

A RESOLUTION ISSUING A CERTIFICATE OF DESIGNATION FOR A SOLID WASTE DISPOSAL SITE AND FACILITY INCLUDING A REVISED ENGINEERING DESIGN AND OPERATIONS PLAN AND RELOCATION OF THE EXISTING ENTRANCE TO THE LANDFILL LOCATED AT THE SOUTHEAST CORNER OF TOWER ROAD AND EAST 88TH AVENUE

NO. 2024-125

WHEREAS, Allied Waste Systems of Colorado LLC (“Applicant/Owner”) is the owner and operator of the existing Tower Landfill Solid Waste Disposal Site and Facility;

WHEREAS, the Applicant has requested a Certificate of Designation (“CD”) to revise the existing Engineering Design and Operations Plan (“EDOP”) to modify the landfill footprint and relocate the existing main entrance;

WHEREAS, the revised EDOP and CD would allow a nine-acre area within the existing landfill boundary, depicted in Exhibit A and Exhibit B, to be used for solid waste disposal, adding approximately 5.5 million cubic yards of capacity to the existing landfill;

WHEREAS, the existing main entrance to the landfill would be relocated east to the property that was annexed into the City of Commerce City as part of application AN-263-24, depicted in Exhibit C;

WHEREAS, the Adams County Health Department (“ACHD”) and Colorado Department of Public Health and Environment Hazardous Materials and Waste Management Division (“the Division”) have recommended approval of the revised EDOP and CD; and

WHEREAS, nothing herein shall excuse the Applicant from acquiring all necessary approvals including but not limited to certificates, permits, and inspections from the necessary local, state, or federal agencies for the operation of a solid waste disposal site and facility.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this resolution are incorporated as findings of the City Council. This resolution is found to be necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. The City Council of the City of Commerce City, Colorado, acting on the authority invested in City Council as set forth in C.R.S. § 30-20-103, and consistent with the standards for approval set forth in C.R.S. § 30-20-104, after a duly noticed public hearing held in compliance with the legal requirements, finds as follows:

Pursuant to C.R.S. § 30-20-104 Factors to be Considered:

- 1) In considering an application for a proposed solid wastes disposal site and facility, the governing body having jurisdiction shall take into account:
 - a. The effect that the solid wastes disposal site and facility will have on the surrounding property, taking into consideration the types of processing to be used, surrounding property uses and values, and wind and climatic conditions;
 - b. The convenience and accessibility of the solid wastes disposal site and facility to potential users;
 - c. The ability of the applicant to comply with the health standards and operating procedures provided for in this part 1 and such rules and regulations as may be prescribed by the department;
 - d. Recommendations by county, district, or municipal public health agencies.

SECTION 3. Conditions. The City Council of the City of Commerce City, pursuant to C.R.S. § 30-20-104, hereby approves the CD subject to the following conditions:

1. In accordance with Section 4 of the Solid Waste Regulations, revised third party financial assurance cost estimates for closure and post closure care (financial assurance cost estimate) must be submitted to the Division within sixty (60) days of the issuance of the certificate of designation (the CD). Once the Division approves the financial assurance estimates, the Owner will have thirty (30) days to submit a financial assurance mechanism for review and approval. The financial assurance mechanism must be in-place and approved by the Division before the start of construction of the facility. Pursuant to Section 4 of the Solid Waste Regulations, the Owner must adjust financial assurance cost estimate annually to account for inflation or deflation by using the implicit price deflator for the gross domestic product. Additionally, the Owner must replace the original cost estimate every five (5) years unless otherwise required by the Division.
2. Compliance with this CD requires the Owner to comply with the EDOP and any future ACHD-approved EDOP conditions, including both ACHD approved revisions or additions to the EDOP and stand-alone plans necessary to comply with the Solid Waste Act and Regulations. Non-compliance of the EDOP as revised constitutes a violation of this CD. This CD need not be necessarily amended upon EDOP amendment unless required by the local governing authority. CDPHE reserves the right to make unilateral modifications to the EDOP language and conditions at any time during the life of the facility, including during the post-closure care period. CDPHE will attempt to consult with Commerce City prior to doing so.
3. In addition to complying with the Division's Solid Waste Regulations, the facility must comply with all relevant federal, state, and local regulations, including but not limited to the appropriate requirements of the Division of Water Resources, the Water Quality Control Division, and the Air Pollution Control Division.
4. A Planned Unit Development Permit shall be reviewed and approved by the Commerce City Community Development Department.

RESOLVED AND PASSED THIS 18TH DAY OF NOVEMBER 2024.

CITY OF COMMERCE CITY, COLORADO

Steve J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk

Exhibit A

Location of the nine-acre area to be used for solid waste disposal referred to as the “bowl area”



Exhibit B

Location of existing main entrance referred to as the “bowl area”



Exhibit C

Location of new main entrance on the annexation property and final buildout of existing landfill footprint

