



The siting, permitting and regulation of solid waste disposal sites is an area of dual jurisdiction between the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (the Division) and local governing authorities. Persons proposing a facility in unincorporated portions of any county must apply to the commissioners of the county in which the site is to be located. If the facility is proposed to be within the corporate boundaries of a municipality, they must apply to the governing body of the municipality. Each party has assigned roles and responsibilities. (6 CCR 1007-2 Section 1.3.1)

What is a certificate of designation (CD)?

A certificate of designation is a document issued by the local governing body authorizing the use of land for a solid waste disposal site or facility. The CD is issued if it has been determined that the technical standards set out in regulation are met and after local issues are considered and satisfied.

Who must obtain a CD?

Anyone operating a facility for solid waste disposal where processing, treatment, or final disposal of solid waste is performed must obtain a certificate of designation (6 CCR 1007-2 Section 1.3.3). Examples of such facilities include municipal solid waste landfills, certain private solid waste landfills, composting facilities, and solid waste incinerators. Exceptions to the requirement to obtain a CD include:

- those sites at which any person, other than a governmental unit, disposes of one's own waste on one's own property, *as long as the Division has determined that the site complies with state regulations and is not a public nuisance based on a review of an engineering design and operations report prepared and submitted by the operator;*
- facilities at which persons are engaged in mining operations under a permit issued by the Division of Minerals and Geology of the Colorado Department of Natural Resources for mining wastes or other solid waste

- generated within the permitted area;
- sites operated for the legitimate purpose of processing, reclaiming, or recycling recyclable materials as long as the materials are not likely to contaminate groundwater or create off-site odors as a result of these operations;
- sites where sludge is applied for beneficial purposes (fertilizer, soil conditioner, or livestock feed) as long as the sludge meets all State Board of Health and Department of Agriculture requirements;
- hazardous waste disposal sites issued a CD under the Colorado Hazardous Waste regulations; and
- solid waste transfer stations that meet the requirements of Section 7 of the State solid waste regulations.

(6 CCR 1007-2 Section 1.4)

Who do you contact to obtain a CD?

Obtaining a certificate of designation begins with the local governing authorities. Persons interested in obtaining a CD should contact the county commissioners, planning department, or municipal government, based on the location of the proposed facility. (6 CCR 1007-2 Section 1.6.1)

Is there an application form?

There is no standard application form to fill out. However, it is strongly recommended that applicants complete a "Solid Waste Disposal Sites and Facilities Application Checklist" available from the Division. This checklist assists the applicant and Division staff in assuring that all pertinent information is included in the application packet and where the material is located. Notations on the checklist direct applicants to the appropriate sections of the state regulations for guidance. Copies of the Colorado Solid Waste Regulations may be obtained from the Division and are available in downloadable format on the Internet.

What happens after the local governing authority receives the application?

The local governing body forwards copies of the application packet to the Division for technical

review and recommendation of approval or disapproval. The local governing body may also conduct their own review at this time.

An application completeness determination must be made by the Division within 30 days of receipt of the application. The determination of completeness of the application doesn't imply anything about the outcome of the review, nor prevent the Division from seeking clarifications or additional information. (6 CCR 1007-2 Section 1.6.5)

Once it is determined that the application is complete, a comprehensive technical review is completed to determine if the siting, design, and operating criteria of the proposed facility are protective of human health and the environment. Any technical conditions of approval made by the Division in its final report will be incorporated as requirements in the Certificate of Designation. (6 CCR 1007-2 Section 1.6.6) A public review and comment period is included as part of the review. (Title 30 Article 20 Section 104(3)).

Who issues the CD?

The certificate of designation is issued by the local governing authority. Issuance of the CD is based on the recommendation of the Division to approve the application and on local factors. (6 CCR 1007-2 Section 1.6.6) If the Division disapproves the application, the local governing authority cannot issue the CD. The local governing authority may also deny the CD even if it has been approved by the Division. The local governing authority is required to conduct a public hearing for new CDs.

What fees are required to obtain a CD?

A non-refundable fee must accompany the application to the local governing authority. This fee is based on costs incurred by that body in the application review and approval process (6 CCR 1007-2 Section 1.6.2). The applicant is also responsible for costs incurred by the Division during the comprehensive technical review of the application, technical review of amendments to existing certificates of designation, site visits, and attendance of Division staff at meetings and hearings concerning the application or amendments. The applicant must pay all applicable fees prior to issuance of the final recommendation (6 CCR 1007-2 Section 1.7.2).

Are there other fees?

Landfill operators are required to collect a user fee from each person disposing of solid waste at an attended solid waste disposal site. These monies are partially used by the Division to fund the ongoing monitoring and inspection activities of Division Staff (Title 25 Article 16 Section 104.5 CRS).

For more information:

**Colorado Department of
Public Health & Environment**

**Hazardous Materials and
Waste Management Division
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530**

*Customer Technical Assistance (303) 692-3320
888-569-1831 ext. 3320 toll-free*

Division website <http://www.cdphe.state.co.us/hm/>
Regulations <http://www.cdphe.state.co.us/regulate.asp>
E-mail comments.hmwm@state.co.us

SW-002

This Compliance Bulletin is intended to provide guidance on the appropriate siting of non-hazardous solid waste disposal sites and facilities based on Colorado solid waste statutes and regulations only. The sites and facilities described in this guidance may also be regulated under other statutes and regulations.