

Via Electronic Mail, c/o Lonna Thielen: Lonna.Thielen@coloradosprings.gov

September 9, 2020

Colorado Springs Planning Commission
City of Colorado Springs
30 S. Nevada Ave., Suite 701
Colorado Springs, CO 80903

RE: Corrected Recommendation of Approval of Certificate of Designation Application
Stericycle Infectious Waste Transfer Facility - Durango Drive
2602 Durango Drive, Colorado Springs, CO
SW/ELP/SDD 2.1

Dear Commission Members,

This letter is the formal response from the Hazardous Materials and Waste Management Division (the Division) regarding the City's referral for technical review of an application for certificate of designation. It corrects an earlier version that contained an error. The application is for a new medical waste transfer facility proposed to be located at 2602 Durango Drive, Colorado Springs, Colorado, 80910. The application was made by Golder Associates on behalf of Stericycle, Inc., the entity that would operate the proposed facility.

The Division initiated technical review of the application (consisting only of the Engineering Design and Operation Plan, or EDOP, since no other application materials were referred) following a completeness determination issued by the Division on April 10, 2020. The Division reviewed the EDOP, dated January 2, 2020, for 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 the regulations promulgated thereunder: the Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2, Part 1 (Solid Waste Regulations).

On May 15, 2020, the Division published a notice in the Gazette that the application was under review and that the Division would accept public comment for thirty days thereafter. No comments on the application were received.

It is the determination of the Division that Stericycle, Inc., as the prospective 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 monitored and operated as described in the Certificate of Designation Application and EDOP and with the Division's conditions of recommendation as stated below in this letter. Based on our review and determination, the Division recommends, with conditions, that the Stericycle Infectious Waste Transfer Facility - Durango Drive may be approved by the City of Colorado Springs based on these and any local criteria. Please note that provisions of the Solid Waste Act found at CRS 30-20-104 reserve certain factors to be considered solely by the governing body having jurisdiction as part of the review of a certificate of designation. Accordingly, the Division's review is not intended to, nor did it, consider those provisions. CRS 30-20-104 also warrants consideration by the City as it contains key procedural requirements for certificate of designation issuance related to public notice and hearing.

If the application is approved, the final revised Stericycle Infectious Waste Transfer Facility - Durango Drive EDOP, and the final resolution containing the certificate of designation issued, must be placed in the Facility's operating record. In addition to the conditions listed below, please note that the Stericycle Inc.

must comply with the public health and environmental laws, standards, and regulations of the Department and all other applicable state, federal, and local rules, and ordinances. The Division's recommendation for approval of the Application including the final revised EDOP (January 2, 2020) has the following conditions that must be incorporated into the Certificate of Designation, if issued by the City of Colorado Springs:

1. In accordance with Section 4 of the Solid Waste Regulations, third party cost estimates for closure must be submitted to the Division within sixty (60) days of the issuance of the CD. Once the closure cost estimates have been approved by the Division, the Facility will have thirty (30) days to submit a financial assurance mechanism for review and approval.
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. 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 of Colorado Springs. 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 the local governing body 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. This includes the USDA regulations on APHIS waste.

Should you have any questions about this letter, feel free to contact me at jerry.henderson@state.co.us.

Sincerely,

Jerry Henderson, Unit Leader
Solid Waste Permitting Unit
Hazardous Materials and Waste Management Division

ec: Raymond Bracha, Stericycle Inc.
Mark Triplette, Stericycle Inc.

