



Council Communication File Number: Res 2024-125

Agenda Date: 11/18/2024

Version: 1

Status: Public Hearing

In Control: City Council

File Type: Resolution

A RESOLUTION ISSUING A CERTIFICATE OF DESIGNATION FOR A SOLID WASTE DISPOSAL SITE AND FACILITY INCLUDING A REVISED ENGINEERING DESIGN AND OPERATIONS PLAN AND RELOCATION OF THE EXISTING ENTRANCE TO THE LANDFILL LOCATED AT THE SOUTHEAST CORNER OF TOWER ROAD AND EAST 88TH AVENUE

Summary & Background

Allied Waste Services is seeking to modify operations within the existing Tower Road landfill property. The applicant is proposing to fill in approximately 9 acres referred to as the “bowl area” with solid waste. The “bowl area” is the location of the existing main entrance into the landfill off of 88th Ave between Tower Road and E-470. 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. Once the entrance is relocated to the recently annexed property to the east, the “bowl area” can be used for solid waste disposal.

The proposed modification of operations and filling in the bowl require modification to the landfill’s Certificate of Designation (CD).

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.

Per Title 30, Article 20, Part 1 of the Colorado Revised Statutes, a CD is required for all solid waste disposal sites and facilities operating in the state. 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 of the facility. CDPHE conducts a comprehensive technical review of the EDOP and provides a recommendation on the CD to the local governing authority. The CDPHE is recommending approval with conditions. In addition to CDPHE recommended conditions, a Planned Unit Development Permit (PUDP) is required to finalize required site and right-of-way improvements associated with the modification of operations.

State Law requires City Council consider the request during a public hearing prior to approval of a CD.

Proposed Conditions

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

Factors to be Considered - Colorado Revised Statute 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:

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

Staff Responsible (Department Head): Jeff Brasel, Community Development Director

Staff Presenting: Dalton Guerra, Senior Planner

Financial Impact: N/A

Funding Source: N/A

Actions:

Approve the resolution with conditions;
Approve the resolution;
Deny the resolution; or
Continue the resolution