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City Council of Commerce City
c/o
Domenic Martinelli, City Planner
Matthew Hader, Deputy City Attorney
Commerce City Community Development
7887 East 60th Avenue
Commerce City, CO 80022
Email: mhader@c3gov.com

Re: *A-1 Organics, Inc.'s Amended CUP (Case #CU-121-19) Scheduled for Consideration at the June 3, 2019 Meeting of the City Council*

Dear City Council Members:

To assist the council in its consideration of A-1 Organics' amended CUP application (Case # CU-121-19), the following is a brief procedural history.

- On January 11, 2019, A-1 Organics requested a CUP application that would allow the continued piling of mulch outdoors at its Monaco Greenwaste Facility at 9109 Monaco Street to a maximum height of 25 feet, pursuant to newly enacted Ordinance 2194, which modified prior Land Use Code Section 21-5254.
- On February 5, 2019, A-1 Organics' original CUP application came before the Planning Commission. In advance of that meeting, the DRT/Planning Department Report had recommended approval of the application, subject to 12 conditions, including a CUP duration of 18 months and a 100-foot setback for all mulch piles from adjacent residential properties, measured from the property line. At the Planning Commission meeting, A-1 Organics orally modified its CUP application, which contradicted two of these conditions, seeking instead a 36-month CUP duration and a 75-foot setback. The Planning Commission voted 5-0 against recommending approval of the modified CUP application. A-1 Organics' CUP application was then scheduled to be heard by the City Council on April 1, 2019.
- Thereafter, on March 22, 2019, A-1 Organics filed an amended CUP application, which complied in all respects with the conditions for approval set out in the DRT/Planning Department Report submitted in connection with the February 5, 2019 Planning Commission

meeting. Specifically, in its amended application A-1 Organics agreed to the 18-month CUP duration and the 100-foot setback.

- In support of its amended CUP application, A-1 Organics submitted a Brief In Support of Request for Conditional Use Permit, As Modified, and Request for Supplementation of Record and Exhibits A-AA thereto (“Comprehensive Submission”), which included substantial new record support for its amended CUP application, including an Affidavit of Matthew Cotton, an industry expert familiar with A-1 Organics’ Monaco Greenwaste Facility. Mr. Cotton clarified, among other things, that A-1 Organics’ operations at the site “meets or exceeds industry best standards and practices” related to pile heights of 25 feet and its Operation Plan and Dust Control Mitigation Plan. (See Exhibit D to Comprehensive Submission).
- On April 1, 2019, A-1 Organics’ amended CUP application came before the City Council. In light of the substantial new written record and supporting exhibits that A-1 Organics had submitted in support of its amended application, the City Council voted 5-3 to remand the amended application to the Planning Commission for review and recommendation to the City Council. The amended CUP application was thereafter scheduled to be heard at the May 7, 2019 Planning Commission meeting.
- Prior to the May 7, 2019 Planning Commission meeting, A-1 Organics submitted additional supplemental materials to assist in the Planning Commission’s consideration of the amended CUP application (“Supplemental Submission”). In the Supplemental Submission, A-1 Organics:
 - Demonstrated that its continued use of pile heights greater than 8 feet (up to 20-25 feet) was expressly sanctioned on the site by Commerce City since the inception of A-1 Organics’ operation at the Monaco Greenwaste Facility site and therefore was not unlawful.
 - Included a comprehensive expert report by academic, engineer, and organic materials recycling expert, Robert Rynk, Ph.D., that concluded that the Monaco Greenwaste Facility is configured and operated to the maximum extent feasible, and exceeding industry standards, to mitigate adverse impacts on neighboring properties. (See Exhibit 1 to Supplemental Submission.)
 - Showed that it continues to monitor and document site and weather conditions on a daily basis, such that the facility operations may be suspended where wind speeds exceed 15 mph (where the industry standard is 30 mph) and permitting A-1 Organics to mitigate the effects thereof. (See Exhibit 2 to Supplemental Submission.) These reports supplement the daily site reports appended as Exhibit U to Comprehensive Submission. In addition, and as evidence of A-1 Organics’ ongoing practice of daily monitoring and documenting of site and weather conditions, attached hereto as

Exhibit BB are new weekly site reports for the weeks of May 6, 2019 and May 13, 2019.

- At the May 7, 2019 meeting, the Planning Commission considered A-1 Organics' amended CUP application, along with its supporting Comprehensive Submission and Supplemental Submission. The Commission also considered A-1 Organics' presentation materials and extensive commentary from individuals present at the meeting. The Planning Commission thereafter recommended, by a vote of 5-0, approval of A-1 Organics' amended CUP application to the City Council.

In light of the Planning Commission's support, A-1 Organics respectfully requests that the City Council of Commerce City approve its amended CUP application for 18 months with the conditions recommended by the DRT/Planning Department and Planning Commission, and as stipulated by A-1 Organics.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "Erin M. Verneris".

Erin M. Verneris

cc: Regina T. Drexler, Esq. (rdrexler@drexleriplaw.com)

Weekly Report, week of May, 6, 2019.

A1 Monaco Site- Kevan Northup

5/6/2019 -Please see the site wind and weather report.

It was cloudy most of the day. No moisture.

Screen ops started at 9:00AM, finished at 1:00PM. No material blew away from the piles, or off the stackers. We did not paint today.

The grinder was on site, and began grinding at 1:30PM, and finished at 3:30PM. 700 yards of single ground log, and green waste was ground out. The water truck was connected to the grinder at all times while the grinder was in operation. No material blew away from the grinding ops..

The site was watered at 7:00AM, and again at 12:00PM before grinding ops began.

Production stopped at 3:30PM. End of day clean up began.

8 trucks were loaded on the east side of the site and 5 smaller trucks or trailers. No vehicles tipped on the east side of the site today.

5/7/2019- Please see the site wind and weather report

It was cloudy with on and off rain in the morning, with heavy rain in the afternoon.

Screen ops started at 8:00AM, and finished at 2:00PM due to weather. Total operation time was 6 hours. There was no painting due to the weather.

Grinder was off site.

The site was not watered due to the rain. Nothing blew off of the piles, and no dust was blown off site.

28 trucks were loaded on site. 25 trucks were loaded on the east side of the site. 22 large trucks, and 3 smaller trucks. 3 smaller trucks were loaded on the south side of the site.

No vehicles tipped on the east side of the site today.

The site was shut down at, 3:00PM, and the end of day clean up began.

5/8/2019 - Please see the site wind and weather report.

Rain and wind occurred throughout the day. Light rain, and wind in the morning, changing to heavier rain and wind in the afternoon.

The screener was not in use due to the wind. Nothing was blown off the production piles. Paint ops started at 6:30AM, and ending at 3:45PM. With clean up happening after shut down. Two paint totes of PG Brown were painted, totaling 2,326 yards being produced, and 21,309 gallons of water being used. Total production time was 8 hours and 45 minutes.

Grinder was off site.

Site was not watered due to the rain. There was no material blown away from piles, and no dust was blown off site.

We began to clean up on the east side of the site, by removing kiln dried wood, paint totes, and blonde fines. Nothing was blown away during the cleanup.

11 trucks were loaded on site. 5 large trucks were loaded on the east side of the site. 4 large trucks, and 2 smaller trucks were loaded on the south side of the site.

No vehicles tipped on the east side of the site today.

Production ended at 3:45PM, and the end of the day site cleanup began.

5-9-19 - Please see the site wind and weather report

Rain and snow occurred throughout the day with periodic heavy snow mid-morning. Nothing was blown away from the piles.

Screen ops started at 8:30AM, and finished at 4:00PM. The total operation time was 7 hours, with 280 yards of material being produced. The paint ops started at 6:30AM, and finished at 4:00PM. Total run time was 9 and a half hours. Two totes were painted, PG Brown with a total production number of 1,131 yards, and a paint tote of Brown blend with a total production number of 419 yard, and 14,302 gallons of water were used. The machine was cleaned up after shut down by 4:30PM.

The grinder was off site.

The site was not watered due to weather. There was no material blown away from piles, and no dust was blown off site.

No vehicles tipped on the east side of the site today.

Clean up of the east side of the site was continued. Nothing was blown away from the cleanup.

24 trucks were loaded on site, all 24 trucks were loaded on the east side.

5/10/2019 - Please see the site wind and weather report

The weather was cloudy for most of the day, and gave way to sun and wind in the afternoon. Nothing was blown away from the piles. No moisture.

Screen ops started at 9:00AM, and finished at 4:00PM. The total operation time was 7 hours, with 210 yards of material being produced. Paint ops began at 6:30AM, and finished at 3:54PM. Two tote were painted, one tote of PG Red, and one tote of brown blended. The total amount produced for PG Red was 989 yards and the total number produced for Brown blend was, 658 yards, with 17,098 gallons of water being used. The total run time was 8 and a half hours.

The grinder was off site.

The site was not watered, due to amount of water that is still on the ground from the storms earlier in the week.

No vehicles tipped on the east side of the site today

All production on site was finished by 4:00PM, and clean up took place after.

34 trucks were loaded on site today. 31 trucks were loaded on the east side of the site, while 3 were loaded on the south side of the site.

5/11/2019: Please see the site wind and weather report

The weather was sunny and warm in the morning, with slight clouds and wind in the afternoon. Nothing was blown away from the piles.

Screen ops began at 8:30AM, and finished at 11:45AM. The total operation time was 3 hours and 15 minutes, with 200 yards of material being produced. Paint ops started at 7:30AM, and finished at 11:55AM. A tote of PG Brown was painted with a total number of 1055 yards being produced with 11,196 gallons of water being used. Total run time was 4 hours and 25 minutes. Clean up of the site happened after the shutdown.

The grinder was off site.

The site was not watered, due to the amount of water on the ground from the storm.

No vehicles tipped on the east side of the site today.

All production, and cleanup was done by 12:30PM.

5 trucks were loaded on site. 3 trucks loaded on the east side of the site, and 2 loaded on the south side of the site.

Weekly Report -- Week of May 13, 2019

A1 Monaco site – Kevan Northup

5/13/2019: See the Monaco wind and weather report.

Screening ops started at 7:30AM and finished at 3:30PM. Total run time was 8 hours. 310 yards of material was produced.

Coloring ops started at 8:30AM, and finished at 1:48PM. Total run time was 5 hours and 18 minutes. We colored one paint tote of KD Red, which produced 1,205 yards. We used 11,064 gallons of water. Cleanup took place at 1:48PM.

The grinder was off site.

The site was watered at 8:47AM, using 3,992 gallons of water.

There were 20 trucks loaded on site today. 17 loaded on the east side of the site, and 3 loaded on the south side.

3:00 end of shift- clean up and site maintenance

5/14/2019: See the Monaco wind and weather report

Screening ops started at 10:00AM, and finished at 3:30PM. The total run time was 5 and half hours with 180 yards being produced.

Coloring ops started at 11:00AM, and finished at 3:00PM. We colored one tote of PG Brown, with 955 yards being produced, and 10,074 gallons of water being used. Total run time was 4 hours.

The grinder was off site.

The site was watered two times. Once at 10:00AM, and again at 3:00PM. A total of 3,500 gallons of water were used.

24 trucks were loaded on site. 18 trucks were loaded on the east side of the site, and 6 were loaded on the south side of the site.

3:00PM end of shift- clean up and site maintenance

5/15/2019: See the Monaco wind and weather report

The weather was clear and warm. There was very low winds during the work day.

No coloring ops today.

The screening ops began at 8:00AM and finished at 3:30PM. 250 yards of material was screened. Total run time was 7.5 hours.

The grinder was off site.

The site was watered two times today. Once at 7:00AM, and again at 3:00PM. The total number of gallons used were 7,000.

24 trucks were loaded on site. 19 were loaded on the east side of the site, while 5 were loaded on the south side of the site.

3:00 end of shift- clean up and maintenance

5/16/2019: See the Monaco wind and weather report

The weather was cloudy, warm in the morning, changing to stronger winds in the afternoon.

No coloring occurred today.

From 7:30AM to 10:00PM site cleanup took place which included picking up trash, filling in holes, and grading the south side of the site.

Screen ops began at 10:00AM after being serviced, shut down at 1:00PM until 2:00PM for the gen set service. Complete screener shut down and cleanup began at 3:30PM.

The site was watered two times today. Once at 7:30AM, and again at 2:30PM. 8,000 gallons of water were used.

14 trucks were loaded on site, all trucks were loaded on the south side of the site.

3:30 end of shift- clean up and maintenance

5/17/2019: See the Monaco wind and weather report

The weather was clear in the morning with low winds, turning to thunder storm and high winds in the afternoon.

No coloring ops occurred today.

Screen ops began at 7:00AM and finished at 1:00PM. Total operation time was 6 hours, with 360 yards of material being screened. Cleanup of the machine began at 1:00PM due to high winds.

The grinder was off site.

The site was watered twice today one at 9:25AM, and again at 1:20AM. 8,000 gallons of water was used.

16 trucks were loaded on site today. 15 being loaded on the east side of the site, and one being loaded on the south side.

3:30 end of shift- clean up and maintenance.

5/18/2019: See the Monaco wind and weather report

Weather was cloudy, with slight wind changing to rain showers in the afternoon.

Coloring ops began at 9:00AM and finished at 11:45AM, clean up took place after. Total run time was 2.45 hours.

Screen ops began at 8:00AM and finished at 11:45AM, clean up took place after. 250 yards of material were screened. Total run time was 3.45 hours.

The grinder was off site.

The site was not watered due to weather.

4 trucks were loaded on site. 3 were loaded on the east side of the site, while one was loaded on the south side.

11:30 End of shift- clean up and maintenance