



**COLORADO**  
Department of Public  
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

October 31, 2017

Members of the Colorado General Assembly  
c/o the Staff of the Legislative Council  
State Capitol Building  
200 East Colfax  
Denver, Colorado 80203

Dear Members of the General Assembly:

I am pleased to submit the Colorado Department of Public Health and Environment's 2018 Regulatory Agenda, which includes the 2017 Regulatory Agenda Summary and 2017 Results of Mandatory Review of Rules in compliance with Colo. Rev. Stat. §2-7-203. The department's 2018 Regulatory Agenda has also been submitted to the Colorado Secretary of State for publication in the Colorado Register, and will be posted to our website.

The department's 2017 Regulatory Agenda Summary provides a brief summary of all permanent, temporary and emergency rules reviewed, revised and adopted since the department's 2017 Departmental Regulatory Agenda was filed on October 25, 2016. Pursuant to Colo. Rev. Stat. §24-4-103.3(4), the 2017 Results of Mandatory Review of Rules also reflects the results of the department's mandatory rule review activity over the past year. Effective July 1, 2016, all permanent rulemaking initiated by the department, as reflected in the 2017 Regulatory Agenda Summary, involved early stakeholder engagement when doing so was in compliance with federal and state law and legally binding agreements entered into by the department. All rules adopted after July 1, 2016, follow the department's protocol for public participation in rulemaking (available online at <https://www.colorado.gov/pacific/cdphe/early-stakeholder-engagement>).

Information pertaining to a specific rule can be obtained by contacting the appropriate board or commission for the department. Contact information is available on the department's website at <https://www.colorado.gov/pacific/cdphe/categories/boards-and-commissions/rulemaking-boards-and-commissions>.

Pursuant to Colo. Rev. Stat. §2-7-203(2)(a)(II), we will be prepared to discuss our 2018 Regulatory Agenda with the department's Joint Committee of Reference during our upcoming SMART Act hearing.

Sincerely,

Larry Wolk, MD, MSPH  
Executive Director and Chief Medical Officer  
Colorado Department of Public Health and Environment

cc: Marguerite Salazar, Executive Director, Department of Regulatory Agencies  
Brian Tobias, Director, Colorado Office of Policy, Research and Regulatory Reform



# 2018

## Regulatory Agenda

January 1, 2018 – December 31, 2018



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## Overview

Pursuant to Colorado Revised Statute §2-7-203(4), the Colorado Department of Public Health and Environment submits the following 2018 Regulatory Agenda. Pursuant to statutory requirements concerning the Department’s Regulatory Agenda (§2-7-202(6), C.R.S.), this also contains the department’s 2017 Regulatory Agenda Summary and the 2017 Results of Mandatory Review of Rules (Pursuant to §24-4-103.3(4), C.R.S.).

## 2018 Regulatory Agenda

Schedule <i>Anticipated hearing date</i>	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? <i>(X if yes)</i>	Purpose	Stakeholders
January 17, 2018	6 CCR 1010-6, Schools	Division of Environmental Health and Sustainability/Board of Health	Revision	§25-1-108(1)(c)(l), §25-1.5-101(1)(a), (h), (k), and (l), §25-1.5-102(1)(a) and (d), C.R.S.		Update the rule to clarify the health and sanitation standards and reduce the regulatory burden related to live poultry and school chemical storage	Schools, students, families, and community members interested in the health and sanitation of schools
January 17, 2018	5 CCR 1005-2, Lab Testing for Alcohol & Other Drugs	Laboratory Services Division/Board of Health	Revision	§42-4-1304, C.R.S.		Recognize accreditation in the certification process to implement HB14-1340	Accredited laboratories seeking certification
February 20, 2018	6 CCR 1007-2, Part 1, Section 8.5.5 - Recycling and Beneficial Use	Hazardous Materials and Waste Management Division/Solid and Hazardous Waste Commission	Revision	§30-20-102(5), C.R.S.		Modify general site requirements for industrial recycling operations	New industrial recycling facilities
February 20, 2018	6 CCR 1007-2, Part 1, Section 1.7.3 - Correct fee error in Section 1.7.3	Hazardous Materials and Waste Management Division/Solid and Hazardous Waste Commission	Revision	§30-20-109, C.R.S.		Correction of annual fee error in Section 1.7.3	Transfer facilities, recycling facilities

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February 20, 2018	6 CCR 1007-3, Part 261, Appendix VIII - Add PFC compounds as hazardous constituents	Hazardous Materials and Waste Management Division/Solid and Hazardous Waste Commission	Revision	§25-15-301, et seq., C.R.S.		Add PFC compounds to listing of hazardous constituents	All regulated facilities under an Order or Permit with potential release of PFC compounds
February 21, 2018	6 CCR 1011-2, Standards for Health Maintenance Organizations	Health Facilities Emergency Medical Services Division/ Executive Director	Repeal	§10-16-402 and §10-16-416, C.R.S.	X	Repeal rule due to SB 17-249 assigning duties to Commissioner of Insurance.	Health maintenance organizations, Department of Regulatory Agencies
February 21, 2018	5 CCR 1004-1, Environmental Management System Permit Program	Division of Environmental Health and Sustainability/ Executive Director	Repeal	§25-6.6-104, C.R.S.	X	Repeal following EO2 rule review and sunset review	Environmental Leadership Program participants
March 21, 2018	6 CCR 1011-1 Standards for Hospitals and Health Facilities	Health Facilities Emergency Medical Services Division/Board of Health	Repeal	§25-1.5-103, §25-3-101 and §25-3-103, C.R.S.	X	Repeal obsolete language as health facilities now appear in dedicated chapters and the General Rules at Chapter 2.	Health Facilities
March 21, 2018	6 CCR 1010-13, Penal Institutions	Division of Environmental Health and Sustainability/Board of Health	Revision	§25-1.5-101(1)(h) C.R.S.	X	Revisions following EO2 rule review	Penal institutions, Department of Corrections, Department of Human Services
March 21, 2018	5 CCR 1006-2, Medical Use of Marijuana	Center for Health and Environmental Data/Board of Health	Revision	Colorado Constitution, Article XVIII, §14; §25-1.5-106, C.R.S.	X	Updates to align with current practice, implement SB 17-017, and modify fees.	Medical professionals, Medical Marijuana Registry patients, Colorado Department of Revenue

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April 9, 2018	5 CCR 1002-11, Colorado Primary Drinking Water Regulations	Water Quality Control Division/Water Quality Control Commission	Revision	§25-1.5-101, §25-1.5 Part 2, §25-1-109, §25-1-114, 25-1-114.1, and §25-8-202, C.R.S.		To address primacy issues with the revised total coliform rules and to revise a definition in the cross connection control rules	Public drinking water systems
April 9, 2018	5 CCR 1002-42, Site-Specific Water Quality Classifications and Standards for Ground Water	Water Quality Control Division/Water Quality Control Commission	Revision	§25-8-202, 203, and 204, C.R.S.		To consider a site specific ground water standard for PFOS and PFOS in the Widefield Aquifer	Point source dischargers into the specified area, users of the water in the aquifer, entities subject to a corrective action in the specified area
April 18, 2018	6 CCR 1011-1, Chapter 7, Assisted Living Residences	Health Facilities Emergency Medical Services Division/ Board Of Health	Revision	§25-1.5-102, §25-1-122 C.R.S.	X	Update and expand the reportable conditions, updates following EO2 rule review and technical edits	Hospitals, local public health, health care providers
May 15, 2018	6 CCR 1007-3, Part 6 - Solid and Hazardous Waste Commission Fees	Solid and Hazardous Waste Commission	Revision	§25-15-314, C.R.S.		Amend SHWC fee to fund operation of the commission for fiscal year 2018-2019	Treatment, storage and disposal facilities, generators of hazardous waste, and transporters of hazardous waste
May 15, 2018	6 CCR 1007-2, Part 1, Section 1.8.6 - Administrative information	Hazardous Materials and Waste Management Division/Solid and Hazardous Waste Commission	Revision	§30-20-109, C.R.S.		Modify Section 1.8.6 - financial assurance utilizing a trust fund	Permitted solid waste facilities utilizing a trust fund for their financial assurance

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May 15, 2018	5 CCR 1003-7 - Beneficial Use of Water Treatment Sludge	Hazardous Materials and Waste Management Division/Solid and Hazardous Waste Commission	Repeal	§30-20-109, C.R.S.	X	Repeal of obsolete language and move applicable parts to Sections 8 & 12	Users of water treatment sludges
May 15, 2018	6 CCR 1007-2, Part 1, Sections 8 & 12 - Beneficial Use of Water Treatment Sludge	Hazardous Materials and Waste Management Division/Solid and Hazardous Waste Commission	Revision	§30-20-109, C.R.S.		Make conforming changes due to repeal of 5 CCR 1003-7	Users of water treatment sludges
May 15, 2018	6 CCR 1007-3, Parts 260, 261, 262, 263, 264, 265, 268, 273, 279 and 100 - Hazardous Waste Generator Rule	Hazardous Materials and Waste Management Division/Solid and Hazardous Waste Commission	Revision	§25-15-301, et seq., C.R.S.		Federal RCRA rule to reorganize, consolidate, and clarify requirements for hazardous waste generators	Hazardous waste generators
May 16, 2018	6 CCR 1009-1, Epidemic and Communicable Disease Control	Disease Control and Environmental Epidemiology Division/ Board of Health and Executive Director	Revision	§25-1.5-102, §25-1-122 C.R.S.	X	Update and expand the reportable conditions, updates following EO2 rule review and technical edits	Hospitals, local public health, health care providers
May 16, 2018	6 CCR 1010-22, Body Art Establishments	Division of Environmental Health and Sustainability/Board of Health	Revision	§25-4-2101, C.R.S.	X	Updates following EO2 rule review	Body artist, patrons of body art establishments, and local public health
May 16, 2018	6 CCR 1010-17, Urea Formaldehyde Foam Insulation	Division of Environmental Health and Sustainability/Board of Health	Revision	§25-5-317 C.R.S.	X	Updates following EO2 rule review	Manufacturers of and contractors using urea formaldehyde foam insulation

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June 11, 2018	5 CCR 1002-32, Classifications and Numeric Standards for Arkansas River Basin, 5 CCR 1002-36, Classifications and Numeric Standards for Rio Grande River Basin	Water Quality Control Division/Water Quality Control Commission	Revision	§25-8-203 and §25-8-204, C.R.S.	X	Update classifications and standards in these river basins	Point source dischargers, municipalities, environmental organizations, anglers, recreationalists
June 20, 2018	6 CCR 1009-2, Infant Immunization and Immunization of Students Attending School	Disease Control & Environmental Epidemiology Division/Board of Health	Revision	§25-4-903 & 904 C.R.S.	X	Annual ACIP update, updates following EO2 rule review and revisions to align with statute	Health care providers, school nurses, child care providers, schools, local public health, citizen groups, and individual citizens
July 18, 2018	5 CCR 1003-5, Swimming Pools & Mineral Baths	Water Quality Control Division/Board of Health	Revision	§§25-5-807 & 810, C.R.S.	X	Updates following EO2 rule review	Local public health, swimming pool operators
July 19, 2018	5 CCR 1001-8 - Regulation Number 6, Standards of Performance for New Stationary Sources	Air Pollution Control Division/Air Quality Control Commission	Revision	§24-4-103; §25-7-102, -105 to -109, and -114 C.R.S.		Incorporate by reference new and amended federal New Source Performance Standards into the commission's regulations	All owners and operators of industrial equipment subject to federal New Source Performance Standards, local and state agencies, industrial trade associations, citizen and environmental groups, individual citizens

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July 19, 2018	5 CCR 1001-10 - Regulation Number 8, Controls of Hazardous Air Pollutants	Air Pollution Control Division/Air Quality Control Commission	Revision	§24-4-103; §25-7-105 and §25-7-109, C.R.S.		Incorporate by reference new and amended federal National Emissions Standards for Hazardous Air Pollutants into the commission's regulations	All owners and operators of industrial equipment subject to these federal regulations, local and state agencies, industrial trade associations, citizen and environmental groups, individual citizens
July 19, 2018	5 CCR 1001-9 - Regulation Number 7, Control of Ozone via Ozone Precursors and Control of Hydrocarbons via Oil and Gas Emissions (Emissions of Volatile Organic Compounds and Nitrogen Oxides)	Air Pollution Control Division/Air Quality Control Commission	Revision	§25-7-105 through 110, C.R.S.		Establish reasonably available control technology (RACT) via categorical rules for boilers, turbines, glass melters and shale kilns in a continued effort to establish RACT for major sources of VOC and/or NOx in the Denver Metropolitan North Front Range Moderate Ozone Nonattainment Area	All owners and operators of industrial equipment subject to these federal regulations, local and state agencies, industrial trade associations, citizen and environmental groups, individual citizens



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August 6, 2018	5 CCR 1002-84, Reclaimed Water Control Regulation	Water Quality Control Division/Water Quality Control Commission	Revision	§25-8-202 and §25-8-205, C.R.S.	X	Consider proposal to allow reclaimed water to be used for toilet flushing and irrigation of cannabis	Municipalities, developers, cannabis industry, general public
August 6, 2018	5 CCR 1002-38 - Classifications and Numeric Standards for South Platte River Basin, Laramie River Basin, Republican River Basin, Smoky Hill River Basin	Water Quality Control Division/Water Quality Control Commission	Revision	§25-8-203 and §25-8-204, C.R.S.		To consider a site specific standards proposal from London Mine	London Mine, downstream water users, other dischargers into these segments
August 15, 2018	6 CCR 1007-1 Part 6, Radiation Control: X-Rays in the Healing Arts	Hazardous Materials and Waste Management Division/Board of Health	Revision	§25-1-108, §25-1.5-101(1)(k) and (1)(l), and §25-11-104 C.R.S.	X	Updates consistent with Suggested State Regulations Part F, stakeholder and program requested needs/updates and updates following EO2 rule review	Registered medical facilities using x-ray machines
August 15, 2018	6 CCR 1007-1 Part 2, Radiation Control: Registration of Radiation Machines, Facilities, and Services	Hazardous Materials and Waste Management Division/Board of Health	Revision	§25-1-108, §25-1.5-101(1)(k) and (1)(l), and §25-11-104 C.R.S.	X	Updates necessary for consistency with concurrent Part 6 changes and updates following EO2 rule review	Registered medical facilities using x-ray machines
September 19, 2018	6 CCR 1010-21, Wholesale Food	Division of Environmental Health and Sustainability/Board of Health	Revision	§25-5-426; §25-4-1805, C.R.S.	X	Updates following EO2 rule review, alignment with statute and national practice	Wholesale food manufacturers and distributors

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September 19, 2018	5 CCR 1005-2, Lab Testing for Alcohol & Other Drugs	Laboratory Services Division/ Board of Health	Revision	§42-4-1304, C.R.S.	X	Alignment with current practice and updates following EO2 rule review	Certified laboratories, law enforcement, Department of Revenue, District Attorneys' Counsel, Defense Bar
September 19, 2018	6 CCR 1009-5 Regulation 4, Rules And Regulations Pertaining To Preparations For A Bioterrorist Event, Pandemic Influenza, Or An Outbreak By A Novel And Highly Fatal Infectious Agent Or Biological Toxin	Office of Emergency Preparedness and Response/Board of Health	Revision	§25-1-108, §25-1-501, §24-33.5-701, et. seq., C.R.S.	X	Updates following EO2 review, alignment with statute and national practice	Local public health, Emergency Medical Services providers, hospitals, rural clinics, Regional Emergency Medical and Trauma Services Advisory Councils, Emergency Medical Practice Advisory Council and federally qualified health centers
October 8, 2018	5 CCR 1002-61, Colorado Discharge Permit System Regulation	Water Quality Control Division/Water Quality Control Commission	Revision	§25-8-501 through 505, C.R.S.	X	Update discharge permit system regulations	Point source dischargers
October 17, 2018	6 CCR 1015-4 Chapter 3, Designation of Trauma Facilities	Health Facilities Emergency Medical Services Division/ Board of Health	Revision	§25-3.5-701 et seq.		Expanded scope for General surgery and neurological services including neurosurgery	Trauma facilities

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October 18, 2018	5 CCR 1001-14 - Regulation Number 12, Reduction of Diesel Vehicle Emissions	Air Pollution Control Division/Air Quality Control Commission	Revision	§42-4-406; §42-2-414(2)(c); §42-2-412(2)(a); §42-2-403(1) C.R.S.		Revise Regulation Number 12, Part B to require training as a prerequisite to diesel emissions inspector licensing, and to clarify inspector training and qualification provisions	All owners and operators of diesel vehicles in the Front Range region, local and state agencies, industrial trade associations, citizen and environmental groups
November 13, 2018	5 CCR 1002-82, 401 Certification Regulation	Water Quality Control Division/Water Quality Control Commission	Revision	§25-8-202 and 205, C.R.S.		Revise procedures for application for and issuance of 401 certifications	Entities required to obtain a 401 certification, environmental groups, water conservation districts, water rights holders, municipalities
November 15, 2018	5 CCR 1001-1, Procedural Rules	Air Quality Control Commission	Revision	§25-7-104, C.R.S.	X	Revise rule based on rule review results, stakeholder input and staff recommendations	All stakeholders of the commission, including local and state agencies, industrial sources, industrial trade associations, citizen and environmental groups, individual citizens

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November 15, 2018	5 CCR 1001-9 - Regulation Number 7, Control of Ozone via Ozone Precursors and Control of Hydrocarbons via Oil and Gas Emissions (Emissions of Volatile Organic Compounds and Nitrogen Oxides)	Air Pollution Control Division/Air Quality Control Commission	Revision	§25-7-105 through 110, C.R.S.		Establish reasonably available control technology (RACT) via categorical rules for various brewing related operations in a continued effort to establish RACT for major sources of VOC and/or NOx in the Denver Metropolitan North Front Range Moderate Ozone Nonattainment Area	All owners and operators of industrial equipment subject to these federal regulations, local and state agencies, industrial trade associations, citizen and environmental groups, individual citizens
November 20, 2018	6 CCR 1007-2, Part 1, Section 10 - Waste Tires	Hazardous Materials and Waste Management Division/Solid and Hazardous Waste Commission	Revision	§30-20-1401, C.R.S.		Placeholder for year-end waste tire amendments	Waste tire haulers, processors, and monofills
November 20, 2018	6 CCR 1007-2, Part 1, Section 1 - Miscellaneous clean-up of definitions, obsolete language	Hazardous Materials and Waste Management Division/Solid and Hazardous Waste Commission	Revision	§30-20-109, C.R.S.		Miscellaneous clean-up of definitions, delete obsolete language	All regulated facilities
November 21, 2018	6 CCR 1015-3, Chapter 4: Licensure of Ground Ambulance Services	Health Facilities Emergency Medical Services Division/ Board of Health	Revision	§25-3.5-308, C.R.S.	X	Updates following EO2 rule review	Regional Emergency Medical and Trauma Services Advisory Councils and ambulance agencies

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November 27, 2018	5 CCR 1003-2 - Water and Wastewater Facility Operator Certification Requirements	Water Quality Control Division/Water and Wastewater Facility Operators Certification Board	Revision	§25-9-101 through 110, C.R.S.		To update the facility classification system to reflect modern treatment technology	Owners and operators of water and wastewater treatment facilities, certified operators
December 10, 2018	5 CCR 1002-32 through 38 - Classifications and Standards in River Basins	Water Quality Control Division/Water Quality Control Commission	Revision	§25-8-203 and 204, C.R.S.		Revise temporary modifications expiring in the next two years, and consider proposals for new temporary modifications	Entities with a temporary modification expiring in the next two years
December 20, 2018	5 CCR 1001-5 - Regulation Number 3, Stationary Source Permitting and Air Pollutant Emission Notice Requirements	Air Pollution Control Division/Air Quality Control Commission	Revision	§25-7-105 through 110, C.R.S.		Requirements to correspond to federal New Source Review (NSR) provisions. In addition to the revisions, the division may also correct any typographical, grammatical, and formatting errors found throughout Regulation Number 3	All owners and operators of industrial equipment subject to these federal regulations, local and state agencies, industrial trade associations, citizen and environmental groups, individual citizens