



Staff Report

Resolution No. 2024-125

City Council Date: November 18, 2024

GENERAL INFORMATION

PROJECT NAME	Tower Landfill
LOCATION	Southeast corner of East 88 th Avenue and Tower Road
SITE SIZE	120 Acres
CURRENT ZONING	PUD
APPLICANT	Allied Waste Services, LLC
OWNER	Allied Waste Services, LLC
CASE PLANNER	Dalton Guerra

REQUEST

The request is for a Certificate of Designation for solid waste disposal within the existing landfill which includes an amendment to the Engineering Design and Operations Plan and relocation of the existing main entrance to the landfill.

CERTIFICATE OF DESIGNATION

A Certificate of Designation (CD) is required for all solid waste disposal sites and facilities. Review and issuance of a CD is a joint effort by the Colorado Department of Public Health and Environment (CDPHE) Hazardous Materials and Waste Management Division and the local governing authority. In this case, Commerce City is the local governing authority as the Tower Landfill is within Commerce City limits. An Engineering Design and Operations Plan (EDOP) is a component of the CD that outlines all of the technical details of the operation. CDPHE conducts a comprehensive technical review of the EDOP and provides a recommendation on the CD to the local governing authority. The local governing authority then makes a final decision on the CD at a noticed public hearing.

BACKGROUND AND CASE HISTORY

The Tower Landfill was annexed into Commerce City in 1999. At the time of Annexation, Commerce City adopted the Certificate of Designation that was originally issued by Adams County on November 9, 1982 and the landfill has been operating under that CD ever since. When the landfill was annexed into Commerce City it was zoned PUD and allows for a solid waste disposal facility at this location.

City Council approved a Future Land Use Plan Amendment, Annexation, and PUD Amendment in August 2024 for the property to the east of the existing landfill. However, the CD and EDOP do not impact the zoning or allowed land uses for the existing landfill properties. The landfill property is already entitled for solid waste disposal. The CD, revised EDOP, and relocation of the main entrance enables the applicant to conduct solid waste disposal within their entitled footprint.

The area to be utilized for solid waste disposal is within the existing landfill and is about 9 acres and is referred to as the “bowl area” which is depicted in Exhibit A. This is the location of the existing main entrance into the landfill. Once the entrance is relocated to the eastern property, the “bowl area” can be used for solid waste disposal. The “bowl area” is already within the existing landfill’s entitled footprint but it was not able to be used for solid waste disposal because it was being utilized as the main entrance.

COMPREHENSIVE PLAN CONSISTENCY

In August 2024 a Future Land Use Plan Amendment was approved by City Council to change the land use designation from DIA Technology to Utility. However, City Council has recently approved a new Comprehensive Plan. In the new plan, the Tower Landfill site is within the DIA Gateway District Character Area. The DIA Gateway District identifies the landfill as a point of special consideration.

A goal of the Comprehensive Plan is to buffer the landfill from other uses and to mitigate impact to the surrounding area. The relocation of the entrance and filling of the 9-acre “bowl area” within the existing landfill will create a better visual impact to the north and reduce traffic impact on 88th Avenue.

PROPOSED CONDITIONS OF APPROVAL

Staff recommends the Council include the following as conditions of approval:

1. A Planned Unit Development Permit shall be reviewed and approved by the Commerce City Community Development Department.

Colorado Department of Public Health and Environment Hazardous Materials and Waste Management Division recommends the Council include the following as conditions of approval:

2. 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.

3. 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.
4. 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.

STATE REVIEW CRITERIA

Pursuant to 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;

The landfill has been at this location since 1982 and while the surrounding area has grown and developed, the landfill has continued to operate. The landfill will follow the appropriate procedures for solid waste disposal that are in line with the regulations of the state. The relocation of the entrance will reduce traffic impacts on East 88th Avenue and improve the visual impact on properties to the north. The proposal is not anticipated to have impacts from wind or climatic conditions that do not already exist.

(b) The convenience and accessibility of the solid waste disposal site and facility to potential users;

The landfill is situated between Tower Road to the west, East 88th Avenue to the north, and E-470 to the east. The proximity to Pena Boulevard to the south, E-470 to the east and Tower Road to the west make this site very accessible to 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;**

The existing landfill has been and will continue to be subject to permits, certificates, inspections, and regulations at the local, county, and state levels.

- (d) **Recommendations by county, district, or municipal public health agencies.**

CDPHE and Adams County have recommended approval of the CD and EDOP after conducting a comprehensive technical review of the documents. Their recommendations are attached to this report.

CONSIDERATIONS FOR REQUESTED CERTIFICATE OF DESIGNATION

1. CDPHE and Adams County have recommended approval of the CD and EDOP
2. The existing landfill footprint is already entitled
3. The “bowl area” is within the entitled footprint for solid waste disposal
4. Relocation of the main entrance will reduce traffic impacts along East 88th Avenue
5. Filling the “bowl area” will improve the visual impact to the north
6. The CD and EDOP do not impact the previous land use cases approved by Council

POTENTIAL MOTIONS

1. Approval with conditions
 - a. City Council
 - i. I move that the City Council enter a finding that the requested **Certificate of Designation** for the **Tower Landfill** located **at the southeast corner of East 88th Avenue and Tower Road** meets the criteria of the Colorado Revised Statutes 30-20-104 and based upon such finding, recommend that the City Council approve with conditions the **Certificate of Designation**.
2. Approval
 - a. City Council
 - i. I move that the City Council enter a finding that the requested **Certificate of Designation** for the **Tower Landfill** located **at the southeast corner of East 88th Avenue and Tower Road** meets the criteria of the Colorado Revised Statutes 30-20-104 and based upon such finding, recommend that the City Council approve the **Certificate of Designation**.
3. Denial
 - a. City Council
 - i. I move that the City Council enter a finding that the requested **Certificate of Designation** for the **Tower Landfill** located **at the southeast corner of East 88th Avenue and Tower Road** does not meet the criteria of the Colorado Revised Statutes 30-20-104 and based upon such finding, recommend that the City Council deny the **Certificate of Designation**.
4. Continuance
 - a. City Council

- i. I move that the City Council continue the public hearing of the requested **Certificate of Designation** for the **Tower Landfill** located **at the southeast corner of East 88th Avenue and Tower Road** to:
 1. The next regularly scheduled City Council hearing; or
 2. A date certain.

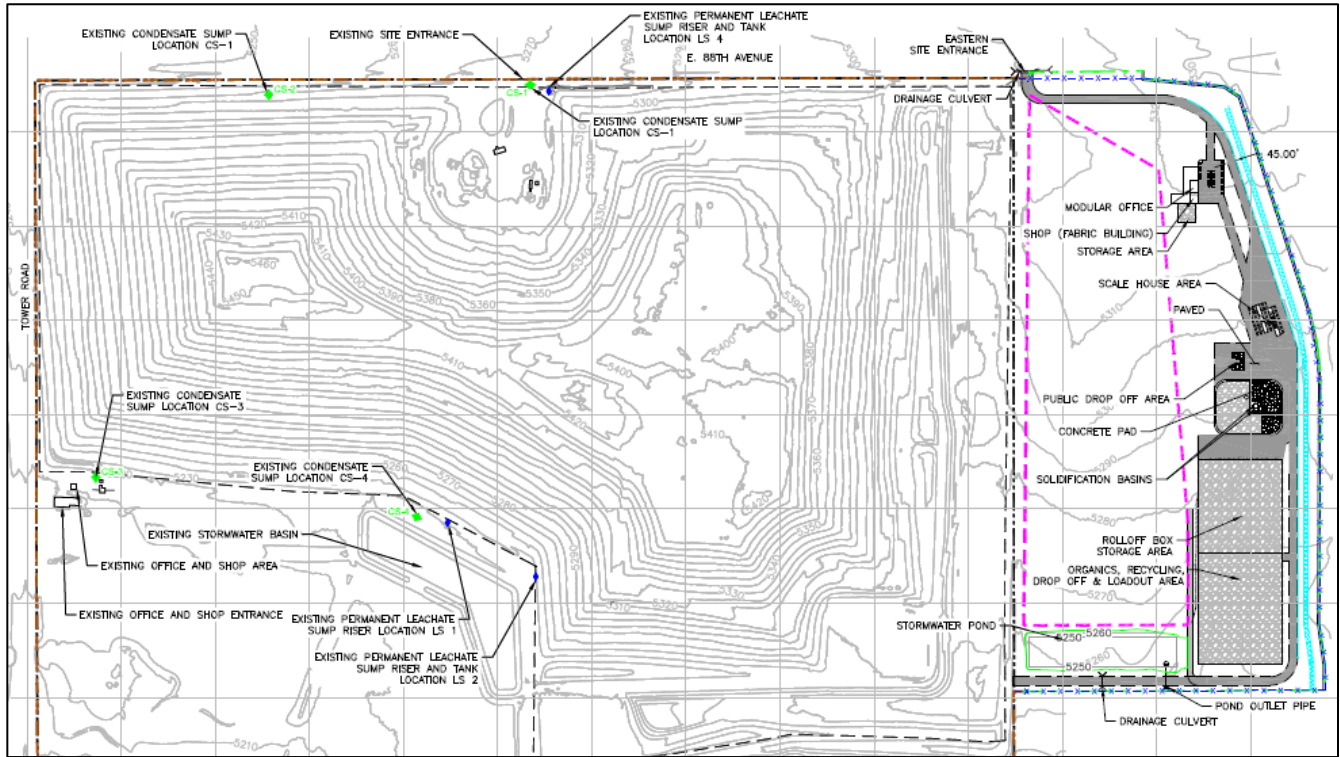
Aerial Map



Exhibit A



Relocated Entrance



Renderings (north elevation of landfill)

