

Approved August 24, 2015



COLORADO

Solid & Hazardous
Waste Commission

Department of Public Health & Environment

Summary of Meeting

May 19, 2015

NOTE: These minutes are a summary of the proceedings and motions of the May 19, 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.

Christopher Neumann, Chair, called the meeting to order at approximately 9:30 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; Randall M. Weiner, Public at Large (arrived at 9:43 a.m.); Joseph Prinster, Jr., Vice-Chair, Public at Large; Cameron L. Garcia, Secretary, Regulated Industry (by phone); Charlotte Pitt, Local Government; James Wilson, Regulated Industry

Members absent:

Michael Dempsey, Regulated Industry

Staff present:

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

Old Business: - Approval of the February 17, 2015 Meeting Summary

The commission reviewed the February 17, 2015 meeting summary.

MOVED by Commissioner Prinster and seconded by Commissioner Wilson, to approve the February 17, 2015 meeting summary as written.

MOTION CARRIED
(Commissioner Weiner did not participate in this vote.)

Public Comment (for matters not on the agenda)

None.

Rulemaking Hearing:

***Amendment of 6 CCR 1007-2, Part 1, Section 1.7.7 - Regulations Pertaining to Solid Waste Disposal Sites and Facilities - Addition of Section 1.7.7 regulations (Paint Stewardship Program Fees) and the associated additions to Section 1.2 definitions**

Commissioner Weiner arrived at the meeting at approximately 9:43 a.m.

Wolfgang Kray, Environmental Protection Specialist, and Charles Johnson, Solid Waste and Materials Management Program Manager, described the architectural paint stewardship program. Senate Bill 14-029 implemented an industry operated and financed postconsumer paint management system, which intends to decrease costs to local and state governments and makes paint recycling more convenient for consumers. The bill also allows the commission to set the fees for the program. Fees are intended to fund transportation and processing costs, multilingual outreach, PaintCare staff, and CDPHE oversight fees. Fees are structured upon the amount of paint purchased by the consumer.

Public Comments:

None.

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

After discussion,

MOVED by Commissioner Kehoe and seconded by Commissioner Prinster, to adopt the amendment of 6 CCR 1007-2, Part 1, Section 1.7.7 - Regulations Pertaining to Solid Waste Disposal Sites and Facilities - Addition of Section 1.7.7 regulations (Paint Stewardship Program Fees) and the associated additions to Section 1.2 definitions, along with the accompanying statement of basis and purpose.

MOTION CARRIED UNANIMOUSLY

Rulemaking Hearing:

***Amendment of 6 CCR 1007-3, Part 6 - Regulations Pertaining to Hazardous Waste - Annual Commission Fee**

Brandy Valdez Murphy, commission assistant, described the amendment to the annual commission fees. The modification applies to the fiscal year effective date and does not change the amount of the fees.

Public Comments:

None.

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

After discussion,

MOVED by Commissioner Prinster and seconded by Commissioner Clemons, to adopt the amendment of 6 CCR 1007-3, Part 6 - Regulations Pertaining to Hazardous Waste - Annual Commission Fee, along with the accompanying statement of basis and purpose.

MOTION CARRIED UNANIMOUSLY

Rulemaking Hearings:

***Amendment of 6 CCR 1007-3, Part 261.21 - Regulations Pertaining to Hazardous Waste - Characteristic of ignitability**

***Amendment of 6 CCR 1007-3, Part 261.23 - Regulations Pertaining to Hazardous Waste - Characteristic of reactivity**

Marian O'Connor, chemist, Hazardous Materials and Waste Management Division and Doug Knappe, unit leader, Hazardous Waste Permitting Unit, presented proposed updates to the Colorado Hazardous Waste Regulations. In July 2006 and March 2010, U.S. EPA issued final updates to 40 CFR § 261.23 to update definitions of ignitable compressed gas and the definition of oxidizer. Changes will make it easier for the regulated community to find and apply the definitions. Implementation and enforcement of ignitability and reactivity characteristic are not changed.

Public Comments:

None.

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

After discussion,

MOVED by Commissioner Kehoe and seconded by Commissioner Weiner, to adopt the amendment of 6 CCR 1007-3, Part 261.21 - Regulations Pertaining to Hazardous Waste - Characteristic of ignitability, along with the accompanying statement of basis and purpose.

MOTION CARRIED UNANIMOUSLY

After discussion,

MOVED by Commissioner Wilson and seconded by Commissioner Prinster, to adopt the amendment of 6 CCR 1007-3, Part 261.23 - Regulations Pertaining to Hazardous Waste - Characteristic of reactivity, along with the accompanying statement of basis and purpose.

MOTION CARRIED UNANIMOUSLY

New business:

The commission will hold the August meeting in Grand Junction, CO at the SpringHill Suites Marriott in downtown Grand Junction on August 24 at 9:00 a.m. Commissioners will be in town from August 23-25. A public comment session will begin at approximately 10:00 a.m. Upon adjournment, the commission will tour several industrial operations in the area. No formal action or business will be conducted during the tour.

Annual Meeting:

***Solid Waste - Integrated Waste Management Study**

Charles Johnson, Solid Waste and Materials Management Program Manager, gave an overview of the history of solid waste management in Colorado, including the legislative declaration and 1992 report. In 2015, the division requested the authority to spend extra funds to study the current state of integrated waste management in Colorado. Mr. Johnson discusses the results of a similar study in Wyoming and the lessons learned in that process. The results of the new Colorado study may lead the division to improve waste disposal practices, improve recycling and resource utilization, improve collaboration with the regulated industry and allow for more community training, outreach and permit reviews.

Election of Officers:

Jennifer Robbins, Assistant Attorney General, led the commission in a discussion regarding the election of officers. Commissioners unanimously re-elected Commissioner Neumann as chair, Commissioner Prinster as vice-chair, and Commissioner Garcia as secretary.

The commission entered into Executive Session at approximately 12:05 p.m. pursuant to C.R.S. 24-6-402(3)(a)(II) to discuss with legal counsel pending legal matters related to the Solid Waste Regulation Section 5.5 appeal pending in Denver District Court.

The commission adjourned Executive Session at approximately 12:16 p.m.

Jennifer Robbins, Assistant Attorney General representing the Commission, announced that the only items discussed during Executive Session were attorney-client privileged communications related to the Commission's pending legal matters in accordance with C.R.S. 24-6-402(3)(a)(II) and no formal action was taken in executive session.

The meeting adjourned at approximately 12:17 p.m.

The next meeting of the commission is Monday, August 24, 2015 at 9:00 a.m. in Grand Junction, Colorado.