

Tower Landfill Certificate of Designation

November 18, 2024



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Certificate of Designation

What is a Certificate of Designation?

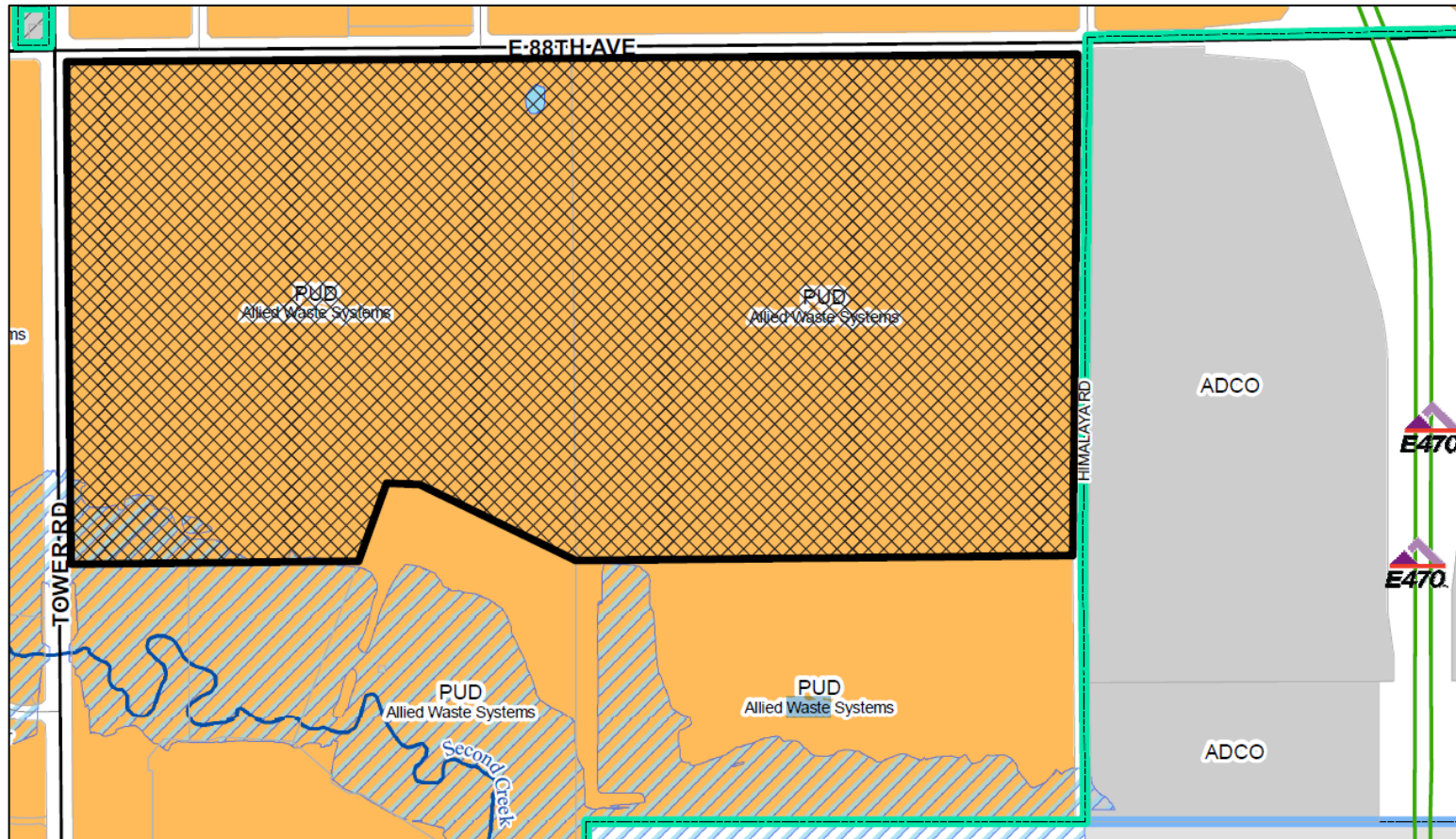
- A requirement of the state to allow solid waste disposal
- Includes a revised Engineering Design and Operations Plan
- Comprehensive technical review conducted by CDPHE
- CDPHE makes a recommendation to the local governing authority
- Final decision made by local governing authority

Request Summary

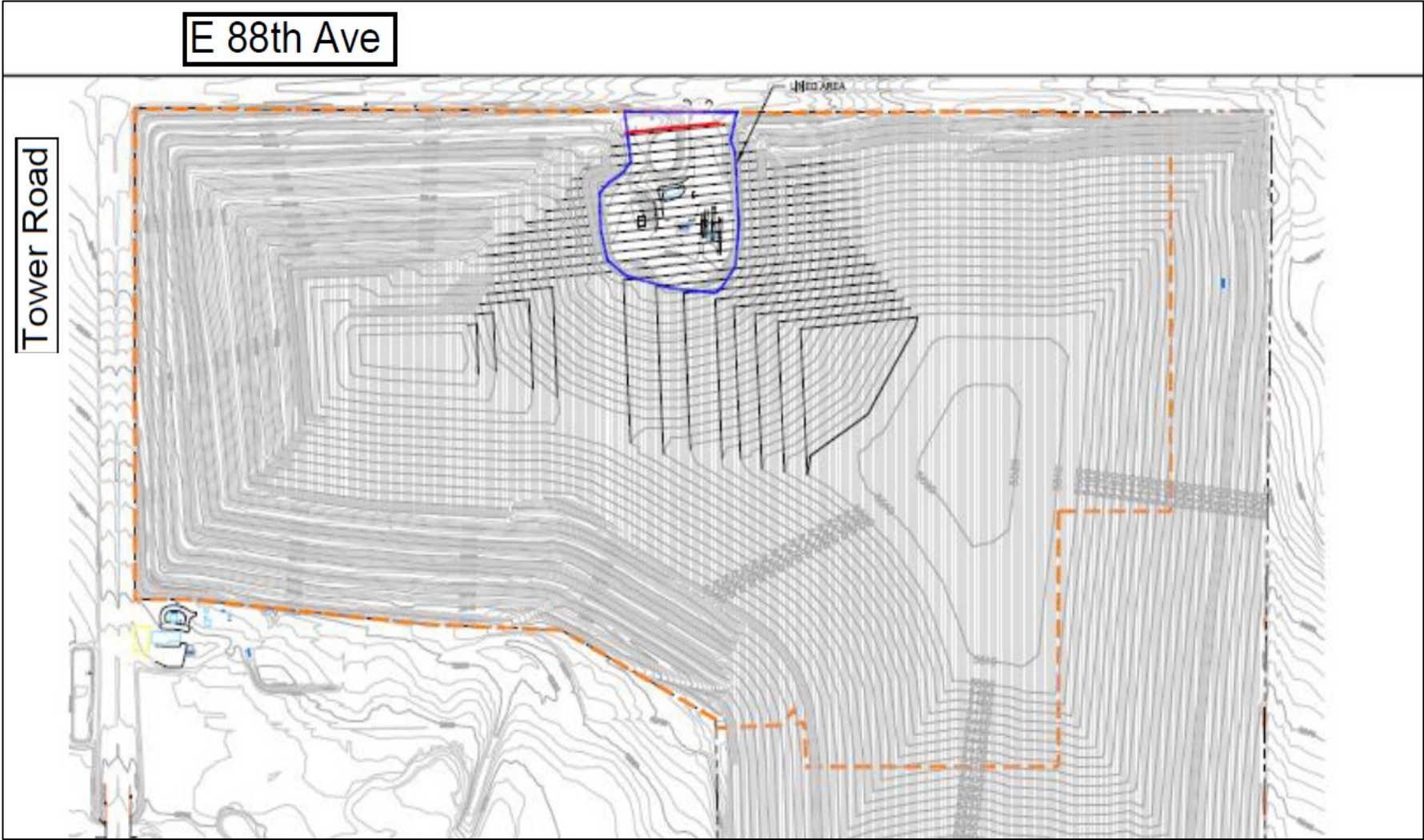
- Location: southeast corner of East 88th Avenue and Tower Road
 - A nine-acre portion of the existing landfill referred to as the “bowl area”
 - 110 acres of annexed land east of the existing landfill
- Relocate the main entrance to the eastern property
- Use the “bowl area” for solid waste disposal
- The CD is related but does not impact the previous land use cases associated with the landfill

Vicinity Map

- Existing Landfill
- Annexation property to the east



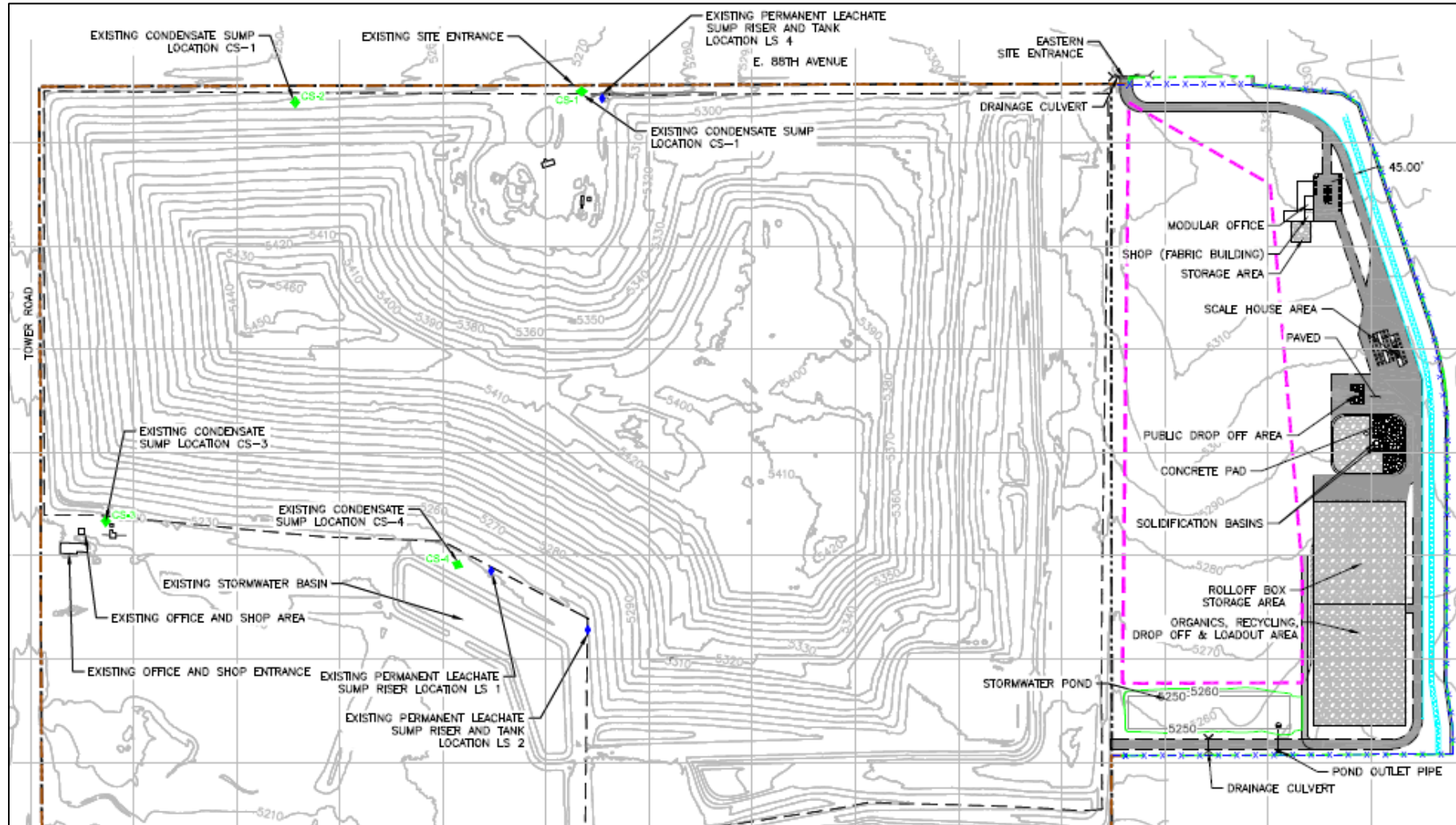
Site Plan "Bowl Area"



Existing Main Entrance “Bowl Area”



Relocated Entrance



Renderings



Project Analysis

- Certificate of Designation and EDOP were reviewed by CDPHE
- CDPHE and Adams County Health have recommended approval with conditions
- Staff is recommended approval with conditions

Proposed Staff Conditions

Conditions proposed by Staff

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

Proposed CDPHE Conditions

Conditions proposed by CDPHE

- 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.
- 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.
- 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.

Approval Criteria

Pursuant to Colorado Revised Statutes 30-20-104

In considering an application for a proposed solid wastes disposal site and facility, the governing body having jurisdiction shall take into account:

- 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 convenience and accessibility of the solid waste disposal site and facility to potential users;
- 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;
- Recommendations by county, district, or municipal public health agencies.

Considerations

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

Conclusion

Staff is available to answer questions.



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Approval Criteria Analysis 1

In considering an application for a proposed solid wastes disposal site and facility, the governing body having jurisdiction shall take into account:

- 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.

Approval Criteria Analysis 2

In considering an application for a proposed solid wastes disposal site and facility, the governing body having jurisdiction shall take into account:

- 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.

Approval Criteria Analysis 3

In considering an application for a proposed solid wastes disposal site and facility, the governing body having jurisdiction shall take into account:

- 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.

Approval Criteria Analysis 4

In considering an application for a proposed solid wastes disposal site and facility, the governing body having jurisdiction shall take into account:

- 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.