

Approved May 19, 2015



COLORADO
Solid & Hazardous
Waste Commission
Department of Public Health & Environment

Summary of Meeting

February 17, 2015

NOTE: These minutes are a summary of the proceedings and motions of the February 17, 2015 Solid and Hazardous Waste Commission meeting. The complete and accurate record is the digital recording of the meeting, available in the Solid and Hazardous Waste Commission Office, Colorado Department of Public Health and Environment, Building A, 5th Floor, 4300 Cherry Creek Drive South, Denver, CO 80246. Any documents referred to in this summary are available by contacting the commission office.

Joseph Prinster, Jr., Vice Chair, called the meeting to order at approximately 9:35 a.m. at the Colorado Department of Public Health and Environment, Sabin Conference Room, Building A, 4300 Cherry Creek Drive South, Denver, Colorado.

Members present:

John Kehoe, Regulated Industry; Garrett Clemons, Public at Large; Christopher Neumann, Chair, Academia (by phone at 10:10 a.m.); Randall M. Weiner, Public at Large; Joseph Prinster, Jr., Vice-Chair, Public at Large; Cameron L. Garcia, Secretary, Regulated Industry (by phone); Charlotte Pitt, Local Government; James Wilson, Regulated Industry; and Michael Dempsey, Regulated Industry

Staff present:

Michael Silverstein, Commission Administrator; Jennifer Robbins, Assistant Attorney General; and Brandy Valdez Murphy, Commission Assistant

Old Business: - Approval of the November 18, 2014 Meeting Summary

The commission reviewed the November 18, 2014 meeting summary.

MOVED by Commissioner Weiner and seconded by Commissioner Wilson, to approve the November 18, 2014 meeting summary as written.

MOTION CARRIED

(Commissioners Clemons and Dempsey did not participate in this vote.)

Public Comment (for matters not on the agenda)

None.

Withdrawal of Repeal of 5 CCR 1003-7 - Beneficial Use of Water Treatment Sludge

Jennifer Robbins, Assistant Attorney General, explained that this requested repeal has been withdrawn at this time. Additional research and public comments indicate that additional changes to the solid waste regulations are necessary before this can move forward.

Rulemaking Hearing:

***Repeal of 6 CCR 1007-7 - Environmental Records Searches**

Jennifer Robbins, Assistant Attorney General, asked the commission to consider the proposed repeal of this regulation. These regulations are in contradiction to the Colorado Open Records Act and if retained would need to be amended to be consistent with the act. However, after investigation and review with the Division, these regulations were determined to be outdated and no longer utilized or enforced. As the Colorado Open Records Act outlines a specific procedure for records searches, these rules are redundant and the division requested that they be repealed.

Public Comments:

None.

Commissioner Prinster closed the record and the commission moved into deliberations.

After discussion,

MOVED by Commissioner Kehoe and seconded by Commissioner Dempsey, to repeal 6 CCR 1007-7 - Environmental Records Searches, along with the accompanying statement of basis and purpose.

MOTION CARRIED UNANIMOUSLY

New business:

Commissioner Prinster asked the commission to discuss issues surrounding waste tire processor and end user reimbursement eligibility for wholesalers selling to out of state processors or end users. Commissioners directed the division to look into the issue and prepare possible changes at the November meeting.

Commissioner Neumann joined the meeting by telephone at approximately 10:10 a.m.

Informational briefing:

***Colorado Household Medication Take-Back Programs**

Greg Fabisiak, Environmental Integration Coordinator, Division of Environmental Health and Sustainability, provided an overview of why household medications are wasted, the current Colorado Household Medication Take-Back program and changes that are the result of House Bill 14-1207. House Bill 14-1207 codified the program in statute, created cash fund for appropriations, gifts, grants, and donations, and specified that collection sites, carriers and disposal locations (who act in good faith), are not subject to liability for incidents arising from the collection, transport, of disposal of household medications. The bill also provided authority to the Solid and Hazardous Waste Commission to implement rules for the implementation of the program. The division anticipates a potential rulemaking hearing in late 2015.

The commission allowed Bev Hanstrom, Owner, Colorado Medical Waste, to provide public comment on the Household Medication Take-Back Program. She encouraged the commission to discourage the use of incinerators to destroy pharmaceuticals.

Informational briefing:

***Architectural Paint Stewardship Programs**

Charles Johnson, Solid Waste and Materials Management Program Manager, provided an overview of the Paint Stewardship Program which was established in Senate Bill 14-029. The bill implements an industry operated and financed postconsumer paint management system, decreases costs to local and state governments, and makes paint recycling more convenient. The commission was also given the authority to set the fees for the program. The division anticipates a fee setting rulemaking in May 2015.

Executive Director and Chief Medical Officer Introduction:

Dr. Larry Wolk stopped by the commission meeting to introduce himself, give an update on department initiatives, and answer questions from commissioners.

Work session:

***6 CCR 1007-3, Part 7 - Commission Procedural Rules**

Jennifer Robbins, Assistant Attorney General, led the commission in a discussion about the procedural rules. Based on experiences faced during the asbestos hearing, commissioners and staff discussed possible changes and lessons learned. Commission staff will review the current regulation and offer possible updates later this year.

Commissioner Weiner left the meeting at approximately 12:30 p.m.

The meeting adjourned at approximately 1:32 p.m.

The next meeting of the commission is Tuesday, May 19, 2015 at 9:30 a.m.