


# SWANA Training

## Section 16



Ban on Disposal of Motorized  
Equipment Wastes



# What Wastes Are Banned from Land Disposal in Colorado?

Residentially-Generated:

- Lead-Acid Batteries
- Used Oil
- Waste Tires




# History

- SB141 passed by the legislature in 2005
- Implementing regulations necessary to clarify certain aspects of the Act.
- Stakeholder process initiated in November 2006
- Section 16 promulgated by the Solid and Hazardous Waste Commission on May 15, 2007
- Effective date of Section 16: July 1, 2007

# Purposes of the Act

- Promote resource use and recycling of these items
- Prevent land disposal of items that can adversely affect human health and the environment
- Fill gap in Subtitle C Regulations





# Prohibited land disposal includes placing these items:

- In a landfill or transfer station
- In a treatment, storage or disposal facility
- In septic tanks
- In sewers
- Down the drain
- In surface or groundwater
- On the ground



# Entities Affected by SB 05-0141

- Individuals
- Retailers
- Wholesalers
- Collection or Recycling Facilities
- Waste Haulers
- Landfills
- Transfer Stations



# Obligations of Individuals

- Must deliver prohibited waste to:
  - A retailer or wholesaler engaged in collection or recycling
  - A collection or recycling facility
  - Tires may be disposed of in a monofill with a certificate of designation.
- If in an area where no recycling options exist, must verify that this is the case prior to disposal.



# Obligations of Retailers

- Not required to engage in collection for recycling, but if elect to, must deliver prohibited waste to:
  - A wholesaler
  - Manufacturer, in the case of batteries
  - A collection facility or recycler.
  - Tires may be disposed of in a monofill with a certificate of designation.



# Obligations of Waste Haulers

Waste haulers are responsible for notifying their residential customers that land disposal of these wastes is prohibited.



# Obligations of Landfills

- Must submit to the Department by January 1, 2006 an amended waste characterization plan.
- Must implement by July 1, 2007 waste acceptance procedures to minimize the disposal of lead-acid batteries, used oil, and waste tires.



# Exceptions

Applies only to **residentially-generated, whole tires** from a light duty passenger type vehicle.

Excluded are tires from:

- bicycles,
- tractors,
- heavy equipment



# Exceptions (con't)

- Batteries used on consumer products are excluded:
  - cell phones
  - radios
  - computers
  - games
- Individuals without a recycling option can exercise due diligence



# Objectives of Section 16

- Establish used lead acid battery management standards
- Clarify terms used in the Act
- Clarification of due diligence
- Establish recordkeeping requirements for retailers, wholesalers and collection facilities.



# Overview of Section 16 (con't)

## Used Lead Acid Battery Management Stds

- Place leaky batteries in labeled container
- Store in good condition off the ground
- Protect batteries stored outdoors from the weather
- Designated storage area with marking or signage



# Overview of Section 16 (con't)

Used Lead Acid Battery Management Stds.

- Contain and remediate releases

Alternatively, can follow

- Universal waste requirements under Part 273, or
- Part 267, Subpart G

Link to CDPHE guidance:

<http://www.cdphe.state.co.us/hm/battery.pdf>



# Overview of Section 16 (con't)

## Definitions

- 'Residentially generated' includes waste removed from a personal vehicle at an auto shop.
- Collection facility means a place that aggregates and stores these wastes for transport to a recycler or other legitimate destination under the Act.



# Overview of Section 16

## Due Diligence

- A person is given the opportunity to establish that no reasonable options for recycling are available.
- Creates a simple and straightforward due diligence test.
  - Consult yellow pages, local gov't and disposal facility.
- Statute only makes due diligence available to individuals.
- Clarifies that landfill may still reject the waste even if individual has performed due diligence.



# Overview of Section 16 (con't)

## Recordkeeping for Retailers, Wholesalers and Collection Facilities

- Documentation of waste types and volumes
- Records of shipment
- 3 year record retention period



# Overview of Section 16 (con't)

## Other Provisions

- Enforcement
- Self Certification
- Landfills and transfer stations can serve in dual capacity as collection facilities.
- Placeholder for waste tire management standards

# Used Oil Management Standards Part 279

- Part 279 Requirements
- A do-it-yourselfer (DIY) used oil collection center is any site or facility that accepts/aggregates and stores used oil collected only from household do-it-yourselfers
- Owners or operators of all DIY used oil collection centers must comply with the generator standards in Subpart C of Part 279





# Part 279 Requirements

## Subpart C - Used Oil Generator Requirements

- Mark or label tanks and containers as “Used Oil”
- Containers in good condition
- Clean up releases



# Flexibilities in the Act and Section 16

- Landfills and TS can reject these wastes even if due diligence performed
- Landfills and TS can designate part of the facility as a collection facility.
- Regulation not prescriptive on waste screening procedures. Landfills can employ screening procedures already utilized for regulated hazardous waste to minimize the disposal of these motorized equipment wastes.



# Flexibilities in the Act and Section 16

- Waste hauler notifications to customers may take many forms.
  - Short notice on a bill, link to website
  - Decal on dumpster
  - Tag placed on rejected item
  - Posting in apt. building common area
- Local governments that operate household hazardous waste events conditionally exempt from management standards.



# Flexibilities in the Act and Section 16

- No limit on the number of tires that can be stored at a collection facility, provides for scalability.
- SWDSFs acting as collection facilities can demonstrate throughput of waste in various ways
  - bills of lading
  - tracking logs



# Questions?

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