

Tower Landfill Certificate of Designation and PUD Permit Narrative

I. Overview

Allied Waste Systems of Colorado, LLC (“Allied Waste”), an affiliate of Republic Services (“Republic”) currently owns and operates the Tower Landfill located at the southeast corner of Tower Road and E. 88th Avenue in Commerce City, Colorado (the “Tower Landfill”).

Republic’s Tower Landfill has been operated in a safe and sustainable manner for over forty years and provides a cost effective and safe disposal option to the Denver metropolitan and Front Range areas. Republic operates facilities in forty-six states, employs over 40,000 people, operates 208 active landfills, and provides responsible disposal and recycling services to over 14 million customers. In Commerce City, Allied Waste employs over 330 people at two different locations; the Tower Landfill currently employs thirty-five people and generates over \$1.5 million in revenue per year for Commerce City through the applicable host fees, with a total projected 2024 financial impact of approximately \$2.675 million when including the related franchise/municipal fees, household hazardous round-up sponsorship, and property/sales/use taxes. Allied Waste is the franchise waste and recycling hauler for all Commerce City residents and municipal facilities, which serves over 20,500 residential homes per week.

II. Certificate of Designation Background

Under Colorado law, Certificates of Designation are required for solid waste disposal sites and facilities pursuant to Colorado Revised States Section 30-20-101.5-125. The Tower Landfill was annexed into Commerce City in 1999. At the time of Annexation, the City accepted the transfer of the then-current Tower Landfill operator’s Certificate of Designation, which was originally issued by Adams County on November 9, 1982, including all amendments thereto. Accordingly, the Tower Landfill has been operating pursuant to the original Certificate of Designation for forty-two years.

Landfills are also required to create, implement and follow a detailed Engineering Design and Operations Plan (“EDOP”). All amendments or modifications to EDOPs in the state require review and approval from the Colorado Department of Public Health and Environment (“CPDHE”). In early 2021, Allied Waste contacted the City about amending its EDOP (the “EDOP Rev1”) and reissuing the Certificate of Designation to permit the relocation of the existing site entrance and to permit the filling of the “bowl” area that currently houses the existing entrance to the Tower Landfill. In April of 2021, the City forwarded Allied Waste’s request for the amended EDOP Rev1 and re-issued Certificate of Designation to CDPHE and requested that CDPHE review

the EDOP Rev1 proposal and provide its recommendation for approval or disapproval of the Certificate of Designation application.

CDPHE reviewed Allied Waste’s EDOP Rev1 for 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). In a letter dated October 18, 2023 addressed to the Commerce City Council, CDPHE recommended approval of the Re-issued Certificate of Designation Application for the amended EDOP Rev1. See CDPHE’s Recommendation of Approval letter attached to this narrative as **Exhibit A** (“CDPHE Recommendation of Approval Letter”).

III. Certificate of Designation/EDOP Summary

As reviewed and recommended for approval by CDPHE, the Certificate of Designation application that would approve the amended EDOP Rev1 is summarized as follows:

- **Final Conditions:** The EDOP application reflects an approval of the final contour revisions for the Tower Landfill. CDPHE’s evaluation considered the engineering feasibility and the compliance with all applicable federal and state regulations.
- **Filling the “Bowl”:** The EDOP Rev1 details a modification to the landfill footprint within the “bowl” area, which is aimed at prolonging the facility’s operational life by an estimated 3 years. Key components of the “bowl” fill project include:
 - Lining and filling the “bowl” shaped area at the north site entrance.
 - Relocating the site entrance approximately ½ mile east along 88th Avenue.
 - Moving the solidification basins to the new entrance location.
 - Improving surface water design controls.
 - Enhancing the intersection to better integrate with adjacent developments.
 - Designing landfill operations to be less visible to the public.
- **Capacity and Design Enhancements:** The proposed “bowl” fill project covers roughly 9 acres and is projected to add around 5.5 million gross cubic yards of capacity, representing a 6.9% increase in total capacity. The design modifications aim to create a natural hillside appearance by aligning the north-facing slopes of Phases 1 and 2.
- **Compliance and Documentation:** The information and engineering calculations that were not impacted by this modification were not changed from the previously approved 1998 EDOP revision. However, where calculations or design analyses were impacted by the modification, the calculations have been updated or completely resubmitted. In addition, changes have been made to the drawings to reflect the revised final contours.

IV. Certificate of Designation Approval Criteria

State statute (the CRS) governs the review and approval process for Certificate of Designation applications. Allied Waste submitted the Certificate of Designation Application pursuant to CRS § 30-20-103. Pursuant to CRS § 30-20-104, the governing body of the municipality responsible for issuing the Certificate of Designation shall refer the matter to CDPHE for a recommendation, and then shall hold a noticed public hearing to make a final determination on the Certificate of Designation Application. CRS § 30-20-104 also provides a list of four (4) factors for consideration, which are each specifically addressed here:

- 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 Tower Landfill is an existing landfill, so this application would not permit a new landfill where one does not currently exist. Furthermore, Allied Waste just received a series of land use approvals from the City for area adjacent to the existing Tower Landfill. As discussed during that review and approval period, the annexation of adjacent property enables the relocation of the existing site entrance and ancillary uses onto that property, which, in turn, enables the filling of the “bowl” area, which is the subject of the EDOP Rev1 and this Certificate of Designation application. As consistently discussed throughout Allied Waste’s land use approval process, relocating the existing entrance and ancillary uses, as well as filling the “bowl” area improves the existing conditions of the Tower Landfill by decreasing traffic congestion and increasing the buffer around the Tower Landfill through recontouring the northern slope.

- b) The convenience and accessibility of the solid wastes disposal site and facility to potential users;*

As discussed above, the Tower Landfill is an existing landfill, not a proposed new facility. The City has a 25-year standing partnership with Republic, which has, and will continue to, provide convenience and accessible solid waste disposal services to the City and all City residents. This Certificate of Designation application extends the life of the Tower Landfill by approximately three (3) years and therefore, preserves the existing convenient and accessible solid waste for the City. Accordingly, the Certificate of Designation application meets this factor.

- 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;*

As further discussed in the CDPHE Recommendation of Approval Letter, the EDOP Rev1 will comply with all 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). Accordingly, the Certificate of Designation application meets this factor.

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

CDPHE recommends approval of the Certificate of Designation application, as further explained in the CDPHE Recommendation of Approval Letter. Further, the Adams County Health Department has also reviewed the EDOP Rev1 and supports approval of the same, evidenced by a letter from Larry Bruskin to the City dated October 10, 2023. Accordingly, the Certificate of Designation application meets this factor.

V. PUD Permit Background

The City requested that Allied Waste combine its Certificate of Designation application with a request for PUD Permit. Accordingly, in conjunction with the Certificate of Designation, Allied Waste hereby submits this PUD Permit for the City's review and approval.

The PUD Permit application meets all required approval criteria contained in the City's Land Development Code Section 21-3252(3), as follows:

a) Complies with city standards;

The PUD Permit is consistent with all rules and requirements of the Allied Waste Systems of Colorado, LLC PUD Zone Document ("Allied Waste PUD"), as amended as well as all other City standards, as evidenced by the application materials. Accordingly, this PUD Permit criterion is met.

b) Is consistent with any previously approved subdivision plat, rezoning concept plan, or other plans and land use approvals;

Similar to above, the only applicable City land use approval for the Tower Landfill is the Allied Waste PUD, and the PUD Permit application is consistent with all rules and requirements contained therein. Accordingly, this PUD Permit criterion is met.

c) Provides adequate mitigation for any significant adverse impacts resulting from the use; and

The Tower Landfill is an existing landfill, so this application would not permit a new landfill where one does not currently exist. Furthermore, Allied Waste just received a series of land use approvals from the City for area adjacent to the existing Tower Landfill. As discussed during that review and approval period, the annexation of adjacent property enables the relocation of the existing site entrance and ancillary uses onto that property, which, in turn, enables the filling of the "bowl"

area, which is the subject of the EDOP Rev1 and this Certificate of Designation application. As consistently discussed throughout Allied Waste's land use approval process, relocating the existing entrance and ancillary uses, as well as filling the "bowl" area improves the existing conditions of the Tower Landfill by decreasing traffic congestion and increasing the buffer around the Tower Landfill through recontouring the northern slope. Therefore, not only is there adequate mitigation for potential adverse impacts, approval of this PUD Permit application would improve the existing conditions of the Tower Landfill. Accordingly, this PUD Permit criterion is met.

d) Creates a positive precedent for the future cumulative development of the immediate area.

The Allied Waste PUD is a standalone PUD that encompasses the entirety of the immediate area from Tower Road to E-470. The Allied Waste PUD, and all related approvals, provide for adequate buffering and mitigation of its use to all other nearby uses. The PUD Permit is consistent with the goals and objectives of the PUD Permit, which is to allow sustainable and appropriate use of the Tower Landfill. Accordingly, this PUD Permit criterion is met.

e) Provides utilities, drainage, and other necessary facilities in accordance with the final PUD permit;

This PUD Permit accounts for all necessary utilities and facilities required for the continued operation of the Tower Landfill. Accordingly, this PUD Permit criterion is met.

VI. Conclusion

For the foregoing reasons, Allied Waste has met all of the applicable approval criteria. Accordingly, Allied Waste respectfully requests the City's approval of the Certificate of Designation application and the PUD Permit. We look forward to our collaboration during this review process.

Exhibit A

CDPHE Recommendation of Approval Letter

[*See next 2 pages*]



COLORADO
 Department of Public
 Health & Environment

Via Electronic Mail, c/o Sarah Foreman: sarah.foreman@state.co.us

October 18, 2023

Commerce City Council
 7887 East 60th 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 88th 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.

Sincerely,


Digitally signed by Sarah Foreman
Date: 2023.10.18 10:35:59 -06'00'
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 -06'00'
Jill Parisi, PE
Solid Waste Permitting
Engineering Design Unit Leader
Solid Waste and Materials Management Program
Hazardous Materials and Waste Management Division

cc: 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

