

February 11, 2020

TO: Senate Committee of Local Affairs

FROM: Hazardous Materials and Waste Management Division  
Colorado Department of Public Health and Environment

RE: CDPHE Testimony in opposition to SB 20-058

The Colorado Department of Public Health and Environment (the department) is opposed to SB 20-058. The department prepared these talking points and exhibits to aid in the Department's testimony for today's hearing:

1. The department allows asphalt shingle recycling, we just require a permitting process that gives the state financial assurance to clean up abandoned shingles and groundwater contamination. This bill prohibits the department and the local government from implementing these financial assurance and Certificate of Designation (CD) requirements.
2. SB 20-058 allows for speculative accumulation a shingles that can be abandoned with little consequences. This can happen in the rail cars and at a recycling location. (Think: charge a fee for disposal and abandon in rail cars) At least now the Department can require financial assurance.
3. The department enforced on 8 of these so-called asphalt shingle recycling sites between 2011 and 2015. Without the requirement to obtain a CD and financial assurance, operators can rent a property and rapidly accumulate shingles. Scam shingle recyclers make \$1 million and leave town. This isn't just a problem with one particular operator, it is a scam that others have learned. This will happen again if this bill passes.
4. Some shingle recycling operations create offsite odors and contaminate groundwater, which is in direct conflict with the statute that the bill would modify. According to 30-20-102(5), if recycling operations may create offsite odors or negatively impact groundwater, they cannot be considered a recycling operation.
5. One final note, the department will get rid of our policy if viable markets for recycled asphalt shingles are created. Right now, these markets do not exist.

Attached:

- Exhibit 1: CDPHE's policy "Asphalt Shingles Are Not A Recyclable Material"
- Exhibit 2: Photos of past waste asphalt shingle sites



Exhibit 1

# STATE OF COLORADO

John W. Hickenlooper, Governor  
Larry Wolk, MD, MSPH  
Executive Director and Chief Medical Officer

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

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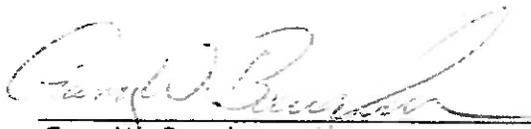


Colorado Department  
of Public Health  
and Environment

## COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION

### POLICY: ASPHALT SHINGLES ARE NOT A RECYCLABLE MATERIAL

*The policies and procedures set out in this document are not intended to and cannot create rights, substantive or procedural, enforceable by any person or party for any purpose. The division reserves the right to be at variance with this policy. The division also reserves the right to change this policy at any time with appropriate publication.*

  
\_\_\_\_\_  
Gary W. Baughman  
Division Director

*9/10/2015*  
\_\_\_\_\_  
Date

## INTRODUCTION

The Hazardous Materials and Waste Management Division (the Division) of the Colorado Department of Public Health and Environment (the Department) has identified that, during 2014 (the most recent reporting year for which the Division has complete data), 107,000 tons of waste asphalt shingles were stockpiled at registered recycling facilities in Colorado and only 15 tons of waste shingles were recycled. This means that only one one-hundredth of one percent (0.01%) of the waste shingles stockpiled for recycling during 2014 were actually recycled and indicates that the volume of waste shingles currently stockpiled in Colorado far exceeds the demand for recycled shingle material. In August of 2015, the Division contacted all registered recycling facilities that manage asphalt shingles to gather information on the existing and future end-use markets for recycled asphalt shingles. It was apparent from the information provided by the asphalt shingle recycling industry that end-use markets for recycled asphalt shingles are currently extremely limited. This limited market is expected to continue for the indefinite future.

## POLICY

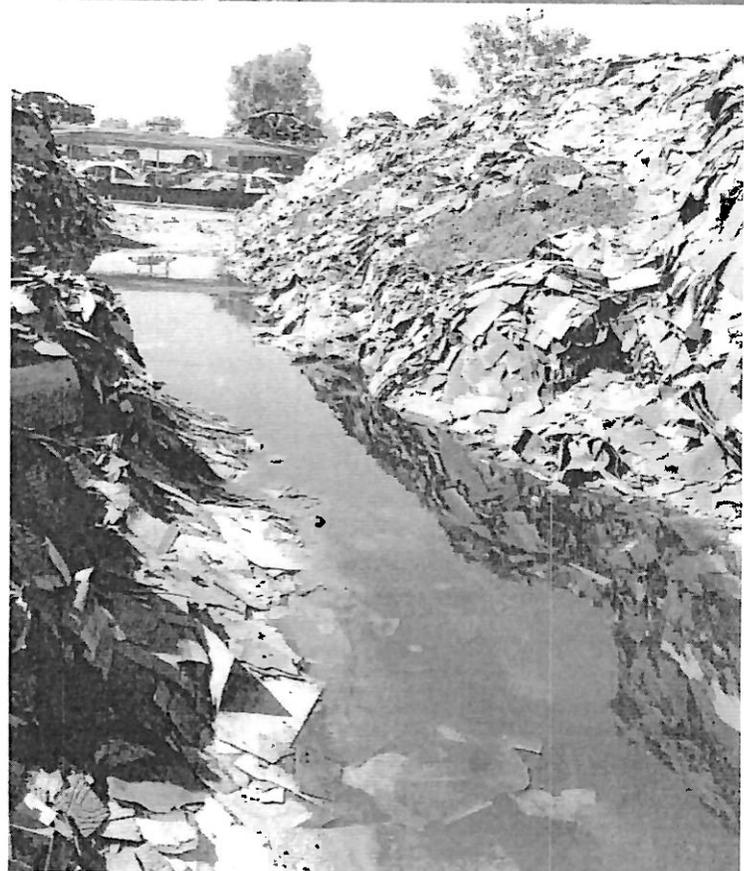
Consistent with Section 8.5.2(E) of the Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2, Part 1, the Division will no longer consider waste asphalt shingles to be a “recyclable material.” This means that all waste asphalt shingles generated after the date of this policy must be disposed of at an appropriate permitted solid waste disposal site and facility (i.e., permitted landfill).

The Division will allow all existing registered recycling facilities that are currently operating, and meeting the requirements of Section 8.5 as an industrial recycling facility, to recycle their existing stockpiles of waste asphalt shingles. However, these facilities may not receive any new inventory of waste asphalt shingles after the date of this policy. Importantly, all existing industrial recycling facilities with waste asphalt shingle inventories will remain subject to the three year rolling average, and the minimum material turnover rate of 75% required by Section 8.5.5(C). Any existing registered recycling facility unable to meet the minimum material turnover rate will no longer be considered a recycling facility and will no longer be exempt from the requirement of having to obtain a certificate of designation as a solid waste disposal site and facility. Such a site will be required to a) immediately remove and properly dispose of the stockpiled asphalt shingles on their property or b) immediately apply for a certificate of designation as a solid waste disposal site and facility.

## Exhibit 2:

### Abandoned asphalt shingle piles - Colorado 2011-2019

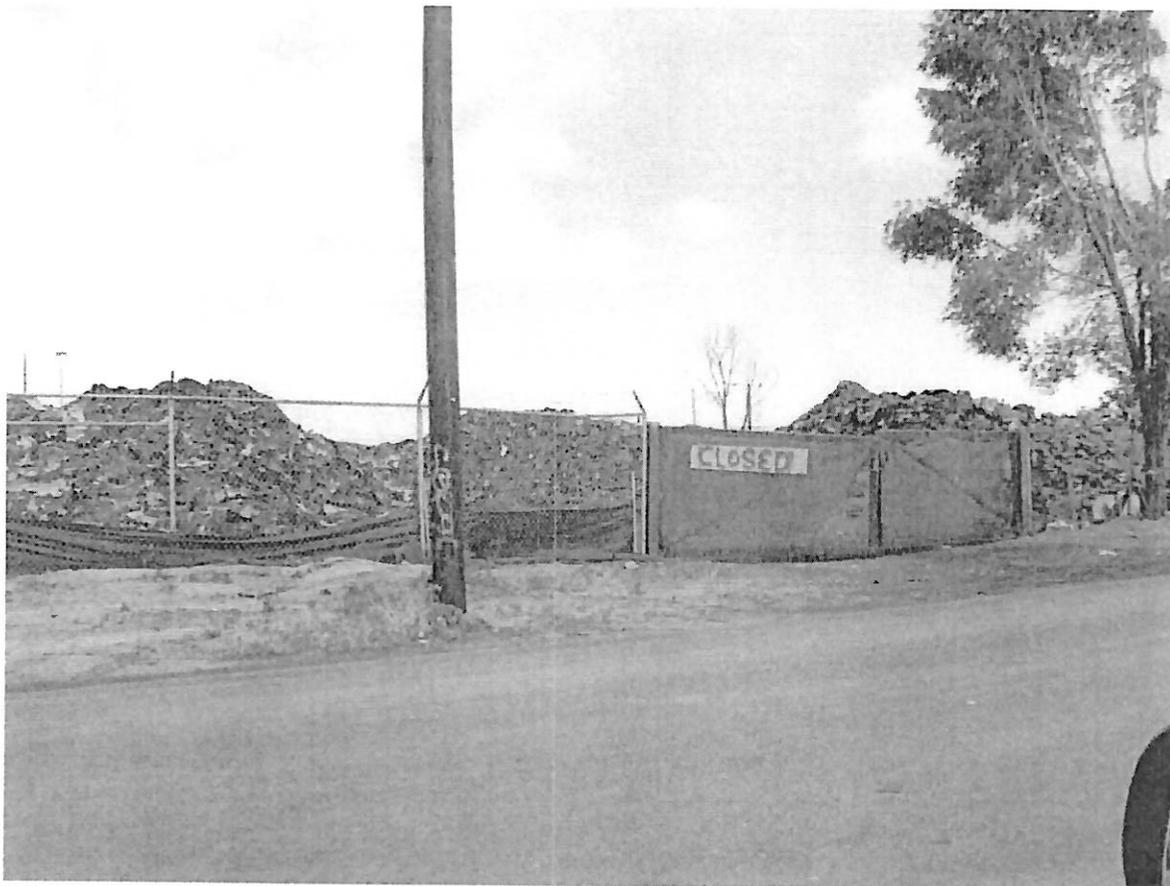
#1 5050 York Street - Denver



#2 Shingle Recycling Solutions - 651 E. 66th Ave. Denver



#3 5101 Columbine -Denver



### #5 Go Green Recycling - Colorado Springs



### #4 Asphalt Recovery Specialists - Colorado Springs

