



CERTIFICATE OF DESIGNATION

City of Commerce City

Preface: In accordance with the Solid Wastes Disposal Sites and Facilities Act (the "Act"), C.R.S. Section 30-20-102, the City Council of Commerce City (the "City") hereby designates the following location as a solid waste disposal site and facility.

Facility Location:

See Exhibit A

Facility Name:

Tower Landfill

Facility Owner:

Allied Waste Systems of Colorado LLC

Facility Operator:

Allied Waste Systems of Colorado LLC

Allied Waste Systems of Colorado LLC is the Facility Owner and the Facility Operator. This certificate of designation ("CD") is specific to this Facility Owner and this Facility Operator. The issuance of a new certificate is required whenever the Facility Owner and/or Facility Operator changes.

Disposal Activities Permitted: The facility is a municipal solid waste landfill. It also operates a solidification basin in which liquid wastes are received and treated by the addition of absorbent media prior to the solidified waste mass being landfilled.

The Facility Owner and Facility Operator are jointly responsible for compliance with the Engineering Design and Operations Plan ("EDOP"), including any attachments thereto; as well as any stand-alone plan approved by the Colorado Department of Public Health and Environment (the "Department") Hazardous Materials and Waste Management Division (the "Division"), and as may be amended on consent or unilaterally at any time, including after closure, by the Department. Violation of the EDOP or other plan as so amended constitutes a violation of this CD. This certificate need not be amended when amending the associated EDOP, unless required by the City or by the Department. The Facility Owner and Facility Operator are also jointly responsible for compliance with the Solid Waste Act and the Regulations Pertaining to Solid Waste Sites and Facilities.

Following the issuance of this certificate, the Department may approve revisions to these plans by unilateral action in accordance with state law, so long as such revisions are not in conflict with this certificate. The City is entitled to conduct its own independent review of any proposed changes to these plans. It is expected that the Department will coordinate with the City to avoid the imposition of conflicting obligations on the facility.

Conditions Imposed by Commerce City:

1. A Planned Unit Development Permit ("PUD") shall be reviewed and approved by the City of Commerce City Community Development Department ("City Department").



Conditions Imposed by Colorado Department of Public Health and Environment:

The Act requires that the Department conduct a technical review of applications for a CD resulting in a recommendation made by the Department to the local governing body as to approval or disapproval. Any technical conditions of approval made by the Department must be incorporated into the CD. The following are the Department's conditions incorporated into this certificate:

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 CD. Once the Division approves the financial assurance estimates, the Facility 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 Facility Owner must adjust the 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 Facility Owner to comply with the EDOP and any future Adams County Health Department ("ACHD")-approved EDOP conditions, including both ACHD approved revisions or additions to the EDOP and stand-alone plans necessary to comply with the Act. 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. The Department 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. The Department 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.

EFFECTIVE THIS ____ DAY OF _____, 2024.

CITY OF COMMERCE CITY, COLORADO

Steve J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk