



**COLORADO**  
Department of Public  
Health & Environment

June 14, 2019

Lonna Thelen  
City of Colorado Springs - Planning & Development  
Land Use Division  
30 S. Nevada Ave., Suite 105  
Colorado Springs, CO 80903

RE: Recommendation of Approval with Conditions: Application for Voluntary Clean-up and Application for Certificate of Designation (CD)  
Mesa Valley Springs Property  
Colorado Springs, Colorado

File: RV 180615-1

Dear Ms. Thelen:

The Colorado Department of Public Health and Environment Hazardous Materials and Waste Management Division (Division) received the following Voluntary Clean-up application (herein referred to as the "EDOP"), and subsequent revisions, for a new Certificate of Designation (the "CD") for the Mesa Valley Springs Consolidated Landfill in Colorado Springs, Colorado.

*Application for Voluntary Clean-up, Remediation of Existing Abandoned Landfill, Mesa Valley Springs Property. Submitted by: Engineering Solutions & Design, Inc. Date received: December 10, 2018.*

*Revised Application for Voluntary Clean-up, Remediation of Existing Abandoned Landfill, Mesa Valley Springs Property. Submitted by: Engineering Solutions & Design, Inc. Date received: April 8, 2019.*

*Revised Application for Voluntary Clean-up, Remediation of Existing Abandoned Landfill, Mesa Valley Springs Property. Submitted by: Engineering Solutions & Design, Inc. Date received: June 4, 2019.*

*Revised Application for Voluntary Clean-up, Remediation of Existing Abandoned Landfill, Mesa Valley Springs Property. Submitted by: Engineering Solutions & Design, Inc. Date received: June 10, 2019.*



*Revised Application for Voluntary Clean-up, Remediation of Existing Abandoned Landfill, Mesa Valley Springs Property.* Submitted by: Engineering Solutions & Design, Inc. Date received: June 13, 2019.

The Division has reviewed the EDOP, and subsequent revisions, 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 (Solid Waste Act) of the Colorado Revised Statutes (CRS), as amended, and with 6 CCR 1007-2, Part 1, the Regulations Pertaining to Solid Waste Sites and Facilities (the “Solid Waste Regulations”), as amended, promulgated there under.

The Division conducted a Completeness Review of the EDOP in accordance with procedures outlined in State statute and corresponding Solid Waste Regulations. In a letter dated April 16, 2019, the Division notified the Facility that the EDOP was complete.

The Division conducted a comprehensive technical review of the EDOP pursuant to the procedures outlined in State statute and the Solid Waste Regulations. The Division’s preliminary technical comments and requests for additional information were provided to the Facility in a letter dated April 30, 2019. In response to the Division’s April 30, 2016 letter, the Facility submitted a revised EDOP dated June 3, 2019. Since the revised EDOP was received, the Division and the Facility have informally communicated numerous times between June 4, 2019 and June 13, 2019, predominantly via telephone and email, concerning additional information or clarifications needed for the revised EDOP.

The City of Colorado Springs initiated a 30-day written public comment period and notification of the public hearing by publishing a public notice in the Gazette newspaper on June 7, 2019, as well as, posting the announcement on the Planning and Development - Land Use Division’s website from May 20, 2019 through June 20, 2019, pursuant to State statute CRS 30-20-104(3)(a). The Division and the City have not received any comments during this period, which will conclude on June 19, 2019.

On June 13, 2019 the Division received the final revision to the EDOP, and has reviewed it for technical merit. It is the determination of the Division that the proposed facility can comply with technical, environmental, and public health standards of the Solid Waste Regulations if the facility is constructed, monitored and operated as detailed in the final EDOP, and with the conditions as stated in this letter. Based on this assessment, the Division recommends, as final agency action, that this facility may be approved by the City of Colorado (“the City”), with the conditions set forth herein and with any additional local restrictions the City may choose to impose. The Division’s approval of the Plan has the following condition:

1. The Facility will submit to CDPHE and the City for review and approval the stormwater detention pond design pursuant to the EDOP. This will be an amendment to the EDOP and CDPHE must approve this amendment before



construction of the consolidated landfill begins. The stormwater detention pond design amendment must include:

- a. Detailed stormwater calculations.
- b. The detention pond's volume and designed freeboard.
- c. Alignment of the overflow channel and cross-section detail.
- d. Excavation grades for the detention pond and the cross-section of the liner system.
- e. Specification for the placement of the detention ponds liner system, including placement of all layers of the liner system and synthetic flexible membrane.

In addition, the Division's approval of the Plan has the following conditions that shall be incorporated into the CD when and if issued by the City:

1. The Facility will comply with the public health and environmental laws, standards, and regulations of the Colorado Department of Public Health and Environment and all other applicable State, Federal and local rules and ordinances.
2. Compliance with this CD requires the owner /operator comply with the attached EDOP and any future Department-approved EDOP conditions, including both Department-approved amendments to the EDOP and Department-approved stand-alone plans necessary to comply with the Solid Waste Act and Regulations.
3. Violation of the EDOP as so amended constitutes a violation of this CD. This CD need not be amended upon EDOP amendment unless required by the City.
4. 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 consult with the County prior to doing so.
5. The financial assurance mechanism for post-closure activities must be in-place and approved by the Division prior to the start of the consolidated landfill. Please note that pursuant to the requirements of Section 4.0 of the Solid Waste Regulations, the post-closure cost estimate must be adjusted 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. Both the annual adjustment and the 5-year update cost estimates must be submitted to the Division for review and approval.

Please forward a copy of the City's final resolution concerning the CD issuance or denial to the Division.



Please note that this determination does not preclude separate review action by the City of Colorado Springs and is limited to the components of the EDOP that relate to the State statute and the Solid Waste Regulations. Separate review and approval from the Voluntary Clean-up program is also necessary before construction of the consolidated landfill begins.

Please send any questions regarding this letter to the attention of Jill Parisi at [jill.parisi@state.co.us](mailto:jill.parisi@state.co.us) or by phone at 303-692-3348.

Sincerely,



Jill Parisi, P.E.  
Solid Waste Permitting Unit  
Hazardous Materials & Waste Management Division



Jerry Henderson  
Solid Waste Permitting Unit Leader  
Hazardous Materials & Waste Management Division

ec: Ted Waterman, MVS Dvelopment, LLC.  
Jack Chappelle, Engineering Solutions & Design, Inc.  
Fonda Apostolopoulos, CDPHE Superfund and Brownfields Unit  
Brian Long, CDPHE Solid Waste Compliance Assurance Unit

X:\My Drive\Project Work\El Paso County\VCUP MVS\Correspondence\2019-06-11 MVS Conditional Approval Letter final.docx

