



February 18, 2020

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 Modifications and Conditions: Application for
Application for Certificate of Designation (CD)
Pikes Peak Heights Development (aka Wilde Landfill)
Colorado Springs, Colorado

File: SW/ELP/WIL 2.1

Dear Ms. Thelen:

The Colorado Department of Public Health and Environment Hazardous Materials and Waste Management Division (Division) received the following documents pertaining to an application for a new Certificate of Designation (the "CD"), for the Pikes Peak Heights Development Landfill (aka Wilde Landfill) in Colorado Springs, Colorado, herein referred to as the Engineering Design and Operations Plan (the "EDOP").

"Materials Management Plan, Pikes Peak Heights Development Site, Revision 6".
Submitted by: Pinyon Environmental, Inc. Document dated: December 20, 2019.
Document received: December 20, 2019.

"Construction Quality Assurance Plan, Pikes Peak Heights Development Site".
Submitted by: Pinyon Environmental, Inc. Document dated: December 20, 2019.
Document received: December 20, 2019.

"Debris Disposal Plan, Pikes Peak Heights Development Site3". Submitted by:
Drexel, Barrell & Co. Document dated: May 13, 2019. Document received:
September 10, 2019.

*"Master Development Drainage Plan/Preliminary & Final Drainage Report for
Pikes Peak Heights Development Plan"*. Submitted by: Drexel, Barrell & Co.
Document dated: December 19, 2019. Document received: December 20, 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 October 9, 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 November 19, 2019. In response to the Division's November 19, 2019 letter, the Facility submitted a revised EDOP dated December 20, 2019.

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 **January 17, 2020**, as well as, posting the announcement on the Planning and Development - Land Use Division's website from **January 17, 2020 through February, 2020**, 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 **February 17, 2020**.

On December 20, 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 modification:

1. *Section 1.6.1 Verification of Debris Removal for NAD* has been modified, as follows, to include the need for certification from an environmental professional and for analytical data to support the clean-up has been performed to requirements for the intended use (e.g., residential/unrestricted use, industrial with institutional controls, etc.). This modification addresses requirements to determine the area cleaned up to the requirements of the intended use and removes discussions related to No Action Determination requirements as these requirements will be detailed in the Voluntary Clean-up application.

Section 1.6.1 Verification of Debris Removal

An environmental professional (e.g., Professional Engineer, Professional Geologist, or company officer) will certify that the property has been cleaned up and that it is protective of human health and the environment.

The QPM or MMP Supervisor will provide daily written and photo documentation of site construction activities, construction and demolition debris, suspect material, and relevant observations that are related to this MMP and the VCUP. It is anticipated that it will be visually apparent when the bottom of the debris layer and top of native material is encountered during excavation. Additionally, it is possible there may be evidence of former vegetation due to the nature of the original, uncontrolled fill placement on

native vegetation. Bottom of debris depth will be documented in daily logs by the QPM through visual observations and photographs. If the presence of native material and/or absence of fill debris is uncertain, the QPM will direct excavation activities to continue until there is a greater confidence that native material is present.

In addition to the visual observations described above, analytical data will be collected for the underlying soil to demonstrate the property has been cleaned up for the intended use pursuant to the Clean-Up Analytical Sampling Plan.

Daily field documentation logs and the minimum requirements are further explained in Section 3.1.1 (QPM and MMP Supervisor Requirements and Training).

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

1. The owner/operator 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 City prior to doing so.
5. The owner/operator must submit a Clean-up Analytical Sampling Plan to the Division by April 17, 2020. The owner/operator must obtain division approval of the plan, and successfully implement it, prior to commencement of final cover construction, and this plan must be approved by the Division before implementation during the construction of the landfill and before the final cover construction reaches substantial completion and the VCUP no action determination.
6. The owner/operator must submit a Post-Closure Care and Maintenance Plan to the Division by April 17, 2020. The owner/operator must obtain division approval of the plan prior to certification of the final cover construction and the VCUP no action determination.
7. The financial assurance mechanism for post-closure activities must be in-place and approved by the Division prior to the start of construction of the new 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 new landfill begins.

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

Sincerely,

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DRAFT

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

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Solid Waste Permitting Unit Leader
Hazardous Materials & Waste Management Division

ec: Mike DeGrant - Pikes Peak Heights Development
Karlene Thomas, PE - Pinyon Environmental, Inc.
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