



COLORADO

Department of Revenue

Enforcement Division - Marijuana
1697 Cole Blvd., Suite 200
Lakewood, CO 80401

November 29, 2016

Sent via e-mail to: srosene@co.grand.co.us

Grand County Clerk and Recorder

Attn.: Sara L. Rosene

308 Byers Avenue

PO Box 120

Hot Sulphur Springs, CO 80451

Dear Ms. Rosene:

This letter is in response to your request for a Statement of Position pursuant to Rules M 104(A), 1 CCR 212-1, and R 104(A), 1 CCR 212-2, dated September 25, 2016. You have asked for a statement of position from the Marijuana Enforcement Division ("Division") regarding Medical Marijuana, Medical Marijuana-Infused Product, Retail Marijuana, or Retail Marijuana Product waste ("Marijuana Waste"), which has been rendered Unusable and Unrecognizable, but is unsecure during transport by a waste management company and/or left overnight at a transfer station.

Your request provides the following information:

"Our concern deals with the time between when the trash is picked up by the trash truck and when the trash arrives at the landfill. When the trash truck arrives to pick up the trash, the marijuana trash has to be removed from its 'secured' container. It is now unsecure in the track truck. The trash truck travels around collecting trash on its route with the marijuana trash being unsecure. It is then taken to the trash station and dumped on the floor, unsecure. Usually it is loaded the same day and taken to the landfill but sometimes it remains overnight. If the trash remains overnight, it is unsecure. The marijuana trash is unsecure on the trip to the landfill. We understand that the trash is unusable and unrecognizable during this time. Our question is whether or not this situation satisfies the requirements of the regulations because once it leaves the marijuana license facility, it is unsecured and not under the control of the licensee."

A licensee is required to render all Marijuana Waste Unusable and Unrecognizable prior to it leaving the licensed premises of the Medical Marijuana Business or Retail Marijuana Establishment. See Rules M 307, 1 CCR 212-1 and R 307, 1 CCR 212-2. After a Licensee's Marijuana Waste is rendered Unusable and Unrecognizable, and is properly secured on the licensed premises until removal, the rule requires one of three options to ensure the eventual appropriate disposal of the waste.



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1. The waste shall be disposed of at a solid waste site and disposal facility that has a Certificate of Designation from the local governing body;
2. The waste shall be deposited at a compost facility that has a Certificate of Designation from the Department of Public Health and Environment; or
3. The waste shall be composted on-site at a facility owned by the generator of the waste and operated in compliance with the Regulations Pertaining to Solid Waste Sites and Facilities in the Department of Public Health and Environment.

See Rules M 307, 1 CCR 212-1 and R 307, 1 CCR 212-2. The Rules provides that a Licensee shall not dispose of Marijuana Waste in an unsecured waste receptacle not in possession and control of the Licensee. As such, prior to removing Marijuana Waste from the licensed premises for disposal or depositing it at a facility that has a Certificate of Designation or prior to composting on-site, a Licensee must ensure its waste (1) is made Unusable and Unrecognizable and (2) is secured in a waste receptacle in the Licensee's possession and control.

The Licensee is required to properly turn over Marijuana Waste to a waste management company that stores, secures and manages waste in accordance with all applicable federal, state and local statutes, regulations, ordinances or other requirements. Continued management and security of the Unusable and Unrecognizable Marijuana Waste during transport and/or while at a transfer station is managed pursuant to applicable waste management procedures and requirements.

In conclusion, it appears in the scenario described in your request regarding the disposal of Marijuana Waste, the Medical Marijuana Business or Retail Marijuana Establishment licensee satisfies the requirements of the Medical and Retail Rules.

Thank you for your inquiry.

Sincerely,

James Burack, Director



GRAND COUNTY CLERK AND RECORDER

RECEIVED

SEP 25 2016

M.E.D.

September 19, 2016

Colorado Department of Revenue
Marijuana Enforcement Division
455 Sherman Street, Suite 390
Denver, Colorado 80203

RE: Request for Statement of Position Regarding Waste Disposal (M/R 307 F & G)

To Whom It May Concern:

Grand County Clerk and Recorder is the local licensing authority for marijuana licenses in Grand County. We would like to request a Statement of Position or clarification regarding the MED regulations regarding waste disposal.

Our specific question deals with the disposal of marijuana waste **after** it has been made unusable and unrecognizable for both retail and medical marijuana licenses.

What the regulations say:

According to M/R 307 F after the waste is made unusable and unrecognizable, the rendered waste shall be:

1. "Disposed of at a solid waste site and disposal facility that has a Certificate of Designation from the local governing body;
2. Deposited at a compost facility that has a Certificate of Designation from the Department of Public Health and Environment, or
3. Composted on-site at a facility owned by the generator of the waste and operated in compliance with the Regulations Pertaining to Solid Waste Sites and Facilities (6 CCR 1007-2, Part 1) in the Department of Public Health and Environment."

According to M/R 307 G, a licensee shall not dispose of "marijuana product waste in an unsecured waste receptacle not in possession and control of the Licensee."

Grand County Situation:

In Grand County, we have two local trash collectors. Neither of them has a Certificate of Designation for their Grand County Facility. There is no landfill in Grand County.

One of the trash companies has a transfer station within Grand County. It is our understanding that transfer stations cannot get Certificates of Designation. So, trash is collected from residents and businesses, taken to the transfer station, dumped onto the floor, loaded into a dump truck/trailer, and then taken to a landfill on the Front Range that has a Certificate of Designation. Usually, the trash is hauled to the landfill on the same day but occasionally it does spend the night at the station.

Issue/Concern:

Our concern deals with the time **between** when the trash is picked up by the trash truck and when the trash arrives at the landfill. When the trash truck arrives to pick up the trash, the marijuana trash has to be removed from its "secured" container. It is now unsecure in the trash truck. The trash truck travels around collecting trash on its route with the marijuana trash being unsecure. It is then taken to the trash station and dumped on the floor, unsecure. Usually it is loaded the same day and taken to the landfill but sometimes it remains overnight. If the trash remains overnight, it is unsecure. The marijuana trash is unsecure on the trip to the landfill.

We understand that the trash is unusable and unrecognizable during this time. Our question is whether or not this situation satisfies the requirements of the regulations because once it leaves the marijuana license facility, it is unsecured and not under the control of the licensee.

Please let us know if you need any further information in order to clarify this for us. Thank you for your time and consideration.



Sara L. Rosene
Grand County Clerk and Recorder