

Department of Public Health and Environment Regulatory Summary



2020 A Year of Success: Rulemaking Highlights

In 2020, CDPHE's Type 1 Boards and Commissions adopted 31 new rules and rule revisions.

Board of Health

- [Newborn hearing screening](#). A new rule providing more timely newborn hearing screenings and guidelines regarding follow-up services for newborns with positive screenings or at risk of hearing loss.
- [Out-of-network health care services](#). This rule revises the general licensure standards to specify requirements for disclosing information related to out-of-network services to consumers.
- [TENORM radiation control](#). A new rule regulating Technologically Enhanced Naturally Occurring Radioactive Material (TENORM), radioactive material occurring naturally in ores, soils, and water and whose radionuclide concentrations are increased by human activity like drinking water treatment or oil and gas exploration and production. The rule ensures that the handling, transportation, beneficial use, and disposal of TENORM is conducted in a safe and consistent manner.

Air Quality Control Commission

- [Asbestos control](#). This rule revision explicitly requires inspections of single-family residences, in order to restore regulatory certainty and ensure single-family-dwelling residents are protected from asbestos.
- [GHG reporting and monitoring](#). A new regulation requiring greenhouse-gas-emitting entities to monitor and publicly report their emissions, the results of which are uploaded into a database and used in a comprehensive statewide greenhouse gas pollution (GHG) inventory and planning activities. The regulation also phases out the use of hydrofluorocarbons (HFCs), highly potent GHGs generally used in aerosols, refrigeration and air conditioning, and foam blowing, from most manufacturing processes and end-uses. The regulation aims to achieve Colorado's statewide goals of 26% reduction of GHG by 2025; 50% reduction by 2030; and 90% reduction by 2050 as compared to 2005 levels.
- [Ozone precursors and oil and gas emissions](#). A first-of-its-kind rule requiring oil and gas owners and operators to monitor pollution at wells beginning at construction and through early production. A separate rule revision reduces emissions from natural-gas-fired reciprocating internal combustion engines. The two revisions aim to protect the public welfare, achieve federal regional haze rules and national ambient air quality standards, and address nitrogen deposition at Rocky Mountain National Park.

Solid and Hazardous Waste Commission

- [Solid waste financial assurance](#). This rule revision clarifies requirements for local governments to submit documentation to determine whether they pass or fail a financial test. The changes will reduce the administrative burden on local government owners and operators.
- [Hazardous waste pharmaceuticals](#). The rule establishes a new section for the management of hazardous waste pharmaceuticals by healthcare facilities and reverse distributors and revises nicotine listings so that discarded over-the-counter nicotine replacement therapies (NRTs) like nicotine patches, gums, and lozenges are no longer considered hazardous waste, while e-cigarettes, e-liquids, and prescription NRTs are not exempt from the hazardous waste listing.
- [Household medication take-back](#). This rule revision expands the medication take-back program to provide for safe collection and disposal of needles, syringes, and other medication injection devices.

Water Quality Control Commission

- [Primary drinking water regulations](#). This revision incorporates changes to the “Revised Total Coliform Rule”, a useful indicator of drinking water pathogens.
- [Reclaimed water control](#). This rule revision adds oil and gas exploration and production to the list of approved uses of reclaimed water, helping to reduce the demand on other sources such as groundwater and surface water. The change is an important step toward furthering the goals of the State Water Plan.
- [South Platte Basin classifications and standards](#). This rule revision amends certain water quality standards for stream segments in the South Platte River Basin in order to protect stream beneficial uses.
- [PFAS narrative policy](#). This policy, adopted as an administrative action, describes how the department will use existing narrative water quality provisions to regulate the amount of Per- and Poly- flouroalkyl chemicals (PFAS) entering surface and groundwater.

2021 On the Horizon: Select Planned Rules

In 2021, CDPHE’s Type 1 Boards and Commissions plan to adopt 44 new rules and rule revisions.

- The Board of Health will establish criteria for the certification of laboratories to test industrial hemp and hemp-derived products.
- The Board of Health will establish rules creating a statewide electronic system used by medical providers to upload and access a patient’s advance health care directive.
- The Air Quality Control Commission will continue rulemaking efforts aimed at reaching statewide GHG reduction goals with a July hearing focused on the transportation sector and December hearings focused on the oil and gas sector and built-environment energy efficiency.
- The Solid and Hazardous Waste Commission will establish rules regulating the use of firefighting foams containing PFAS. In February, the SHWC will create rules requiring facilities using the chemicals to have a certificate of registration. In May, the SHWC will establish standards for the capture and disposal of the chemicals.
- The Water Quality Control Commission will establish rules incorporating increased civil penalty amounts.

For more information,
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