest and rail shipping paper in accordance with § 263.22.
 - (2) Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures) and, for exports an EPA Acknowledgment of Consent accompanies the hazardous waste at all times. Intermediate rail transporters are not required to sign either the manifest or shipping paper.
 - (3) When delivering hazardous waste to the designated facility, a rail transporter must:

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(i) Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and

(ii) Retain a copy of the manifest or signed shipping paper in accordance with § 263.22.

(4) When delivering hazardous waste to a non-rail transporter a rail transporter must:

(i) Obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and

(ii) Retain a copy of the manifest in accordance with § 263.22.

(5) Before accepting hazardous waste from a rail transporter, a non-rail transporter must sign and date the manifest and provide a copy to the rail transporter.

(g) Transporters who transport hazardous waste out of the United States must:

(1) Sign and date the manifest in the International Shipments block to indicate the date that the shipment left the United States;

(2) Retain one copy in accordance with § 263.22(d);

(3) Return a signed copy of the manifest to the generator; and

(4) Give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.

(h) A transporter transporting hazardous waste from a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month need not comply with the requirements of this section or those of § 263.22 provided that:

(1) The waste is being transported pursuant to a reclamation agreement as provided for in § 262.20(e);

(2) The transporter records, on a log or shipping paper, the following information for each shipment:

(i) The name, address, and U.S. EPA Identification Number of the generator of the waste;

(ii) The quantity of waste accepted; and

(iii) All DOT-required shipping information;

(iv) The date the waste is accepted; and

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- (3) The transporter carries this record when transporting waste to the reclamation facility; and
- (4) The transporter retains these records for a period of at least three years after termination or expiration of the agreement.

§ 263.21 Compliance with the manifest.

(a) The transporter must deliver the entire quantity of hazardous waste which he/she has accepted from a generator or a transporter to:

- (1) The designated facility listed on the manifest; or
- (2) The alternate designated facility, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or
- (3) The next designated transporter; or
- (4) The place outside the United States designated by the generator.

(b)(1) If the hazardous waste cannot be delivered in accordance with paragraph (a) of this section because of an emergency condition other than rejection of the waste by the designated facility, then the transporter must contact the generator for further directions and must revise the manifest according to the generator's instructions.

(2) If hazardous waste is rejected by the designated facility while the transporter is on the facility's premises, then the transporter must obtain the following:

(i) For a partial load rejection or for regulated quantities of container residues, a copy of the original manifest that includes the facility's date and signature, and the Manifest Tracking Number of the new manifest that will accompany the shipment, and a description of the partial rejection or container residue in the discrepancy block of the original manifest. The transporter must retain a copy of this manifest in accordance with § 263.22 of these regulations, and give the remaining copies of the original manifest to the rejecting designated facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to the generator, the transporter must obtain a new manifest to accompany the shipment, and the new manifest must include all of the information required in § 264.72(e)(1) through (6) or (f)(1) through (6) of these regulations or § 265.72(e)(1) through (6) or (f)(1) through (6) of these regulations.

(ii) For a full load rejection that will be taken back by the transporter, a copy of the original manifest that includes the rejecting facility's signature and date attesting to the rejection, the description of the rejection in the discrepancy block of the manifest, and the name, address, phone number, and Identification Number for the alternate facility or

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generator to whom the shipment must be delivered. The transporter must retain a copy of the manifest in accordance with § 263.22 of these regulations, and give a copy of the manifest containing this information to the rejecting designated facility. If the original manifest is not used, then the transporter must obtain a new manifest for the shipment and comply with § 264.72(e)(1) through (6) of these regulations or § 265.72(e)(1) through (6) of these regulations.

§ 263.22 Recordkeeping.

- (a) A transporter of hazardous waste must keep a copy of the manifest signed by the generator, himself/herself, and the next designated transporter or the owner or operator of the designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter.
- (b) [RESERVED]
- (c) For shipments of hazardous waste by rail within Colorado:
 - (1) The initial rail transporter must keep a copy of the manifest and shipping paper with all the information required in § 263.20(f)(2) for a period of three years from the date the hazardous waste was accepted by the initial transporter; and
 - (2) The final rail transporter must keep a copy of the signed manifest (or the shipping paper if signed by the designated facility in lieu of the manifest) for a period of three years from the date the hazardous waste was accepted by the initial transporter. Intermediate rail transporters are not required to keep records pursuant to these regulations.
- (d) A transporter who transports hazardous waste out of the United States must keep a copy of the manifest indicating that the hazardous waste left the United States for a period of three years from the date the hazardous waste was accepted by the initial transporter.
- (e) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Colorado Department of Public Health and Environment.

Subpart C - Hazardous Waste Discharges

§ 263.30 Immediate action.

(a) In the event of a discharge of hazardous waste during transportation, the transporter must take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike the discharge area).

(b) If a discharge of hazardous waste occurs during transportation and an official (State or local government or a Federal Agency) acting within the scope of his/her official responsibilities determines that immediate removal of the waste is necessary to protect human health or the environment, that official may authorize the removal of the waste by transporters who do not have EPA identification numbers and without the preparation of a manifest.

(c) An air, rail, or highway transporter who has discharged hazardous waste must:

(1) Give notice, if required by 49 CFR § 171.15 or the Public Utilities Commission to the National Response Center (800-424-8802 or 202-426-2675); and

(2) Report in writing as required by 49 CFR § 171.16 or the Public Utilities Commission to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.

(3) Give notice and report of ultimate disposition to the Colorado Department of Public Health and Environment.

§ 263.31 Discharge clean up.

A transporter must clean up in a timely manner any hazardous waste discharge that occurs during transportation or take such action as may be required or approved by Federal, State, or local officials so that the hazardous waste discharge no longer presents a hazard to human health or the environment.

Subpart D - Spills at Transfer Facilities.

§ 263.40 Spill Response.

(a) In the event of a spill of hazardous waste at the transfer facility, the transporter must take appropriate immediate action to protect human health and the environment. Further, the transporter must cleanup in a timely manner any spills of hazardous waste at the transfer facility so that the hazardous waste spill no longer presents a hazard to human health or the environment.

(b) Whenever there is a spill, fire, or explosion at a transfer facility, the transporter must immediately identify the character, source, amount, and areal extent of any spilled materials. He/she may do this by observation or review of facility records or manifests and, if necessary, by chemical analysis.

(c) If the transporter determines that the transfer facility has had a spill exceeding 55 gallons, a fire, or an explosion, the transporter must report the findings to the Department within 24 hours. The report must include:

- (1) Name and telephone number of reporter;
- (2) Name, address, and telephone number of facility;
- (3) Date, time, and type of incident (i.e., spill, fire or explosion);
- (4) Name and quantity of material(s) involved, to the extent known;
- (5) The extent of injuries, if any, and
- (6) The possible hazards outside the facility to human health or the environment.

(d) Within 15 days after an incident involving a spill exceeding 55 gallons, a fire, or an explosion, the transporter must submit a written report on the incident to the Department. The report must include:

- (1) Name, address, and telephone number of the transporter;
- (2) Name, address, and telephone number of the transfer facility;
- (3) Date, time, and type of incident (i.e., spill, fire or explosion);
- (4) Name and quantity of material(s) involved;
- (5) The extent of injuries, if any;

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(6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

(7) Estimated quantity and disposition of recovered material that resulted from the incident.

Note: Compliance with the § 263.40 Spill Response requirements does not relieve transporters from any other obligation to comply with all other federal, state and local reporting and notification requirements concerning chemical spills and releases.

Subpart E – Closure of a Transfer Facility

§ 263.41 Closure.

(a) The owner or operator of the transfer facility shall ensure that the facility will be closed in a manner which satisfies the closure performance standards of § 265.111 and the decontamination standards of § 265.114. All closure activities must be completed within 90 days after receiving the final volume of hazardous wastes at the facility.

(b) Notification and certification. Within 60 days of completion of closure of the transfer facility, the owner or operator must submit to the Department, by registered mail, a certification that all hazardous wastes have been removed from the facility, properly disposed of, and that the facility has been closed in accordance with the performance standards of § 265.111 and § 265.114.

Statement of Basis and Purpose
Part 263 - Transporter Regulations

PURPOSE

The fundamental purpose of these regulations, which are promulgated pursuant to C.R.S. 1973, 25-15-302(2), is to establish the responsibilities of transporters of hazardous waste in the handling and transportation of that waste in order to ensure protection of public health and safety and the environment.

Additionally, regulations concerning hazardous waste transporters are a necessary and required component in conducting a hazardous waste management program; the State intends to obtain EPA authorization for a hazardous waste management program pursuant to C.R.S. 1973, 25-15-302. Such full state authorization to conduct the hazardous waste regulatory program can be granted only upon the determination that the State program is equivalent to that of the EPA.

BASIS

These regulations are based upon a "cradle-to-grave" system of regulation of hazardous waste. Under this system, hazardous waste is tracked and regulated from the point of generation through storage and transportation to the point of treatment and/or disposal. In this manner, a major portion of the hazardous waste generated in the State is regulated and accounted for, thereby minimizing the potential for public health and environmental problems resulting from improper management, handling, transportation and disposal of these wastes. The great potential for public health and environmental problems, including hazards associated with fire, explosion, direct contact, and air, surface water and groundwater contamination resulting from inadequate management of hazardous wastes has been documented at hundreds of sites throughout the nation and has spurred the development of hazardous waste regulations pursuant to the Resource Conservation and Recovery Act (RCRA) of 1976; Public Law 94-580.

These regulations are based, for the most part, on those developed by the EPA under Subtitle C of RCRA. This was done for the reasons discussed below. Because the Federal hazardous waste regulations are comprehensive and technically complex, it was felt that adopting the Federal format and amending specific sections to the needs of the State, as opposed to developing State regulations "from scratch", would save substantial amounts of time and financial resources. Also, it was felt that the process of determination of initial program equivalency would be greatly simplified through adoption of the Federal format. Further, because the Federal regulations are presently subject to frequent amendment, adoption of the Federal format greatly enhances maintaining equivalency of the State regulations to the Federal program.

As stated above, much of the scientific basis for these regulations was developed in the course of EPA research and investigations over a period of several years. Therefore, all information utilized by EPA in developing and proposing these regulations, including that referenced in the Federal Register Volume 45, Number 98, May 19, 1980 p. 33066 et seq. is hereby incorporated in this statement by reference.

The basis for these regulations was further developed through a series of twelve public meetings at which comments were received from interested parties. Accordingly, certain changes from the Federal regulations have been incorporated in these regulations where it was deemed advisable as a result of public comment and study of the issues, in order to tailor the regulations more to Colorado's needs. Such departures from the approach taken in the Federal regulations are discussed in this document under the pertinent topics.

The Regulations

NOTIFICATION

In order for hazardous waste to be tracked from point of origin through transportation to point of disposal, all parties must be identifiable within the tracking system. Accordingly, all potential transporters of hazardous waste located within the State, who have not been assigned an EPA Identification number, must notify the Department and receive an EPA identification number prior to transporting these wastes.

MANIFEST SYSTEM

The essential element in this hazardous waste tracking system is the manifest. The manifest contains pertinent information concerning the wastes which are being transported off-site. All the parties involved with a particular waste shipment are responsible for signing and dating the manifest. The transporter is specifically responsible for delivering the hazardous waste to the facility designated by the generator on the manifest. It is the transporter's responsibility to sign and date the manifest which acknowledges acceptance of the hazardous waste from the generator. A signed copy must be returned to the generator for his/her records. Upon delivery of the waste to another transporter or to the designated facility, the transporter must obtain the signature of that transporter or of the owner or operator of the designated facility, retaining one copy and transmitting the remaining copies to the accepting transporter or facility.

The remaining copy, with all signatures is sent back to the generator. In this manner, each party has a record of the transaction and the generated wastes can be accounted for in transport and disposal. This manifest accounting system greatly decreases the opportunity and likelihood for illegal dumping and release to the environment at any of the stages of handling these wastes and so protects the public from potential exposure to these wastes.

Those standards applicable to water (bulk shipment) transporters in the Federal regulations have been deleted, due to the impossibility of such transportation in Colorado.

HAZARDOUS WASTE DISCHARGES

These regulations deal with the Transporter's responsibilities in the event of a transportation incident involving the discharge of hazardous waste. In order to protect human health and the environment the transporter must take appropriate immediate action such as containment of the discharged material and notification of local authorities. Such immediate containment measures may prevent the release of the waste to proximate surface water, and immediate notification of local emergency response personnel is necessary to initiate prompt response actions.

In addition to the reporting requirements in the Federal regulations, the State requires the Transporter to notify the Department of the ultimate disposition of any discharged hazardous waste. This requirement is to ensure that discharged hazardous waste is properly cleaned up and disposed.

Under these regulations it is the transporter's responsibility to clean up discharges of hazardous waste in a timely manner or take actions required or approved by the Department, local officials, or Federal officials so that the hazardous waste discharge no longer presents a hazard to human health or the environment. These regulations have been changed to require the transporter to clean up discharged hazardous waste in a timely manner.

Both the Transporter and the Generator regulations include certain hazardous material regulations which have been adopted from the Department of Transportation (DOT). These regulations concern, among other things, labeling, marking, placarding, using proper containers, and reporting discharges. These regulations have been adopted in order to protect human health and the environment in the transportation of hazardous waste.

The Board's adoption of these transportation regulations ensures consistency with the requirements of DOT.

The Colorado Public Utilities Commission (PUC) has assumed jurisdiction over State transportation of hazardous materials from the DOT, and is currently in the process of promulgating regulations concerning the transportation of hazardous wastes. Efforts are being made to negotiate a Memorandum of Understanding concerning enforcement of applicable hazardous waste transportation regulations between the Department and the PUC.