Purpose of this Guidance

This is intended as general guidance for transporters of hazardous waste and is meant to assist in compliance with the hazardous waste regulations. The guidance is not meant to modify or replace the regulations as adopted, which undergo periodic revisions. In the event of a conflict between this guidance and the regulations, the regulations govern. Some portions of the hazardous waste regulations are complex and this guidance does not go into details of these complex situations. If a regulatory situation is not described in the guidance or a clarification is desired, an official interpretation of a specific hazardous waste regulation can be requested by writing to the Hazardous Materials and Waste Management Division at the address provided in Section 5.0 of this document.

This document is not intended and cannot be relied upon to create any rights, substantive or procedural, enforceable by any party in litigation with Colorado. The Department reserves the right to act at variance with this guidance and to change it at any time.
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1.0 INTRODUCTION

Part 263 of the Colorado Hazardous Waste Regulations (6 CCR 1007-3) governs the management and transportation standards for hazardous waste transporters. These regulations are consistent with the requirements of the US Department of Transportation (US DOT) and the Colorado Public Utilities Commission (CPUC) for hazardous materials transportation. Transporters of hazardous waste must comply with the general requirements of 6 CCR 1007-3 Part 263, as well as specific US DOT and CPUC requirements.

Changes were made to 6 CCR 1007-3 Part 263 effective November 30, 1997 to further clarify the regulations. These included a clarification in 6 CCR 1007-3 Section 263.12 requiring a description of the location and general activities of transfer facilities be included on the notification form for an EPA identification number issued to a transporter facility located in Colorado. Spill response requirements for transfer facilities were added in 6 CCR 1007-3 Section 263.40 to incorporate requirements similar to those required during transportation and to provide notification to the Colorado Department of Public Health and Environment (the Department). The portions of 6 CCR 1007-3 Part 262 that apply to transporters that mix wastes of different US DOT shipping descriptions were explicitly described in 6 CCR 1007-3 Section 263.12.

Additional changes were made to 6 CCR 1007-3 Section 263 effective June 30, 2010 to update hazardous waste transfer facility requirements. The scope of Section 263.10(a) was broadened to include all persons transporting hazardous waste in Colorado, storing hazardous waste at a transfer facility located in Colorado, or transferring a hazardous waste from one container to another at a transfer facility located in Colorado. Section 263.10(b) was added to specify that transfer facilities that handle only conditionally exempt small quantity generator waste are also subject to Subparts A (General Requirements), C (Hazardous Waste Discharges), D (Spills at Transfer Facilities) and E (Closure of a Transfer Facility) of 6 CCR 1007-3, Section 263. Section 263.12 was revised to specify the general standards applicable to all transfer facilities and included additional construction, storage, signage, notification and emergency preparedness requirements. Closure requirements for transfer facilities were added in Section 263.41.

This document is intended as a “plain English” description of the requirements for hazardous waste transporters in Colorado. Unless otherwise noted, all regulatory citations in this document refer to the Colorado Hazardous Waste Regulations, 6 CCR 1007-3. This document is in no way a complete representation of US Environmental Protection Agency (EPA) or Department regulations or policies. This document is not intended and cannot be relied on to create any rights, substantive or procedural, enforceable by any party in litigation with Colorado.

2.0 REGULATORY SUMMARY

Hazardous waste transportation is included within the scope of hazardous materials transportation and is regulated by several agencies including the US Department of Transportation, the Colorado State Patrol, the Colorado Public Utilities Commission, the Colorado Department of Revenue Division of Motor Vehicles, and the Colorado Department of Public Health and Environment. These agencies have adopted regulations on the safe transportation of hazardous materials including proper packaging, handling, labeling, marking, and placarding; oversight for vehicles transporting hazardous materials; driver qualifications; vehicle inspections; permitting; routing; spill notification; and manifesting.
Regulations governing the safe transportation of hazardous wastes from the generator to the treatment, storage, or disposal facility (TSDF) or to other appropriate destinations are in Parts 262 and 263 of 6 CCR 1007-3. Part 262 applies to generators of hazardous waste and includes requirements for manifesting, packaging and labeling, accumulation limits, and recordkeeping. Part 263 applies to those who transport hazardous waste within Colorado, store hazardous waste at a transfer facility located in Colorado, or transfer hazardous from one container to another at a transfer facility located in Colorado.

2.1 Permits, Licenses, and Insurance

The Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and Environment has the authority to issue Resource Conservation and Recovery Act (RCRA) permits to facilities that treat, store, or dispose of hazardous waste. Transporters do not need a RCRA permit if they store manifested hazardous waste shipments in US DOT approved containers at a transfer facility for 10 days or less during the course of normal transportation. A RCRA permit is required if the transporter stores hazardous waste longer than 10 days or if the facility treats, disposes, or otherwise actively manages hazardous waste.

Hazardous waste transporters must also have a hazardous materials transportation permit issued by the Colorado Public Utilities Commission if their vehicle requires placarding under 49 CFR Part 172 or 173 [42-20-201 CRS]. The Public Utilities Commission issues hazardous materials transportation permits that are valid for one year and requires transporters to have proof of liability insurance. If the transporter ships infrequently or if it is a time-critical situation, a single-trip permit can be obtained at any Port of Entry weigh station or from the Colorado State Patrol. This permit is valid for a single trip, up to a maximum of 72 hours. Again, proof of liability insurance is required. Contact information for the Public Utilities Commission is provided in Section 5.0.

A US DOT hazardous materials certification must be on the driver’s commercial driver’s license. This certification may be obtained through the Colorado Department of Revenue, Division of Motor Vehicles at any of their full-service driver’s license offices. Contact information for the Division of Motor Vehicles is provided in Section 5.0.

2.2 EPA Identification Number [6 CCR 1007-3 Section 263.11]

All transporters must obtain an EPA identification (ID) number before transporting any hazardous waste that requires the use of a hazardous waste manifest. An EPA ID number must be obtained from the Colorado Department of Public Health and Environment (the Department) if they operate in Colorado and have a transfer facility or other place of business in the state. Transporters can obtain a Colorado EPA ID number by completing and submitting the Colorado Hazardous Waste Notification Form to the Hazardous Materials and Waste Management Division at the Department. Faxed or electronic copies of the completed notification form are not acceptable, as an EPA ID number cannot be issued without original signatures. The blank notification form and instructions on how to complete it are available for download from the Department’s website or by calling the Department’s Hazardous Materials and Waste Management Division Notification Coordinator at 303-692-3360.

The Department issues EPA ID numbers for places of business located in Colorado. The owner or operator of a hazardous waste transportation or transfer facility located in Colorado must
provide information as required on the Colorado Hazardous Waste Notification Form for each transfer facility. If a hazardous waste transporter has more than one hazardous waste transfer facility in Colorado, the transporter must file a notification form and obtain a unique identification number for each facility. Once the Department receives the completed form(s), it will issue a unique EPA ID number for each facility and notify the transporter of their ID number(s). The assigned EPA ID number must be used on all hazardous waste manifest forms for waste shipped to or from each facility.

If the transporter operates out of another state, has a valid EPA ID number from that state and does not have any offices or transfer facilities in Colorado, that EPA ID number is valid for hazardous waste transportation in or through Colorado.

2.3 Compliance with the Manifest [6 CCR 1007-3 Part 263 Subpart B]
The uniform hazardous waste manifest is the tracking tool used to ensure hazardous waste sent to a treatment, storage, and/or disposal facility actually reaches its destination. It is the control and transport document that goes with the waste from its generation site to its final destination. Each party has a record of the transaction and the waste can be accounted for in transport and disposal. This greatly reduces the potential for illegal dumping and releases to the environment at any stage of handling these wastes. Manifest forms may only be obtained from registered printers listed on the EPA website (www.epa.gov/wastes/hazard/transportation/manifest/). This website also includes manifest examples and instructions for completing the manifest.

A transporter cannot accept hazardous waste from a small quantity or large quantity generator (those that generate more than 100 kilograms of hazardous waste per calendar month and/or more than 1 kilogram of acute hazardous waste per calendar month) unless the waste is accompanied by a manifest signed by both the generator of the waste and the transporter acknowledging acceptance of the waste. Although not required, conditionally exempt small quantity generators (CESQGs) are encouraged to use the hazardous waste manifest system. If they don’t have an EPA identification number, they may write “CESQG” in Item 1 of the form. The transporter must return a signed copy of the manifest to the generator before leaving the generator’s property and ensure the manifest accompanies the hazardous waste. The transporter must then deliver the hazardous waste shipment to the next transporter, the designated receiving facility, or the alternate facility listed on the manifest. The transporter must obtain the date of delivery and the handwritten signature of the authorized representative of the subsequent transporter or the designated facility or alternate facility on the manifest when the waste is delivered to them. The transporter must keep one copy of the manifest and give the remaining copies to the accepting transporter or destination facility.

The transporter must deliver the entire quantity of hazardous waste accepted from a generator or another transporter to the designated facility listed on the manifest, the alternate designated facility if the hazardous waste cannot be delivered to the designated facility, or the next designated transporter. If the hazardous waste cannot be delivered to one of these destinations, the transporter must contact the generator for further directions and revise the manifest according to the generator’s instructions. The transporter cannot transfer the hazardous waste to another transporter or designated facility that has not been identified by the generator.
Transporters who are shipping wastes from small quantity generators to a reclamation facility are exempt from the manifesting requirements as long as the waste is shipped under a reclamation agreement (6 CCR 1007-3, Section 262.20 (e)) and the transporter records on a log or shipping paper the following information for each shipment:

- Name, address, and EPA ID number of the generator;
- Quantity of waste accepted;
- All US DOT shipping information; and
- Date the waste is accepted.

The transporter must carry this record with them when transporting the waste to the reclamation facility and keep the records for at least three years after the agreement’s termination or expiration. The vehicle used to transport the waste to the reclamation facility and to deliver regenerated material back to the generator must be owned and operated by the reclaimer of the waste.

Generators and transporters of hazardous waste are exempt from the manifest requirements if they are transporting hazardous waste on a public or private right-of-way on or bordering contiguous properties that are under the control of the same person [6 CCR 1007-3 262.20(f)]. For example, a facility may take waste from a point of generation which happens to be on one side of the street to their 90-day or 180-day storage area on the other side of the street without having to complete a hazardous waste manifest. However, if hazardous waste is spilled or discharged while it is being transported, the generator and/or transporter must respond as they would for any hazardous waste spill during transportation [6 CCR 1007-3 Sections 263.30 and 263.31].

### 2.3.1 Rail Shipments [6 CCR 1007-3 Section 263.20 (f)]

Rail transport is another method used to ship hazardous waste to the designated facility. Rail transporters must have an EPA ID number and make certain the designated facility is listed on the manifest. However, rail transporters are not required to carry the manifest with the waste. Instead, a standard bill of lading or other shipping document containing all the manifest information (except EPA ID number, generator certification, and signatures) may accompany the waste. The initial rail transporter must:

- Sign and date the manifest;
- Return a signed copy of the manifest to the non-rail transporter;
- Retain a signed copy of the manifest for three years; and
- Forward at least three copies of the signed manifest to the next non-rail transporter or designated facility (if the shipment is delivered by rail), or the last rail transporter designated to handle the waste in the United States.

Intermediate rail transporters are not required to sign either the manifest or the shipping paper. When delivering the hazardous wastes to the designated facility, the rail transporter must obtain the dated signature of the owner or operator of the designated facility on the manifest or shipping paper (if the manifest has not yet been received by the designated facility), and retain one copy of the manifest or shipping paper for three years.
When delivering the hazardous wastes to a non-rail transporter, the rail transporter must obtain the dated signature of the non-rail transporter on the manifest and keep a copy of the manifest for three years.

2.4 Transfer Facilities [6 CCR 1007-3 Section 263.12]
A transfer facility is defined in 6 CCR 1007-3 Section 260.10 as “any transportation related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation” (e.g. when drivers change shifts). If a hazardous waste transporter has one or more hazardous waste transfer facilities in Colorado, the transporter must notify the Department about each transfer facility on the Colorado Hazardous Waste Notification Form and obtain a unique EPA ID number for each transfer station.

Hazardous waste transfer facilities must meet specific standards and operating requirements. These include:

- Maintaining documentation to show the ten-day storage requirements are being met;
- Conducting weekly inspections of all areas where containers are stored and maintaining written records of these inspections;
- Meeting specific construction requirements for bases or floors of loading docks, truck and trailer storage areas, temporary container storage areas, and all areas where hazardous waste transfers occur;
- Providing local emergency response authorities with information on the types of wastes held at the facility and any associated hazards, places where facility personnel would normally be working, entrances to roads in the facility, and evacuation routes;
- Maintaining security measures such as fencing, surveillance, natural or artificial barriers, and other measures to prevent unauthorized access;
- Posting warning signs at the entrance of the facility and at other locations so they can be seen from any approach to the facility;
- Complying with emergency response and planning requirements, including designation of an emergency coordinator and trained designee who can respond in a short period of time; maintaining communications equipment capable of summoning emergency assistance; maintaining firefighting systems, spill control and safety equipment appropriate to the hazards at the facility; and posting emergency contact information and the location of safety equipment at the facility.

Transfer facilities that handle only conditionally exempt small quantity generator wastes do not have to meet the manifesting requirements under Subpart B of 6 CCR 1007-3, Section 263. However, they must meet all of the other requirements for transfer facilities in this section.

2.4.1 Transfer Facilities that Mix Hazardous Wastes of Different US DOT Descriptions [6 CCR 1007-3 Section 263.12 (f)]
A hazardous waste transporter who mixes hazardous wastes of different applicable US DOT shipping descriptions by placing them in a single container at a transfer facility located in Colorado must comply with certain requirements that apply to hazardous waste generators. These include:
• Making a hazardous waste determination on the resulting mixture;
• Preparing a new manifest and complying with generator manifest requirements (Note: the transporter should be named in the generator block and the old manifest(s) should accompany the waste);
• Complying with generator pre-transport requirements including packaging, labeling, marking and placarding;
• Complying with recordkeeping and reporting requirements;
• Complying with container management and housekeeping requirements; and
• Complying with fire protection, emergency response, preparedness and prevention requirements.

The container (and any previous contents, if the container has not been washed) in which the hazardous waste is mixed must be compatible with the individual hazardous wastes and with the resultant mixture. The containers must be in good condition, handled safely, properly labeled, and must be closed during storage except when waste is being added or removed. Volatile organic wastes placed in a container by a transporter must be managed in accordance with the air emissions standards for tanks and containers in Subpart CC of 6 CCR 1007-3 Part 265.

The areas of the transfer facility where mixing occurs must be maintained and operated to minimize the possibility of fire, explosion, or any unplanned release of hazardous waste. If not protected by a fire protection district, the facility must have a Department-approved plan for providing its own fire protection and prevention. In addition, the facility must have properly maintained communications and firefighting equipment. The transporter should make arrangements with local and state emergency responders so they can best respond in case of a spill or other emergency.

2.4.2 Hazardous Waste Discharges at Transfer Facilities [6 CCR 1007-3 Section 263.40]

If a spill or discharge of hazardous waste occurs at a transfer facility, the transporter must take appropriate immediate actions to prevent further releases of hazardous waste and protect human health and the environment. If the spill exceeds 55 gallons, or if there is a fire or explosion, the transporter must report the spill to the Colorado Department of Public Health and Environment within 24 hours. The Department’s 24-hour toll-free statewide emergency response reporting line is (877) 518-5608. The initial report must include:

• The name and telephone number of the person reporting the incident;
• The name, address and telephone number of the facility;
• The date, time and type of incident, such as a spill, fire or explosion;
• The name and quantity of materials spilled;
• The extent of any injuries;
• An assessment of potential hazards to human health or the environment outside the facility.

The transporter must clean up any hazardous waste discharges in a timely manner so that the spill no longer presents a hazard. They must also immediately identify the character, source, amount and areal extent of the spill.
Within 15 days of a reportable incident, the transporter must send a written incident report to the Department. The report must include:

- The name, address and phone number of the transporter;
- The name, address and phone number of the site where the spill occurred;
- The date, time and type of incident, such as a spill, fire or explosion;
- The name and quantity of materials spilled;
- The extent of any injuries;
- An assessment of actual or potential hazards to human health and the environment;
- The estimated quantity and disposition of recovered material that resulted from the incident;
- The estimated quantity and final disposition of contaminated environmental media, if any.

The transporter must also comply with all other federal, state, and local reporting and notification requirements concerning chemical spills and discharges. Department emergency response line staff can assist in determining the appropriate authorities to notify.

### 2.5 Exporting or Importing Hazardous Waste [6 CCR 1007-3 Section 263.20]

There are additional requirements for transporters who export hazardous waste. Before waste can be exported to a foreign country, the generator (or primary exporter) must obtain the receiving country's approval for the shipment through an EPA Acknowledgment of Consent. Transporters of hazardous waste that is exported also must:

- Ensure that the manifest and EPA Acknowledgment of Consent accompany the waste (in the case of rail shipments, the EPA Acknowledgment of Consent must go with the waste but the manifest does not need to be attached to the shipping paper);
- Verify that the waste conforms to the EPA Acknowledgment of Consent;
- Ensure that the date the hazardous waste left the United States is indicated on the manifest;
- Sign the manifest and retain a copy;
- Return a signed copy of the manifest to the generator;
- Give a signed copy of the manifest to the United States Customs Official at the point of departure from the United States when the waste leaves the country; and
- Keep a copy of the signed manifest for three years.

Imports of hazardous waste to the United States for treatment or disposal are also covered under these regulations. Transporters planning to export or import hazardous wastes should contact the US EPA for more information and requirements.

### 2.6 Hazardous Waste Discharges During Transportation [6 CCR 1007-3 Section 263 Subpart C]

If a transporter discharges or spills hazardous waste, they are required to take immediate actions to prevent further release of the hazardous waste and contain any released material to protect human health and the environment. All appropriate local, state, and federal authorities must be notified of the release. The Department’s statewide 24-hour toll-free emergency response
reporting line is (877) 518-5608. Emergency response line staff can provide help in determining the appropriate authorities to notify. The National Response Center must be notified at (800) 424-8802 if this is required by US DOT under 49 CFR 171.15, or if the amount of material released exceeds the reportable quantity as defined by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [40 CFR Part 302.6]. Transporters of hazardous materials must immediately notify the nearest law enforcement agency if there is an accident or spill involving a vehicle. Transporters are also required to provide the Colorado State Patrol and the Department of Public Health and Environment with the same information as soon as possible after making the initial law enforcement agency notification [8 CCR 1507-25 HMT 3 and 42-20-113(3) C.R.S.].

A transporter who has discharged hazardous waste must provide a written report to US DOT within 30 days as required by 49 CFR 171.16 or by the Colorado Public Utilities Commission. Notification and a written report detailing the ultimate disposition of the discharge must also be provided to the Colorado Department of Public Health and Environment within 15 days of the date of the incident. For simplicity, transporters can provide a duplicate copy of the US DOT report to the Department.

The transporter must clean up the hazardous waste discharge in a timely manner so that the waste no longer presents a hazard to human health or the environment. If a discharge of hazardous materials or hazardous waste occurs during transportation, an authorized official can allow the immediate removal of the waste by transporters who do not otherwise have an EPA identification number and without the preparation of a manifest if the official determines that such actions are necessary to protect human health or the environment.

2.7 Recordkeeping Requirements [6 CCR 1007-3 Section 263.22]

A transporter of hazardous waste must keep a copy of the manifest signed by the generator, the transporter, and the next designated transporter or the destination facility for at least three years from the date the hazardous waste was accepted by the initial transporter. Retention periods are extended automatically during unresolved enforcement actions or as required by the Department. It is also good management practice for transporters to document all spill and discharge notifications and maintain copies of written spill reports and notification forms.

For rail shipments, the initial rail transporter must keep a copy of the manifest and shipping papers for at least three years from the date the hazardous waste was accepted by the initial transporter. The final rail transporter must also keep a copy of the signed manifest or shipping paper for at least three years from the date the waste was accepted by the initial transporter. Intermediate rail transporters are not required to keep records under the Colorado hazardous waste regulations.

3.0 RCRA/US DOT/CPUC INTERFACE

As part of the hazardous waste “cradle-to-grave” waste management system, the transporter regulations ensure proper delivery of the hazardous waste to the designated treatment, storage, or disposal facility. The 6 CCR 1007-3 Part 263 transporter requirements adopted portions of both the US Department of Transportation and the Colorado Public Utilities Commission regulations on transportation of US DOT classified hazardous materials. The US DOT and Public Utilities Commission references in 6 CCR 1007-3 include requirements for labeling, marking, placarding,
and containers, and also provide details on how to respond to spills or discharges. Colorado’s hazardous waste regulations incorporated the US DOT and Public Utilities Commission requirements by reference to ensure consistency and to avoid duplication. In addition, the US Department of Transportation incorporated RCRA hazardous wastes as one of the types of materials that must be transported according to US DOT specifications. [49 CFR 171.3] The Uniform Hazardous Waste Manifest serves as both the RCRA tracking form [6 CCR 1007-3 Section 262.20] and the shipping paper required under US DOT [49 CFR 172.205]. This system allows hazardous waste that is in transit to be regulated safely and efficiently while allowing the Colorado Department of Public Health and Environment, US DOT and Colorado Public Utilities Commission to keep enforcement authority for their respective regulations.

If you have questions on Colorado Public Utilities Commission or US DOT requirements, contact information for these agencies is provided in Section 5.0.

4.0 COMMON ERRORS ON HAZARDOUS WASTE MANIFESTS

Incomplete and incorrectly completed hazardous waste manifests are common violations found by Department hazardous waste inspectors. Generators, transporters and designated treatment, storage and disposal facilities must ensure that the Uniform Hazardous Waste Manifest form is filled out completely and correctly. Some of the most common errors observed by Department inspectors include:

- (Item 1) The manifest does not have an EPA identification number entered for the generating facility. Small and large quantity generators must obtain an EPA identification number and that unique, location-specific number must be entered on each manifest form for tracking purposes.
- (Item 13) Waste codes (D-, F-, K-, P- or U- codes) identifying the types of hazardous wastes being transported offsite are not listed on the form. Waste codes have important implications for the management standards that apply to the waste and can be found in Section 261 Subpart B of 6 CCR 1007-3.
- (Item 15) The generator’s authorized representative that signed the form does not have documented hazardous waste training. Facility personnel must receive training relevant to the jobs they perform. Since the person that signs the hazardous waste manifest is certifying that the information on the manifest is complete and accurate, they must receive sufficient training to ensure they are qualified to make that determination.
- (Item 19) The hazardous waste management method codes are omitted. These form fields were added when the manifest form was standardized in 2006. The destination facility is responsible for inserting the appropriate codes that describe how the waste will be treated, stored, recycled or disposed of by the facility.
- (Item 20) The generator does not have the final signed copy of the manifest from the designated facility. The designated facility is required to send a final signed copy of the manifest back to the generator to document that the waste was received at the intended destination facility. If the generator does not receive the final signed copy within the allotted period of time based on their generator category, they should take steps to obtain a copy and/or notify the Department so that follow-up actions can be taken.
**Item 1**

**Item 13**

**Item 15**

**Item 19**

**Item 20**
5.0 CONTACT INFORMATION

24-hour Emergency Response Reporting Line (toll-free)…………… (877) 518-5608
Hazardous Materials and Waste Management Division……………… (303) 692-3300
    Division (toll-free outside 303/720 area code)………………. (888) 569-1831
Customer Technical Assistance Line…………………………….. (303) 692-3320
    Customer Technical Assistance Line (toll-free)……………….. (888) 569-1831 ext 3320
National Response Center………………………………………… (800) 424-8802
Division of Motor Vehicles (commercial driver’s license)………….. (303) 205-5613
Colorado Public Utilities Commission (CPUC)……………………. (303) 894-2000
US Department Of Transportation (US DOT)…………………….. (800) 467-4922

Send questions in writing to:

Colorado Department of Public Health and Environment
Hazardous Materials and Waste Management Division
4300 Cherry Creek Drive South
Denver, CO 80246-1530
    OR
Fax: (303) 759-5355
    OR
E-mail: comments.hmwmd@state.co.us

Please provide as much detail as possible regarding your question and the waste or process to which it applies.

Website
Hazardous Materials and Waste Management Division
www.colorado.gov/cdphe/hm