



# Tower Landfill Certificate of Designation Resolution

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COMMERCE CITY COUNCIL

November 18, 2024



**Steve Derus**

General Manager, Republic Services

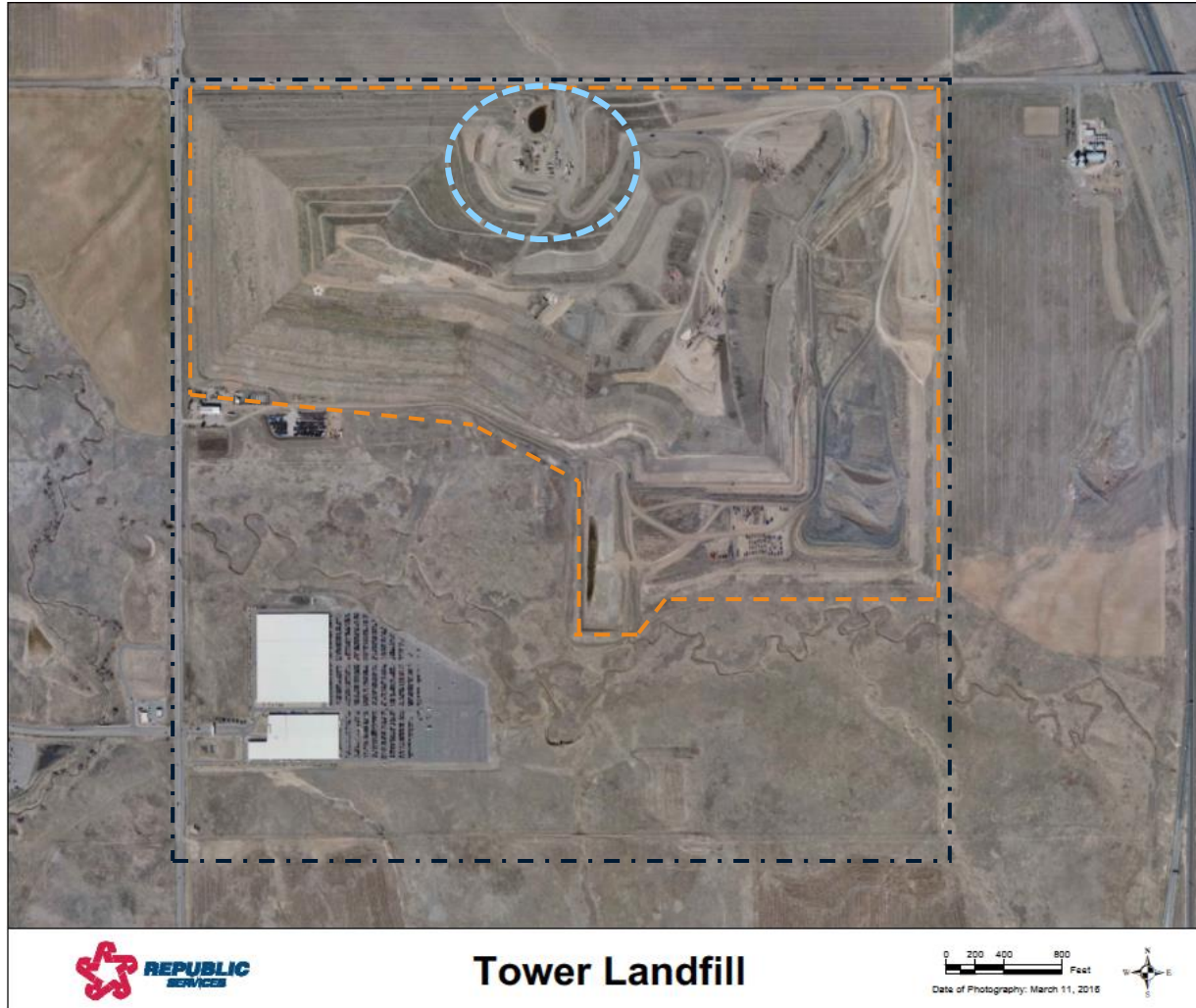
**David Wm. Foster, JD, MPA**

Partner, FGMC

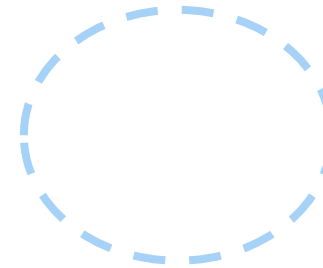
# PROJECT OVERVIEW

- **Resolution to approve Certificate of Designation (CD)**, as required by State statute
- **CD includes:**
  - Relocating the site entrance approximately ½ mile east along 88th Avenue
  - Lining and filling the currently permitted “bowl” shaped area at the north site entrance
    - Commerce City Council previously approved per 2009 PUD Zone Document Amendment #2 (May 18, 2009)
  - Enhancing the intersection to better integrate with adjacent developments & 470 intersection
  - Improving surface water design controls
  - Designing landfill operations to be less visible to the public
  - Improving buffering of landfill operations
  - Providing consistent land use
  - Decreasing traffic congestion with relocated scale facilities
- **CD does not include:**
  - Expansion of currently approved and permitted landfill footprint
- **Filling operations could begin in 2026**, with the bowl area filled to grade by 2029

# TOWER LANDFILL "BOWL" AREA

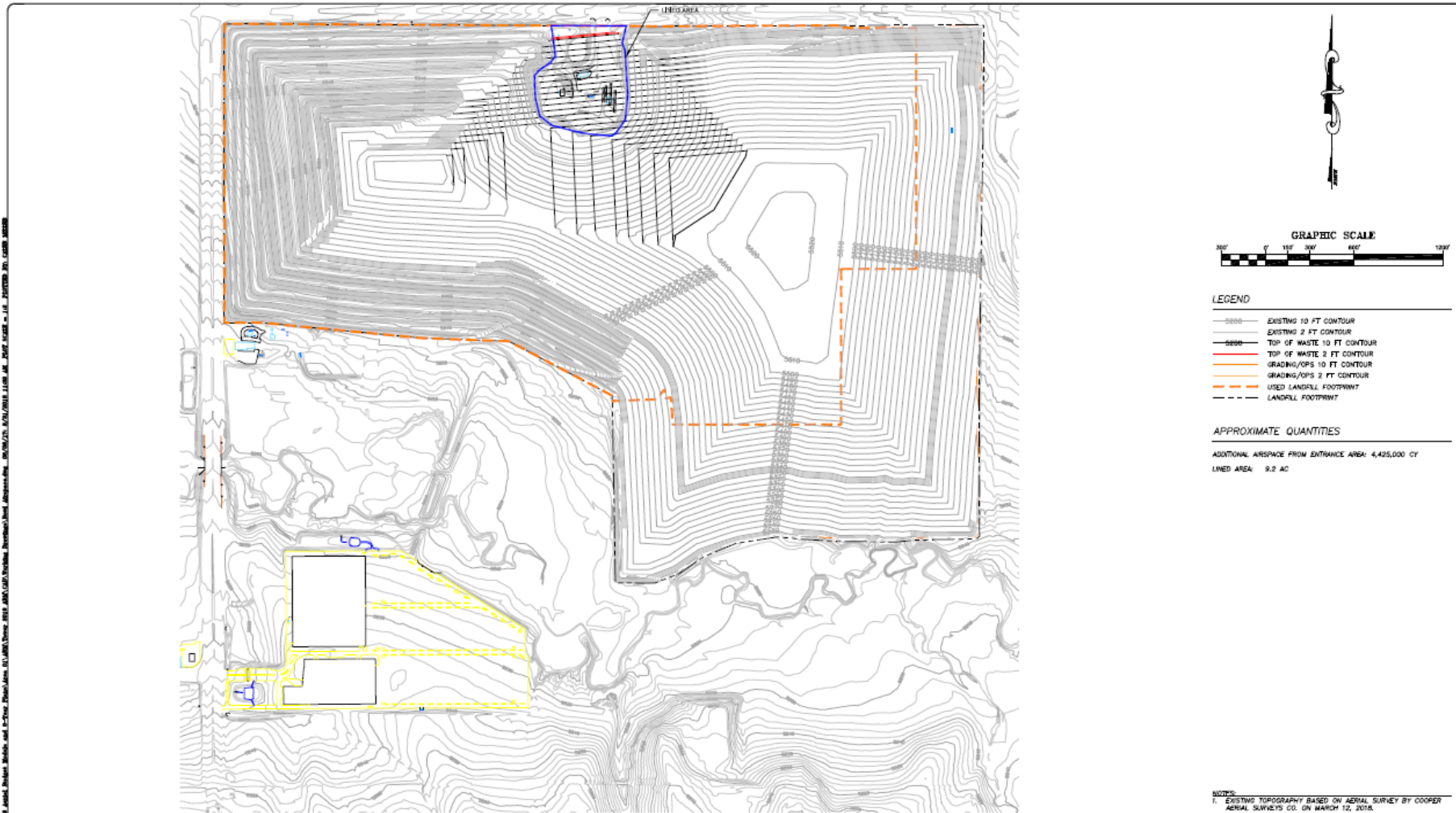


Permitted landfill footprint



Future "bowl" fill area

# LANDFILL GRADING PLAN



REV. NO.	DATE	DESCRIPTION	DRAWN BY	REVIEWED BY	CHECKED BY	APPROVED BY

DATE OF DRAWING	
DESIGNED BY	
DRAWN BY	
CHECKED BY	
APPROVED BY	

		TOWER LANDFILL	FIGURE NO.
		ADAMS COUNTY, COLORADO	2
ENTRANCE AREA AIRSPACE		PROJECT NO.	ASTR-1319

This drawing has not been published but rather has been prepared by Geo-Logic Associates, Inc. for use by the client named in the title block, solely in respect of the construction operation, and maintenance of the facility named in the title block. Geo-Logic Associates, Inc. shall not be liable for the use of this drawing on any other facility or for any other purpose.

ISSUED FOR REVIEW

# TOWER LANDFILL "BOWL" AREA – LOOKING NORTH



# TOWER LANDFILL "BOWL" AREA – LOOKING SOUTH FROM E. 88<sup>TH</sup> AVE



# RENDERINGS

## Looking south from E. 96th Ave (proposed regraded North-facing slope)



**TOWER LANDFILL • LOCATION 4 - PHOTO SIMULATIONS**  
DENVER, COLORADO  
2020-07-13  
20002183  
WEAVER CONSULTANTS GROUP



Information furnished regarding this property is based on current information available. It is not intended to constitute an offer of insurance. These materials are not intended to be used in any way to represent or guarantee the accuracy of any information. They are not intended to be used in any way to represent or guarantee the accuracy of any information. They are not intended to be used in any way to represent or guarantee the accuracy of any information.



## APPLICATION PROCESS

### Commerce City's decision completes the Certificate of Designation (CD) review process:



- Republic informs Commerce City of our intent to revise the Engineering Design & Operations Plan (EDOP) and request reissuing the CD to relocate Tower Landfill's entrance and initiate landfilling in the "bowl" area (**Aug 2020**)
- Commerce City forwards our request to CDPHE (**Apr 2021 – see Appendix, p. 13**)
- Adams County concurs with CDPHE's findings (**Oct 10, 2023 – see Appendix, p. 14**)
- Following their technical and compliance review, CDPHE recommends approval of the re-issued CD for the amended EDOP (**Oct 18, 2023 – see Appendix, p. 15**)

**We respectfully request the City Council  
APPROVE the Certificate of Designation resolution**



## APPROVAL CRITERIA

- **Approval criteria, found in Colorado Revised Statutes 30-20-104(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; and
  - d. Recommendations by county, district, or municipal public health agencies.



**Thank You**

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# Appendix

# COMMERCE CITY CORRESPONDENCE



STATE OF  
COLORADO

Stovall - CDPHE, Curtis <curtis.stovall@state.co.us>

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## EDOP Review

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Martinelli, Domenic - CD <dmartinelli@c3gov.com>

Tue, Apr 27, 2021 at 10:00 AM

To: "jerry.henderson@state.co.us" <jerry.henderson@state.co.us>, "curtis.stovall@state.co.us" <curtis.stovall@state.co.us>, Keith Homersham <khomersham@tchd.org>, Eric Jacobs <Ejacobs@tchd.org>

Cc: "Derus, Steven" <SDerus@republicservices.com>, "Stengl, Elizabeth" <estengl@republicservices.com>

All,

You will soon be receiving a revised engineering design and operations plan (EDOP) from Republic Services for Tower Landfill. The revised EDOP is part of an application for a new certificate of designation (CD) for Tower Landfill. In accordance with Section 1.6 of the solid waste regulations, Commerce City requests the Department to review the EDOP and to provide its recommendation for approval or disapproval of the CD application. In order for these operations to commence, annexation of this particular parcel into Commerce City will be required, as well as other land use approvals. The City will allow for the EDOP review to run concurrently with the review of local land use permit applications.

Please reach out if you have any questions.



Domenic Martinelli, AICP, LEED AP ND | Environmental Planner

City of Commerce City | Community Development

Pronouns | He/Him/His

Office: (303) 289-3670 | Cell: (720) 445-6610

[dmartinelli@c3gov.com](mailto:dmartinelli@c3gov.com) | [www.c3gov.com](http://www.c3gov.com)

# ADAMS COUNTY REVIEW LETTER



**ADAMS COUNTY**  
**HEALTH DEPARTMENT**  
— Your Health. Our Mission. —

Adams County Health Department  
Environmental Health  
7190 Colorado Blvd.  
Commerce City, CO 80022  
303.288.6816  
adamscountyhealthdepartment.org

October 10, 2023

Ms. Rosemarie Russo  
City of Commerce City  
Energy, Equity, and Environmental Division  
7887 East 60<sup>th</sup> Avenue  
Commerce City, CO 80022

Re: Adams County Health Department Review of Tower Landfill Engineering Design and Operations Plan, Revision 1, August 24, 2023

Dear Ms. Russo:

Consistent with the *Intergovernmental Agreement for Oversight Services at Republic Services Tower Landfill* between the City of Commerce City and the Adams County Health Department (ACHD), ACHD has reviewed the Tower Landfill Engineering Design and Operations Plan, Revision 1 (the "EDOP Rev 1"), dated August 24, 2023. The EDOP Rev 1 was prepared for Republic Services by Weaver Consultants Group and was signed and sealed by a Colorado registered Professional Engineer. The EDOP Rev 1 is currently out for public review through October 13, 2023.

The EDOP Rev 1 was prepared to support Republic Services current request to annex land east of the existing facility and relocate the site entrance, including the entrance gate, scales, scale house, and liquid solidification basin in the newly annexed area. The existing entrance "bowl" area would then be lined for use as a disposal cell and brought up to the surrounding grades with waste.

ACHD specifically reviewed significant changes that were contained in the EDOP Rev 1, focusing on issues that would be of local concern. To this end, ACHD concentrated the review on Appendix N (Waste Characterization Plan, Revision 3), Appendix O (Liquid Waste Solidification Plan, Modification No. 1), and Appendix U (Engineering Design and Operations Plan Training Plan). Based on this review, ACHD has found no issues of concern with any significant changes made to EDOP Rev 1.

Should you have any questions regarding this letter, I may be reached at 720-200-1481 or email at [lbruskin@adcogov.org](mailto:lbruskin@adcogov.org).

Sincerely,

*Larry Bruskin*

Larry Bruskin, P.E.

ec: Keith Homersham, ACHD

# CDPHE LETTER OF RECOMMENDATION



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

4300 Cherry Creek Drive S., Denver, CO 80246-1530 P 303-692-2000 [www.colorado.gov/odphe](http://www.colorado.gov/odphe)  
Jared Polis, Governor | Jill Hunsaker Ryan, MPH, Executive Director



(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,

  
Digitally signed by Sarah Foreman  
Date: 2023.10.18 10:35:59 -0600

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

  
Digitally signed by Jill Parisi  
Date: 2023.10.18 10:38:05 -0600

Jill Parisi, PE  
Solid Waste Permitting  
Engineering Design Unit Leader  
Solid Waste and Materials Management Program  
Hazardous Materials and Waste Management Division

- 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

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