

MVS DEVELOPMENT, LLC: CERTIFICATE OF DETERMINATION AMENDMENT

PROJECT STATEMENT

JANUARY 2023, REVISED NOVEMBER 2024

NES Inc. on behalf of MVS Development, LLC, requests approval of an amendment to the MVS Centennial Certificate of Determination for a long-term landfill consolidation (CPC DP 18-00151), as approved by City Planning Commission on June 20, 2019. The site subject to the approved Certificate of Determination included land located east and west of Centennial Boulevard, south of Van Buren Street, totaling 38.6 acres. The site included an historic landfill for which a Voluntary Clean-Up Plan (VCUP) was approved by Colorado Department of Public Health and Environment (CDPHE) on July 1, 2019, with a modification approved on January 8, 2021. These voluntary clean-up activities have been determined by CDPHE as completed by MVS, and CDPHE's VCUP program issued a No Action Determination on March 18, 2021.

With the completion of the VCUP, the purpose of this request is to clarify the extent of the legal definition of the "facility" to which the Certificate of Designation relates, to remove the confirmed trash-free areas from the legal definition of "facility". The trash-free areas include the 9.09 acres east of Centennial Boulevard, a 12.581-acre Residential Development Area, and a 1.052-acre 50-foot-wide utility easement.

This revised area that will comprise the "facility" for the purposes of the Certificate of Designation is identified in Exhibit A attached. This includes the 4.514-acre Consolidated Landfill area, the 9.007-acre Parcel C, a 2.992-acre stormwater detention basin area, the 0.338-acre Tract A, the western portion of Tract B (0.185 acres), and a 0.043-acre tract (Tract D) approved for additional Right-of-Way.

A portion of West Van Buren Street (0.404 AC) was previously included in the Certificate of Designation area, but has been removed with this amendment. This area still has waste in place that is covered under the recorded restrictive notices.

City Code Section 6.3.106 outlines 4 factors to be considered when reviewing a Certificate of Designation. The proposed amendment to narrow the extent of the "facility" based on completed voluntary clean-up activities does not alter the original analysis of these 4 factors, which formed the basis of City Planning Commission's approval of the Certificate of Designation in 2019.

The required Long-Term Monitoring from the EDOP is attached as Appendix A. The Engineer of Record, Bronco Environmental Ltd. (Kay Vollmayer, P.E.), will conduct all of the long-term monitoring services

during the landfill Post-Closure Compliance period. The below photographs are provided to give an indication of progress in the clean-up process as of August 2023.



Compliance with City Process in Chapter 6, Article 3 of City Code

This request follows the process in City Code Section 6.3.104 in that the request to amend the Certificate of Designation has been submitted to City Planning for review so the City can evaluate compliance with the applicable rules and regulations for a Certificate of Designation. As part of the process, City Planning will refer the amended application to other City departments for comment and to CDPHE for review and approval. The Applicant acknowledges that this request is subject to the CDPHE's

review and approval. When a recommendation of approval has been issued by CDPHE, City Planning shall refer the amended application to the Planning Commission for a public hearing and final decision. The Applicant and the City will follow the notice and hearing requirements required by CDPHE, as set out in sections 104(3)(a) and (b) of article 20 of title 30 Colorado Revised Statutes.

The Planning Commission's decision requires a finding of compliance with the following factors, as set out in Section 6.3.106 of City Code:

- A. The effect that the solid waste disposal site or 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 waste disposal site or facility to potential users;
- C. The ability of the applicant to comply with the health standards and operating procedures required by this article and by the "Solid Waste Disposal Sites And Facilities Act", part 1 of article 20 of title 30, Colorado Revised Statutes, and the regulations promulgated thereunder by the Colorado Department of Public Health and Environment found at 6 CCR 1007.2.
- D. Recommendations by the various departments and divisions of the Health Department.

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APPENDIX A

LONG-TERM MONITORING

Long-term monitoring and environmental testing will focus on the consolidated landfill area. These inspections and testing will include:

- Groundwater sampling (two monitoring wells)
- Air sampling (landfill gas system and surface testing)
- Landfill inspections
- Testing and removal of leachate
- Installation and operation of a future active gas system within the boundaries of the consolidated landfill, if such system is deemed necessary for the protection of the adjacent property.

1. Groundwater Sampling

Three groundwater monitoring wells were installed at the site in 2018. The well located at the north end of the project property, and in the Van Buren Street right-of-way, has been covered and is no longer accessible. The two groundwater wells located at the southern end of the existing landfill will be removed when excavating materials from the existing landfill.

After the consolidated landfill is completed and the final cover is installed, two groundwater wells will be installed for long-term monitoring purposes. One of these wells will be located upgradient of the new consolidated landfill and the second well will be installed downgradient of the consolidated landfill. Sampling will be performed by collecting water samples from the upgradient and downgradient groundwater monitoring wells. Groundwater sampling will adhere to the methodology as outlined in CDPHE's "Suggested Sampling Protocol for Groundwater Monitoring Wells." Samples will be tested for constituents as delineated in Appendix IA and IB, which can be found in CDPHE's solid waste regulations (6CCR 1007-2, Part 1 – Regulations Pertaining to Solid Waste Sites and Facilities).

Quarterly sampling and testing will be undertaken during the first year after the landfill has been consolidated. Results from this first year of monitoring will be evaluated and presented to CDPHE. Dependent upon the first year's results, reducing the number of annual monitoring events, adjusting the sampling procedures, and reducing or modifying the number of constituents sampled for during each sampling event may be considered. Any adjustment to the sampling frequency, procedures, or constituents must be approved by CDPHE.

Each groundwater sampling event at this project site will encompass collecting water samples from the groundwater monitoring wells, laboratory testing each sample, preparing an analysis of the results of the testing, and submitting a report to CDPHE. All sampling and testing will be conducted by field technicians trained to properly sample groundwater.

2. Air Sampling

Landfills are subject to the Air Quality Control Commission's Regulations 1, 2, 3, 7, and 9. These regulations address fugitive dust, odors, incineration, and exploration and production waste. The amount of waste placed in the consolidated landfill will be monitored and it is unlikely that the size of the landfill will exceed the Title V federal air quality regulations standards. Although the landfill does not meet a number of levels of waste or types of waste addressed in the Title V regulations, the landfill may be subject to general air emissions reporting and permitting requirements.

Quarterly air quality sampling and testing will be undertaken during the first year after the landfill has been consolidated. Results from this first year of monitoring will be evaluated and presented to CDPHE. Dependent upon the first year's results, a request may be submitted to CDPHE to consider the landfill in post-closure care and the level of reporting and testing minimized. Any adjustment to the sampling frequency or the level of reporting and testing must be approved by CDPHE.

Each sampling event will involve collecting air samples from eight vertical vents installed on the new consolidated landfill and five vents installed in the detection trench around the landfill's perimeter. The gas from each well will be captured in a separate canister and delivered to a registered laboratory approved by CDPHE for analysis. The results of the analysis will be submitted to CDPHE. All sampling and testing will be conducted by field technicians trained to properly sample landfill gas systems.

3. Landfill Inspections

The landfill cover will be inspected annually by a Professional Engineer registered and licensed in Colorado experienced with solid waste landfills and landfill cover systems. In addition, post-closure

inspections will be completed within 14 days of a major storm event, which is defined as a 25-year, 24-hour storm.

The inspection will include a traverse of the cover as established by the engineer and will include: (1) observing the final cover vegetation; (2) checking for indications of borrowing animals; (3) assessing any rivulets or other erosion; (4) evaluating the overall condition of the final cover; and (5) inspecting the landfill gas system. If a deficiency is found, the engineer will:

- Determine the complexity of the deficiency.
- Identify the materials and equipment needed to address the deficiency.
- Establish a timeline for correcting the deficiency, keeping in mind that deficiencies must be addressed and corrected as soon as possible.
- Work with MVS Development, LLC, the entity that will provide operation and maintenance, to ensure the deficiency is expeditiously and properly corrected.
- Work with any subsequent operation and maintenance companies to ensure the deficiency is expeditiously and properly corrected.

Photographs will be taken, and drawings or sketches will be generated, as needed to provide a clear indication of the condition of the final cover and landfill gas system. The results of each annual inspection, and corrected deficiencies, will be submitted to the CDPHE for review and acceptance.