

Section 8
Recycling & Beneficial Use
September 2011 Draft Revisions

8.1.1 Purpose

Section 8 is a fully integrated framework to provide a regulatory structure for sites or facilities that manage recyclable materials. Section 8 additionally sets the requirements for beneficial use of solid waste projects. Section 8 is designed to manage recycling facilities and beneficial use based on the classification of materials and facilities accepting recyclable materials. The regulations set forth in Section 8 are classified and defined into the following sub-categories:

- 8.2 Municipal Solid Waste (MSW) Drop-off sites and recyclable material generators;
- 8.3 MSW Material recovery facilities;
- 8.4 MSW Recyclable material end users;
- 8.5 Industrial recycling operations; and
- 8.6 Beneficial use projects.

8.1.2 Scope and Applicability

The scope of this section applies to any site and facility operated for the purpose of processing, reclaiming, or recycling recyclable materials that qualify for the statutory exemption from the requirement to obtain a certificate of designation and as solid waste disposal site and facility as stated in 30-20-102(5) C.R.S. Also included in this section are all sites subject to the reporting requirements of 30-20-122 C.R.S.

8.1.3 Minimum Site and Facility Standards

- (A) A recycling facility that does not comply with the requirements set forth in Section 8 is a solid waste disposal site and facility and is, therefore, subject to Section 1 and all other applicable sections of the Solid Waste Regulations.
- (B) A recycling facility shall be operated in order to prevent ground water contamination and the creation of off-site odors as a result of processing, reclaiming, recycling, or storage prior to recycling.
- (C) To qualify as a recycling facility, a facility must be able to meet the required three year rolling average material turnover rate set forth in this section and defined in the solid waste definitions.
- (D) Recycling facilities shall comply with the health laws, standards, rules, and regulations of the Department, the Water Quality Control Commission, the Air Quality Control Commission, and all applicable local laws and ordinances.

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8.1.4 Exemptions

This section 8 does not apply to the following:

- (A) Biosolids and activities regulated under section 25-8-205(1)(e), C.R.S;
- (B) Composting facilities that are regulated under Section 14 of these regulations, unless recycling operations are conducted at that facility;
- (C) Waste grease recycling that are regulated under Section 18 of these regulations, unless recycling operations are conducted at that facility;
- (D) Waste tire collection facilities or waste tire processors or end -users that are regulated under Section 10 of these regulations, unless recycling operations are conducted at that facility;
- (E) Facilities that collect and process only scrap automobiles, scrap appliances, or other processed scrap metal, unprocessed home scrap metal, unprocessed prompt scrap metal, and obsolete scrap metal, as those terms are defined in section 30-20-101, C.R.S.;
- (F) Facilities that collect and process only shredded circuit boards; and
- (G) Recyclable hazardous waste and household hazardous waste.

8.2 MSW Drop-off Sites and Recyclable Material Generators

8.2.1 Scope and Applicability

Section 8.2 is applicable to all municipal solid waste drop-off sites and recyclable material generators that meet the following criteria and operations:

- (A) All sites defined as a drop-off site; and
- (B) All sites defined as a recyclable material generator.

8.2.2 Exemptions

All drop off sites and recyclable material generators that meet the following criteria are exempt from the registering and the reporting requirements; all sites exempt from the reporting requirements are still subject to the minimum material turnover requirement of 8.2.3:

- 92 (A) Drop-off sites and recyclable material generators where the collected recyclable materials are
93 sent to be processed at a registered recycling facility operating in Colorado;
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95 (B) Non-baled recyclable material storage, and drop-off sites with containers less than a total of
96 twelve cubic yards of recyclable material storage;
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98 (C) Residential household storage of recyclable materials; and
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100 (D) Industrial recycling operations, which are exempt from Section 8.2 but subject to Section 8.5.
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103 **8.2.3 Minimum Material Turnover**

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105 Recyclable material at drop-off sites and at recyclable material generator locations shall be
106 collected and managed at a rate to prevent an overflow of material from containers, bins, or other
107 adequate storage methods.
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110 **8.2.4 Reporting and Recordkeeping**

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112 (A) Recyclable material generators which collect and send recyclable material directly out of
113 state for recycling and/or processing shall register with the Division and submit the Recycling
114 Facility Annual Reporting Form to the Department by March 1st of each year for the previous
115 calendar year. The annual report shall provide the following information:
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- 117 (1) Types of materials recovered for recycling based on the Department's material
118 classification;
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120 (2) Amount in tons of each material recovered for recycling;
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122 (3) Destination of each material and amount per destination; and
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124 (4) Company name, address, and phone number, and email.
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126 (B) Facilities may request confidential business information on the amount and destination of
127 materials recovered for recycling data submitted per 24-72-204(3)(a)(IV) C.R.S.
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129 (C) Recyclable material generators and operators of drop-off sites that collect and send
130 recyclables directly out of state may provide one Recycling Facility Annual Reporting Form for
131 multiple recycling site locations documenting the total amount of each material collected for
132 recycling statewide specifying material collected per location in the report.
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136 **8.3 MSW Material Recovery Facilities**

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138 **8.3.1 Scope and Applicability**

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140 (A) Section 8.3 applies to material recovery facilities (MRFs) as defined in the solid waste
141 definitions.

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143 (B) A material recovery facility that does not comply with or meet the conditions identified in
144 this section will be considered a solid waste disposal site and facility that is subject to
145 Section 1 and all other applicable sections of the Solid Waste Regulations.

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147 (C) A facility that manages recyclable materials classified by the United States
148 Environmental Protection Agency as municipal solid waste is subject to section 8.3.

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151 **8.3.2 Exemptions**

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153 The following operations are exempt from Section 8.3:

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155 (A) Drop-off sites subject to section 8.2;

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157 (B) Industrial recycling operations subject to Section 8.5; and

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159 (C) Green Waste as defined in the solid waste regulations, which is subject to Section 8.5.

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161 (D) Composting operations are not subject to Section 8 but are regulated under Section 14 of
162 the regulations pertaining to solid waste; and

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165 **8.3.3 Facility Registration**

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167 All Material Recovery Facilities shall register with the Department and submit the following
168 required information on the Recycling Facility Initial Registration Form:

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170 (A) The name, physical and mailing address of the facility, including a business and
171 corporate name as necessary;

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173 (B) The name and address of the owner and the operator;

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175 (C) The emergency contact for a 24 hour contact;

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177 (D) Types of recyclable material collected based on the Department's material classification;

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179 (E) Permits or approval from the local governing body.

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182 **8.3.4 General Site Requirements**

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184 (A) All sites defined as material recovery facilities shall have an operations plan detailing
185 how the facility qualifies for 30-20-102(5) C.R.S. and how it will operate and ensure the
186 facility does not become a solid waste disposal site and facility. The operations plan must
187 be kept on site or at a Department approved off site location. Facilities may request a
188 plan review by the Department. The operations plan shall include the following:

- 189
- 190 (1) A physical description of the facility and the types of recyclable materials managed;
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 - 192 (2) Methods to control public access and prevent unauthorized vehicle traffic and illegal
193 dumping by adequate fencing or other security means;
 - 194
 - 195 (3) Emergency response procedures including procedures to prevent and control fires;
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 - 197 (4) Procedures for preventing receipt of unauthorized waste; and
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 - 199 (5) A closure plan including a plan for the disposition of collected materials on site at the
200 time of closure.

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202 (B) Following a 1 year accumulation period, the quantity of recyclable materials that are
203 recycled shall be at least 75% of the total weight of recyclable materials received and
204 currently in storage over a 3 year rolling average.

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206 (C) Upon filing a written justification to the Department, a recycling facility may implement
207 a commodity and site-specific variance to the accumulation period and/or minimum
208 recycling rate requirement, and/or material specific variance to the accumulation period
209 and/or recycling rate. The Department reserves the right to deny such a submittal based
210 on the grounds of the facility operating in a manner that is producing, or could lead to
211 nuisance conditions.

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213 (D) All intermediate processing facilities commonly referred to as a Dirty MRF, which accept
214 non-separated recyclables combined with solid waste shall comply with all regulations in
215 Section 7 regarding transfer stations.

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217 (E) Electronic recycling facilities shall comply with all applicable local, State and Federal
218 requirements.

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220 **8.3.5 Recordkeeping and Reporting**

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222 (A) All material recovery facilities shall complete the Recycling Facility Annual Reporting
223 Form and submit to the Department by March 1st of each year for the previous calendar
224 year. The annual report shall provide the following information:

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- 226 (1) Types of materials recovered for recycling based on the Department's material
227 classification;
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 - 229 (2) Amount in tons of each material recovered for recycling;

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(3) Destination of each material and amount per destination to prevent double counting;
and

(4) Amount of material remaining on-site.

(B) Facilities may request confidential business protection on volume/ quantity data
submitted per 24-72-204(3)(a)(IV), C.R.S.

(C) All material recovery facilities shall maintain records on-site for at least the previous
three years.

8.3.6 Closure Requirements

(A) No person shall close a material recovery facility without notifying the Department in
writing at least sixty (60) calendar days in advance of the closure date; and

(B) Prior to closure all recyclable materials and solid waste shall be processed, reclaimed, or
recycled so that potential off site odors, ground water contamination, and nuisance
conditions shall be addressed. Any material remaining on site following closure renders
the site a solid waste disposal site.

(C) Facilities shall submit a final report on the completion of the closure plan requirements.

8.4 MSW Recyclable Material End Users

8.4.1 Scope and Applicability

This section applies to all recyclable material end users, which includes but is not limited to all
facilities which utilize municipal solid waste recyclable materials to be processed into a product
as defined in the solid waste definitions.

8.4.2 Exemptions

The following operations are exempt from Section 8.4:

(A) On site recycling, or processing of an industrial recycling operations as defined and
covered in Section 8.5.

(B) Composting operations subject to Section 14 of the Solid Waste Regulations.

(C) Facilities which utilize a recycled material feedstock which has already been processed
into a product.

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8.4.3 Facility Registration

All recyclable material end users shall register with the Department and submit the following required information on the Recycling Facility Initial Registration Form:

- (A) The name, physical and mailing address of the facility, including a business and corporate name as necessary;
- (B) The name and address of the owner and the operator;
- (C) The emergency contact for a 24 hour contact;
- (D) Types of recyclable material collected; and
- (E) Permits or approval from the local governing body.

8.4.4 General Site Requirements

All sites classified as a recyclable material end user shall follow best management practices for storage and utilization of the specific recyclable material which includes at a minimum:

- (A) Recyclable materials shall be stored indoors, covered, or properly managed in order to prevent ground water contamination and off site odors.
- (B) Following a 1 year accumulation period, the quantity of recyclable materials that are recycled shall be at least 75% of the total weight of recyclable materials received and currently in storage over a 3 year rolling average.
- (C) Upon filing a written justification to the Department, a recycling facility may implement a commodity and site-specific variance to the accumulation period and/or recycling rate, and/or material specific variance to the accumulation period and/or recycling rate. The Department reserves the right to deny such a submittal based on the grounds of the facility operating in a manner that is producing, or could lead to nuisance conditions.
- (D) A recyclable material end user that does not comply with or meet the conditions identified in this section will be considered a solid waste disposal site and facility and is, therefore, subject to Section 1 and all other applicable sections of the Solid Waste Regulations.

8.4.5 Recordkeeping and Reporting

- 321 (A) All recycling facilities are required to complete the annual Recycling Facility Annual
322 Reporting Form and submit to the Department by March 1st of each year for the previous
323 calendar year. The annual report shall provide all information required by the Department
324 to properly complete the legislative requirement of recycling data including:
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326 (1) Types of materials recovered for recycling based on the Department’s material
327 classification;
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329 (2) Amount in tons of each material recovered for recycling; and
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331 (3) Amount of material remaining on-site.
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334 (B) Facilities may request confidential business protection on volume/ quantity data
335 submitted per 24-72-204(3)(a)(IV), C.R.S.
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337 (C) Recyclable material end users shall maintain records on-site for at least the previous three
338 years.
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341 **8.4.6 Closure Requirements**

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343 (A) No person shall close a recycling facility without notifying the Department in writing at
344 least sixty (60) calendar days in advance of the closure date.
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346 (B) Prior closure all recyclable materials and solid waste shall be processed, reclaimed, or
347 recycled so that potential off site odors, ground water contamination, and nuisance
348 conditions shall be addressed. Any material remaining on site following closure renders
349 the site a solid waste disposal site.
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351 (C) Facilities shall submit a final report on the completion of the closure plan requirements.
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355 **8.5 Industrial Recycling Operations**

356 **8.5.1 Scope and Applicability**

357 Section 8.5 applies to industrial recycling operations, operated for the purpose of processing,
358 reclaiming, or recycling recyclable materials. Industrial recycling operations include the
359 following recyclable materials:
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363 (A) Construction & demolition debris;
364 ~~(B-) Discarded concrete and asphalt;~~
365 (B) Green waste Yard waste, wood waste that is not otherwise subject to other sections
366 of the solid waste regulations;

367 (C) Other recyclable materials as approved by the Department.
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370 **8.5.2 Performance Standards**

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372 The Department will consider the following criteria in making determinations to define what
373 materials shall be deemed to be recyclable materials as a result of processing, reclaiming,
374 recycling, or storage prior to recycling:

375 (A) Adherence to established engineering or other appropriate specifications;

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377 (B) Adherence to established product, end user specifications or customer conditions of
378 acceptance;

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380 (C) Environmental impacts relative to those expected from available commercial
381 products;

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383 (D) Demonstrated benefit associated with the use; and

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385 (E) Actual use as a substitute for, or in conjunction with, a commercial product or raw
386 material.
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389 **8.5.3 Exemptions**

390 The following operations are exempt from Section 8.5:

391
392 (A) On site recycling operations where the processing of recyclable materials occurs on the
393 same site or under the same ownership from where the recyclable materials are generated
394 and that recycle and store only materials generated on site or under continuous ownership
395 and meet the performance standards of 8.5.2. Creation of ground water contamination,
396 off site odors, nuisance conditions, and speculative accumulation of waste materials voids
397 this exemption.
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399 (B) Concrete and asphalt operations when the material is managed like a commodity by
400 meeting the following conditions:

401 (1) material is managed and separated into commodity specific piles processed for
402 reuse;

403 (2) material is managed as active piles determined by material use within one year

404 (3) Incoming unsorted or mixed waste streams do not exceed 50% of the total material
405 onsite.

406 (4) Using the Exempt Facility Annual Reporting Form, the site or facility reports on
407 the amount or weight of material recycled each year to the Department.
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409 (C) Environmental media storage and reuse.
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412 **8.5.4 Facility Registration**

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All industrial recycling operations shall register with the Department and submit the following required information on the Recycling Facility Initial Registration Form:

- (A) The name, physical and mailing address of the facility, including a business and corporate name as necessary;
- (B) The name and address of the owner and the operator;
- (C) The emergency contact for a 24 hour contact;
- (D) Types of recyclable material collected; and
- (E) Permits or approval from the local governing body.

8.5.5 General Site Requirements

- (A) All sites defined as Industrial recycling operations shall have an operations plan detailing how the facility qualifies for 30-20-102(5) C.R.S. and how it will operate and ensure the facility does not become a solid waste disposal site and facility. Facilities may request a plan review by the Department. The operations plan shall include the following
 - (1) A physical description of the facility and the types of recyclable materials managed;
 - (2) Methods to prevent unauthorized vehicle traffic and illegal dumping by adequate fencing or other security means;
 - (3) Procedures for preventing receipt of unauthorized waste; and
 - (4) A closure plan including a plan for the disposition of collected materials on site at the time of closure.
- (B) All recycling operations that process liquid or leachable recyclable materials shall have a design and operations plan approved by the Department prior to receiving recyclable materials to document the operations will not contaminate ground water to ensure the facility qualifies for 30-20-102(5) and is not a solid waste disposal site and facility.
- (C) Following a 1 year accumulation period, the quantity of recyclable materials that are recycled shall be at least 75% of the total weight of recyclable materials received and currently in storage over a 3 year rolling average.
- (D) Upon filing a written justification to the Department, a recycling facility may implement a commodity and site-specific variance to the accumulation period and/or recycling rate, and/or material specific variance to the accumulation period and/or recycling rate. The

459 Department reserves the right to deny such a submittal based on the grounds of the
460 facility operating in a manner that is producing, or could lead to nuisance conditions.
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8.5.6 Recordkeeping and Reporting

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(A) All industrial recycling operations shall complete the Recycling Facility Annual Reporting Form and submit to the Department by March 1st of each year for the previous calendar year. The annual report shall provide all information required by the Department to properly complete the legislative requirement of recycling data including:

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(1) Types of materials recovered for recycling based on the Department's material classification;

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(2) Amount in tons of each material recovered for recycling; and

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(3) Destination per material and amount per destination to prevent double counting.

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(4) Amount of material remaining on-site.

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(B) Facilities may request confidential business protection on quantity data submitted per 24-72-204(3)(a)(IV), C.R.S.

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(C) All industrial recycling operations shall keep and maintain records on-site for at least the previous three years.

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8.5.7 Closure Requirements

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(A) No person shall close a recycling facility without notifying the Department in writing at least sixty (60) calendar days in advance of the closure date.

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(B) Prior closure all recyclable materials and solid waste shall be processed, reclaimed, or recycled so that potential off site odors, ground water contamination, and nuisance conditions shall be addressed. Any material remaining on site following closure renders the site a solid waste disposal site.

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(C) Facilities shall submit a final report on the completion of the closure plan requirements.

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8.6 Beneficial Use

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8.6.1 Scope and Applicability for Beneficial Use

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- 504 (A) This section applies to the beneficial use of solid wastes, including but not limited to
505 those listed in Table 3.
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507 (B) This section serves to encourage the utilization of solid wastes.
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509 (C) Proposals for those beneficial uses not listed in Table 3 of a specific waste stream in a
510 specific manner will be reviewed by the Department according to the criteria set forth in
511 this Section, resulting in the issuance of a Beneficial Use Determination (BUD) by the
512 Department.
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514 8.6.2 Performance and Storage Standards

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- 516 (A) Waste management, including handling, processing, treatment, storage, and ultimate
517 disposition of wastes, may not have:
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519 ~~(1) an adverse impact on wetlands;~~
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521 ~~——(2) an impact on surface water;(1)~~
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523 ~~(3) Aa negative~~ impact on groundwater quality;
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525 (2) Environmental impacts exceeding those expected from available commercial
526 products or raw materials; and
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529 ~~(4) Emissions of any hazardous air pollutant exceeding the limitations for those~~
530 ~~substances, and~~
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532 ~~(35) Any residual constituents~~ contamination exceeding Department approved
533 unrestricted use ~~goals~~ standards, which are the levels prescribed by the residential
534 level and/or the leachate reference column concentrations on the Colorado Soil
535 Evaluation Values document; and
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537 ~~(4); Any residual constituents exceeding b~~ background concentrations for those
538 constituent ~~taminants,; or the contaminant levels for raw product a waste material~~
539 is replacing.
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541 (B) The waste shall be stored in quantities supported by current market demand;
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543 (C) Waste usage shall comply with applicable federal, state, and local requirements;
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545 (D) Upon failing to meet any of the above performance standards, the Department may
546 revoke the beneficial use approval, and the appropriate Solid Waste regulation shall
547 apply; and
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549 (E) Use of the waste material shall meet the following criteria:
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- 551 (1) Adherence to established engineering or other appropriate specifications;
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553 (2) Adherence to established product, end user specifications or customer conditions of
554 acceptance;
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556 ~~(3) Environmental impacts relative to those expected from available commercial~~
557 ~~products;~~
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559 ~~(4)~~(3) Demonstrated benefit associated with the use; and
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561 ~~(5)~~(4) Actual use as a substitute for, or in conjunction with, a commercial product or
562 raw material.
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564 (F) Any waste generation facility storing waste for beneficial use shall remove the waste prior to
565 closing the facility and provide written notification to the Department describing the closure
566 activities that have taken place.
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569 8.6.3 [Reserved]

571 **8.6.4 Department Approved Beneficial Uses**

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573 The Department has approved beneficial uses specified in Table 3. A person may use wastes
574 specified on Table 3 and meet the performance standards listed in 8.6.2 without prior approval
575 from the Department, unless there is reason to believe the waste contains contaminants that
576 exceed the residential levels of the Colorado Soil Evaluation Values.
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578 **8.6.5 ~~Beneficial Use Waste~~Industrial Material Characterization**

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580 (A) Non-characterized materials or categorized uses:

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582 Testing programs and beneficial uses for wastes not specifically listed in Tables 2
583 and 3 shall be approved by the department on a case-by-case basis. Wastes or
584 uses not listed on Tables 2 or 3 as Department approved beneficial use
585 determinations shall follow the characterization testing requirements described in
586 section 8.6.5. The characterization results shall be reported to the Department as
587 specified in Section 8.6.5 (E). The Department will assign an appropriate
588 category.
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590 (B) Initial Characterization:

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592 Any waste stream proposed for a specific beneficial use shall be properly
593 characterized prior to beneficial use to determine its category under section 8.6.6.
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595 (C) Characterization Methods:
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597 (1) The limits of quantitation used in the characterization shall be at or below the
598 concentration listed in Table 1A and 1B for each parameter for the specific target
599 category. All material sampling, total elemental analyses and analyses of leach testing
600 shall be performed using EPA SW-846 methods, unless otherwise approved by the
601 department. The Department may require additional tests to characterize waste materials
602 prior to beneficial use. The limit of detection and the limit of quantitation shall be
603 reported with the sample results. If a substance is reported below the limit of quantitation,
604 the detected value with the appropriate qualifier shall be reported.

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606 (2) All wastes to be beneficially used in accordance with these regulations shall be
607 determined not to be a hazardous waste as defined under 25-15-302 C.R.S.

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609 (3) All wastes which are characterized to determine eligibility for category 1 and 2 under
610 Sections 8.6.6 shall be analyzed using EPA Method 1312 Synthetic Precipitation
611 Leaching Procedure or EPA Method 1311 Toxicity Characteristic Leaching Procedure, or
612 ASTM D3987-06 Standard Test Method for Shake Extraction of Solid Waste with Water,
613 unless another analysis method is approved by the department.

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615 (4) All wastes characterized to determine eligibility for category 1 under Section 8.6.6
616 shall be analyzed using EPA SW-846 Method 6020 total elemental analysis or ASTM
617 D3683 Standard Test Method for Trace Elements in Coal and Coke Ash by Atomic
618 Absorption, in addition to EPA Method 1312, EPA Method 1311, or ASTM D3987-06,
619 unless another analysis method is approved by the department.

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621 (5) All waste shall be evaluated through geotechnical engineering methods or other
622 appropriate means to show suitability for intended beneficial uses.

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624 (D) Recharacterization

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626 (1) Wastes that are beneficially used under this section shall be recharacterized after
627 the initial characterization in accordance with this section, unless the Department
628 approves an alternative recharacterization method and/or frequency.

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630 (2) Representative sampling of each category 1 waste shall be performed in the same
631 manner as specified for the initial characterization once each year.

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633 (3) Representative sampling of each category 2 waste shall be performed in the same
634 manner as specified for the initial characterization once every 2 years.

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636 ~~(4) Wastes that are beneficially used under this section shall be recharacterized after~~
637 ~~the initial characterization in accordance with this section, unless the Department~~
638 ~~approves an alternative recharacterization method and/or frequency.~~

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640 ~~(5)~~(4) Notwithstanding the frequencies set forth in (D)(1)-(D)(3) above,
641 representative sampling of each waste shall be performed whenever there is any
642 change in the waste generation process.

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(E) Department notification:

- (1) Each waste generator or user shall submit initial characterization results, proposed categorization under Section 8.6.6, and estimated quantities to be beneficially used to the Department for approval prior to the beneficial use of waste materials.
- (2) Test results from waste recharacterization shall be submitted within thirty (30) calendar days of receipt of recharacterization results. Recharacterization due to processing changes shall be submitted to the Department prior to the beneficial use of the waste.

8.6.6 Beneficial Use Materials Categories

- (A) Category 1: Wastes containing constituent concentrations less than those specified in Tables 1A and 1B may be used as Category 1 beneficial use materials
- (B) Category 2: If a waste does not meet the criteria for Category 1, the characterization test as approved by the Department shall be run on a representative number of samples of the final product. Waste products containing constituent concentrations less than those specified in Table 1B may be used as Category 2 beneficial use materials.
- (C) Category 3: Wastes that are characterized as non-hazardous may be used in liquid waste solidification applications where the material is disposed of at the same permitted solid waste disposal site and facility. The site of final disposal shall be permitted to accept such wastes as defined in the facility Design and Operations Plan.

8.6.7 Beneficial Uses

- (A) Once characterization is completed, use Table 2 for a list potential beneficial uses; and
- (B) Wastes may not be placed below groundwater, or into permanent standing water, unless they are a part of a solidified application that has been demonstrated to not impact groundwater. [A waiver for approval may be granted for unsolidified uses that are demonstrated to not have a negative impact on groundwater geologically and chemically.](#)

8.6.8 Property Owner Notification

The end users of wastes not on the preapproved list (Table 3) shall provide written notification to the landowners upon which the waste is placed prior to waste placement.

8.6.9 Recordkeeping and Reporting

- (A) Ongoing beneficial use operations shall complete the Industrial Recycling Facility Annual Reporting Form and submit to the Department by March 1st of each year for the

688 previous calendar year. The annual report shall provide all information required by the
689 Department to properly complete the legislative requirement of recycling data including:

- 690
691 (1) Types of wastes beneficially used;
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693 (2) Amount in tons of each waste recovered for beneficial use; and
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695 (3) Destination per waste and amount per destination to prevent double counting.
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697 (B) Facilities may request confidential business protection on quantity data submitted per 24-
698 72-204(3)(a)(IV), C.R.S.
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700 (C) All waste beneficial use operations shall keep and maintain records on-site for at least the
701 previous three years.

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703 Tables:
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705 Table 1A: Category 1 Total Elemental Analysis
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707 Table 1B: Category 1 and 2 EPA Method 1312 Synthetic Precipitation Leaching Procedure
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709 Table 2: Categories 1 through 3 permitted uses
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711 Table 3: Pre-Approved Beneficial Uses

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717 Section 8 Definitions

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722 **"Beneficial use"** means the use of solid waste as an ingredient in a manufacturing process, or as
723 an effective substitute for natural or commercial products, in a manner that does not pose a threat
724 to human health or the environment. Avoidance of processing or disposal cost alone does not
725 constitute beneficial use.

726
727 **"Construction and demolition debris"** means waste that is generated from construction,
728 remodeling, repairs, or demolition of buildings, pavements, and other structures which includes
729 lumber, bricks, carpets, ceramics, sheetrock, metals, drywall, window glass, metal and plastic
730 piping, and any other materials resulting from construction and demolition operations.

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732 **"Drop-off site"** means a recycling consolidation site with no on-site processing; only collection
733 of materials in a bin, roll-off, or other type of covered container three cubic yards or greater.

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“**Environmental Media**” means earth materials including soil, sand, silt, gravel, rock, stone, sediment, and other naturally occurring solids.

“**Industrial recycling facility**” means facilities operated for the purpose of processing, reclaiming and sorting to recycle materials from industrial operations such as, construction and demolition debris, green waste and additional recyclable materials as determined by the Department.

“**Nuisance conditions**” are those which may result from explosive gas, bird hazards, disease vectors, odors, windblown solid wastes or cover material, open burning, water pollution, air pollution, noise pollution and traffic congestion.

“**On-site recycling**” means recycling operations where the processing of recyclable materials occurs on the same site or under the same ownership from where the recyclable materials are generated and that recycle and store only materials generated on site or under continuous ownership and meet the performance standards set forth in Section 8.

“**Product**” means the material or the good generated as a result of processing source separated recyclable materials for which no further processing is required prior to final utilization.

“**Recyclable materials**” means any type of discarded or waste material that is not regulated under Section 25-8-205(1)(e), C.R.S., and can be reused, remanufactured, reclaimed, or recycled but not including recycled auto parts or excluded scrap metal that is being recycled, or scrap this is composed of worn out metal or metal product that has outlived its original use, commonly referred to as obsolete scrap.

“**Recyclable material end user**” includes all manufacturing operations that perform processing of municipal solid waste recyclable materials to be utilized as a raw material for fabrication of a product for normal business operations.

“**Recyclable material generator**” includes any business or institution that annually generates and consolidates over 100 tons of municipal solid waste recyclable material and ships directly to end markets or processing facilities out of state for recycling.

Current Definitions in the Solid Waste Regulations

“**Commercial wastes**” means all solid wastes generated by stores, hotels, markets, offices, restaurants, warehouses, ~~construction and demolition debris~~ and other non-manufacturing activities, excluding community and industrial wastes.

779 | “Green waste” means any plant material that is either separated at the point of generation, or
780 | separated at a centralized facility. Green waste includes, but is not limited to, yard trimmings,
781 | plant wastes, untreated wood wastes, paper products and pre-consumer vegetative food waste.
782

783 “Industrial wastes” means all solid wastes, including mill tailings and mining wastes, resulting
784 from the manufacture of products or goods by mechanical or chemical processes that are not a
785 hazardous waste regulated under 6CCR 1007-3, the Colorado Hazardous Waste Regulations.
786 Such waste may include, but is not limited to, construction and debris, and waste resulting from
787 the following manufacturing processes: electric power generation; fertilizer/agricultural
788 chemicals; food and related products/by-products; inorganic chemicals; iron and steel
789 manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic
790 chemicals; plastics and resins manufacturing; pulp and paper industry; rubber miscellaneous
791 plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation
792 equipment; and water treatment. This term does not include oil and gas wastes regulated by the
793 Colorado Oil and Gas Conservation Commission,
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795 “Intermediate processing facility” means a facility designed to remove recyclables from
796 unprocessed municipal solid waste, commonly referred to as a Dirty-MRF.
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798 “Material recovery facility” means a facility consisting of structures, machinery, devices, or
799 persons to sort, bale, or otherwise manage or process source separated recyclable materials prior
800 to conveyance to end markets.
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802 “Processing” means performing operations to solid waste and recyclable materials that
803 allows for the purpose of proper solid waste disposal, recycling, composting, or
804 incineration including but not limited to the operations of separating material by type,
805 grade or color, sorting, crushing, grinding, shredding, baling, removing contaminants and
806 modifying material properties.
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809 ~~“Recycling operation” means a separate facility, or a part of a solid waste disposal facility at~~
810 ~~which recyclable materials may be separated from other materials for further processing or~~
811 ~~marketing.~~
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813 “Source separated” means solid waste segregated at the point of generation for special
814 handling, disposal, composting or recycling.
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816 “Three year rolling average” means for an existing recycling facility an arithmetical average of
817 the quantity of materials that are recycled shall be at least 75% by weight of the total amount of
818 recyclable materials accumulated and currently in storage over a 3 year rolling average.
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820 | ~~“Yard Waste” means waste generated for yard maintenance, including garden waste, grass~~
821 | ~~clippings, leaves, and branches.~~