

Via Electronic Mail, c/o Sarah Foreman: [sarah.foreman@state.co.us](mailto:sarah.foreman@state.co.us)

October 18, 2023

Commerce City Council  
7887 East 60<sup>th</sup> Avenue  
Commerce City, CO 80022

**RE: Recommendation for Approval of Certificate of Designation Application - Engineering Design and Operations Plan Revision 1**  
Tower Landfill - Allied Waste Systems of Colorado, LLC (Republic Services)  
Commerce City, Colorado  
CDPHERM HAZ SW / Permitting / ADM19

Honorable Council Members:

This letter is the formal response from the Colorado Department of Public Health and Environment (CDPHE or Department) Hazardous Materials and Waste Management Division (the Division) regarding Commerce City's referral for technical review of an application for a certificate of designation as identified below.

*"Engineering Design and Operations Plan - Revision 1;"* prepared for Allied Waste Systems of Colorado, LLC (Allied); prepared by Weaver Consultants Group. (Weaver); dated August 24, 2023; herein referred to as the "EDOP" or "application."

The owner and operator, Allied, is proposing a 9-acre lateral expansion to the existing 338-acre landfill footprint, which requires the reissuance of the certificate of designation. The proposed lateral expansion would provide an additional 5.5 million cubic yards of disposal capacity for the landfill. The facility is also proposing to relocate the facility site entrance approximately ½ mile east along 88<sup>th</sup> Avenue and relocate its solidification basins to the same location.

The Division conducted a comprehensive technical review of the EDOP to determine its compliance with the requirements set forth in the Solid Waste Disposal Sites and Facilities Act, Title 30, Article 20, parts 1 and 10 (the Solid Waste Act) of the Colorado Revised Statutes (CRS), as amended, and with the regulations promulgated thereunder: the Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2, Part 1 (the Solid Waste Regulations).

It is the determination of the Division that Allied, as the owner and operator of the facility, can comply with technical, environmental, and public health standards of the Solid Waste Act and the Solid Waste Regulations if the Facility is constructed, operated, monitored and maintained as described in the EDOP and with the Division's conditions of recommendation as stated below. Based on the Division's review and determination, the Division recommends, with conditions, that Commerce City may approve the revisions to Tower Landfill based on these and any local criteria.

The Division's recommendation for approval of the application including the final revised EDOP, dated August 24, 2023, has the following conditions that must be incorporated into the Certificate of Designation, if issued by Commerce City:

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 Facility 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, Allied 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 Facility must replace the original cost estimate every five (5) years unless otherwise required by the Division.

2. Compliance with this CD requires Allied to comply with the EDOP and any future Department-approved EDOP conditions, including both Department 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.

Please also note that provisions of the Solid Waste Act found at CRS 30-20-104 reserve certain factors for consideration solely by the local governing authority as part of the review of a certificate of designation application. Accordingly, the Division's review is not intended to, nor did it consider those local land use provisions. CRS 30-20-104 also warrants careful consideration by the local governing authority as it contains key procedural requirements for the issuance of a certificate of designation related to the timing of public notice and the public hearing.

If Commerce City approves the application, the final EDOP, and the issued certificate of designation or resolution containing the certificate of designation, must be placed in the Facility's operating record. Please provide a copy of any decision by Commerce City to the undersigned.

The Division is authorized to bill for its review of technical submittals at a rate of \$125 per hour in accordance with Section 1.7 of the Regulations. An invoice for the Division's review of the above-referenced document will be transmitted to Allied under separate cover.

Should you have any questions about this recommendation or the conditions or if you would like to discuss the application, feel free to contact me at 303-692-3316 or [sarah.foreman@state.co.us](mailto:sarah.foreman@state.co.us).

Sincerely,

Sarah Foreman, PE  
Solid Waste Permitting  
Engineering Design Unit  
Solid Waste and Materials Management Program  
Hazardous Materials and Waste Management Division

Jill Parisi, PE  
Solid Waste Permitting  
Engineering Design Unit Leader  
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ec: Vittoria Zucchelli, EIT - Republic Services  
Dalton Guerra - Commerce City Community Development  
Jennifer Reynolds - CDPHE Solid Waste Compliance Assurance Unit  
Larry Bruskin, PE - Adams County Health Department  
John Briest, PE - Weaver Consultants Group  
Steve Derus - Republic Services

