

August 16, 2013

Planning and Zoning
City of Commerce City
7887 East 60th Avenue
Commerce City, CO 80022

Ref: Veolia ES Technical Solutions - **Conditional Use Permit Narrative**
9131 E. 96th Avenue, Henderson, CO 80640

To Whom It May Concern:

This letter serves as the project narrative regarding the Conditional Use Permit (CUP) request for the property located at 9131 E. 96th Avenue, Henderson, Colorado. This property is the location for the Veolia Environmental Services Technical Solutions, LLC's Henderson Treatment, Storage and Recycling Facility (Veolia). The facility is located on Lot 1, Block 1, in Peckham Industrial Tract and is approximately 20.72 acres in size. The property is rectangular about 1000 feet long north to south and 700 feet east to west with a 30 foot wide strip that extends from the southeast corner a distance of 1300 feet to E 96th Avenue for access. The property is served by a rail spur off of the Union Pacific Railroad which is directly adjacent to the northwest corner of the site. The property slopes from the southeast to the northwest where storm water is detained in an existing retention facility located in an easement dedicated on the plat. This property is Zoned I-3.

Background

The facility has been in operation since it was first constructed in 1980 and has been operated by the current owner since 1999. The business was operated under a Conditional Use Permit (CUP) issued by Adams County in 1981 until the property was annexed into The City of Commerce City in 2007.

The property is identified as a General Industrial Area per the City of Commerce City's Comprehensive Plan. The current use of the property is *not* a use by right in said General Industrial Area. Consequently, the property needs a Conditional Use Permit to comply with the City's Land-use Table and allow for future expansion.

Additional background information on the current land-use at the facility is attached to this document as Exhibit 'A' – Technical Background. This document is a summary of Agencies Having Jurisdiction (AHJ's) over the facility's operation and the various requirements of those Agencies.

It should be noted that approval of this Conditional Use Permit (CUP) is the first step in the process to allow expansion of Hazardous Waste operations. Additional permits will be required from the above mentioned AHJ's prior to expansion.

Community need for the proposed use

The land-use proposed under this application provides a needed service for a variety of industrial and municipal businesses throughout Commerce City, the State of Colorado and the United States. Veolia provides a valuable service to the community by conducting safe and effective processing of hazardous waste. These services are critical to the protection of Life, Safety, and Welfare of the public.

Environmental Benefits:

Veolia accepts wastes that many facilities in the surrounding area generate, but are unable to safely handle, providing a valuable service to the community at large. The facility is able to reduce the quantity of waste to disposal using cutting edge advances in technology:

- **Waste Separation:** Their on-site testing laboratory is used to correctly identify material constituents. The material is then subjected to processes which separate out wastes requiring disposal; eliminating the need to dispose of the material in its entirety.
- **Reclamation / Re-use:** The facility reclaims chemicals (organic solvents) from wastes using a variety of different technologies (primarily distillation and extraction). Reclamation offers an alternative to waste disposal and allows for re-use of the material; providing environmental and economic benefits. While the recovered solvents do not require disposal, they are also "tolled" back to the waste producer or sold commercially. A secondary benefit to Reclamation is the reduced need for manufacturing of virgin chemicals.

The facility provides personnel that are professionally trained to safely & properly characterize, process, handle, store, and transport hazardous & non-hazardous wastes.

These operations are subject to rigorous and complex regulations. The business houses specially designed and constructed assets that are expensive to construct. These assets are designed to provide an operating environment that ensures safety to the community, operating personnel, and the environment.

Economic Benefits:

The Henderson facility maintains a stable and safe work environment. The facility has an excellent work safety record and has implemented various safety & emergency response plans.

Employees are highly qualified professionals and craftsmen in their respective fields of work. They require many hours of training. The facility currently offers employment opportunities for fifty-five (55) to sixty (60) employees in exempt and non-exempt positions. Approximately thirty (30%) percent are exempt professionals with degrees in business, accounting, environmental science, chemistry, biology, and other sciences. These positions are made up of accountants, chemists, sales professionals, environmental health & safety professionals, and management personnel. The remaining seventy (70%) percent of non-exempt positions are made up of administrative assistants, accounting clerks, drivers, material handlers, facility maintenance, and custodial distillation operators. Personnel reside in surrounding communities including Commerce City, Thornton, Denver, Aurora, Boulder, Arvada, Westminster, Northglenn, and other Metro Denver communities. The proposed future expansion is expected to add seven to ten non-exempt positions of drivers, distillation operators, chemist technicians and material handlers.

Harmony with the character of the neighborhood

The Veolia facility is in harmony with the character of the neighborhood. The facility is located in an industrial area and is in compliance with the purpose, goals and objectives of the City of Commerce City's Comprehensive Plan. The facility has been constructed with professional quality and is maintained to a desirable and aesthetic appearance. The facility is comprised of administrative office buildings, warehousing & maintenance buildings, specially constructed processing equipment, above ground tanks, and storage containment areas. The facility includes a specially constructed rail loading/unloading area. The facility features spark free electrical construction and fire suppression systems appropriate for the storage of volatile materials. The rail loading/unloading area has a water deluge system for fire suppression. Fire hydrants exist throughout the facility for all other areas.

Compatibility with the surrounding area

The Veolia facility is located north of 96th Ave. east of Interstate 76. The surrounding area and businesses are predominantly zoned I-3 intermixed with some businesses zoned I-2. The surrounding area is comprised of existing heavy industrial uses including: Sinclair Petroleum, Union Pacific Railroad, several large-scale trucking & logistics operations, manufacturing, and other contractor facilities & yards.

Effects on adjacent properties

There are no effects to adjacent properties. All operations are conducted in a manner to ensure safety to the public health and environment. All wastes are characterized and pre-approved prior to receipt. Wastes approved for processing are tested in an on site lab equipped with state of the art testing equipment to ensure conformance with characterization requirements and capable of ensuring compatibility of mixed wastes. All storage is maintained in closed containers except when adding or removing material. All tanks and processing equipment are maintained in "closed" systems and all hazardous waste tank emissions are routed to a cryogenic vapor recovery system. All hazardous and non-hazardous wastes are stored in specially designed and constructed containment systems with impervious coatings designed to ensure no release to the environment or run off from the property. There is a retention area located on the northwest portion of the property to contain precipitation and prevent run off of liquids from the facility. The retention area uses evaporation to result in zero discharge to adjacent properties.

Effects on public improvements and city services

The facility has been present at its current location in Adams County since 1981. The business will contribute to the tax base necessary to develop the infrastructure to serve the annexed area particularly the 96th Avenue corridor and Alton Way. The facility has a strong positive relationship with the South Adams County Fire Department.

Landscaping and screening

The facility has professional landscaping and screening that exists at the property. The area exterior to the security fencing has landscaped areas adjacent to the access

roadway and the interior area has grass, trees, flowers, and planters to accentuate the appearance of the property.

Noise, dust, vibrations, odor or other nuisances beyond the interior buffer yard line.

Veolia transports all materials in sealed containers. The facility has approximately fifty (50) written operating procedures designed to ensure there are no effects on adjacent properties. The facility is inspected daily for evidence of deterioration of containers and tank systems. The facility performs initial, periodic and annual leak detection monitoring of all tank and treatment systems using specialized equipment to ensure no leaks or odors. There are no sources of noise, vibrations or other nuisances related to the business.

Conclusion

Prior to annexation to the City of Commerce City in 2007, the subject property operated under a Conditional Use Permit (CUP) issued by Adams County in 1981.

In order to meet the intent of the City of Commerce City's Comprehensive Plan, the property needs a conditional use permit to comply with the City's Land-use Table and allow for future expansion. We believe the enclosed information will allow the City to approve this application and allow Veolia to continue their operation within the City in the same manner as previously conducted in Adams County.

If you have additional questions or need additional information please do not hesitate to contact me at the phone number and address listed below.

Sincerely,


Thomas M. Anckner

General Manager

Mountain Branch

T 303-289-4827 C 303-884-4538

Attachment: Exhibit 'A', CUP Plans (7 sheets)

Exhibit 'A'

Technical Background

The Veolia Henderson facility was the first hazardous waste facility in the United States to be issued a Part B Resource Conservation and Recovery Act (RCRA) permit by the US Environmental Protection Agency (USEPA) in 1981.

Congress enacted RCRA to address the increasing problems the nation faced from its growing volume of municipal and industrial waste. RCRA amended the Solid Waste Disposal Act of 1965. It set national goals for:

- Protecting human health and the natural environment from the potential hazards of waste disposal.
- Energy conservation and natural resources.
- Reducing the amount of waste generated, through source reduction and recycling
- Ensuring the management of waste in an environmentally sound manner.^[2]

The U.S. Environmental Protection Agency (EPA) has published waste management regulations, which are codified in Title 40 of the Code of Federal Regulations at parts 239 through 282.^[3] Regulations regarding management of hazardous waste begin in part 260.^[4] Treatment, storage, and disposal facilities (TSDFs) manage hazardous wastes under RCRA Subtitle C and generally must have a permit in order to operate.

The permitting requirements for TSDFs appear in 40 CFR Parts 264 and 270.^[17] TSDFs manage (treat, store, or dispose) hazardous wastes in units that may include: container storage areas, tanks, surface impoundments, waste piles, land treatment units, landfills, incinerators, containment buildings, and/or drip pads. The unit-specific permitting and operational requirements are described in further detail in 40 CFR Part 264, Subparts J through DD.

The Henderson facility is classified by the U.S. Environmental Protection Agency (USEPA) and Colorado Department of Health and Environment (CDPHE) as a Treatment, Storage, Disposal, Facility (TSDF) in their respective regulations, however, no disposal occurs at this facility. The facility has periodically renewed and modified the permit through the USEPA, and, subsequently, with the Colorado Department of Public Health and Environment (CDPHE) after it was authorized to administer the Hazardous Waste Program. The facility has expanded the operation over the years through the renewal and modification process to allow for storing and processing new types of waste(s) increasing the tank and drum storage capacity, and, the addition of new technologies including neutralization, aerosol can treatment, solidification, container to container blending, thin film and fractional distillation, phase separation, filtration

liquid-liquid extraction, and, aqueous and fuel blending. See the accompanying Statement of Operations for detailed information on the facility operations.

All requests for expansion and modification to equipment and treatment processes regulated under the RCRA Part B permit also requires approval from the Colorado Department of Public Health and Environment (CDPHE) to modify the existing facility Part B Resource Conservation and Recovery Act (RCRA) and Air Pollution and Control Construction Permits.

Periodically, Veolia finds it necessary to expand or modify its existing operation. These changes to the operation are generally triggered by a) Customer or Market demand or b) new regulations imposed by USEPA and/or Colorado Department of Health and Environment. c) new or improved treatment processes or technologies.

The types of expansion or modification that Veolia ES may request for the operation are to add or modify equipment or structures that add capacity, technology or are necessary to comply with new USEPA or CDPHE regulations.

VeoliaES finds it necessary to be in a position to react timely to these triggering events. This is necessary to exist as a viable and competitive business and be compliant with the applicable regulations.

In order to be prepared to react to market, regulatory, or technology changes, Veolia finds it necessary and desirable to have an approved Conditional Use Permit issued by Commerce City for the operation.

At the current time Veolia does not have a specific request to expand or modify its operation.

Contingent on the approval of this requested Conditional Use Permit, all future requests to modify or expand the Veolia operation will be processed through the Commerce City building department.

In support of this request the following information and a separate statement of operations are provided.

Emergencies at the facility

There have been no emergencies at the facility since Veolia ES Technical Solutions LLC acquired the facility in 1999.