

STATE OF COLORADO

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Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

March 6, 2014

Mr. George Pond
Vice President of Design and Campus Management
Denver Zoological Foundation
2300 Steele Street
Denver, CO 80205

Re: Completeness Review Determination: **Complete**
Application for Certificate of Designation, Denver Zoo Waste to Energy System, City
and County of Denver, Colorado

File: sw/dvr/zoo/2.1

Dear Mr. Pond:

The Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (the "Division") received a referral notification from the City and County of Denver, Colorado, dated February 13, 2014, requesting the Division's review of an Application for a Certificate of Designation (CD) (Application) for a proposed Waste to Energy System. As described in the Application, the Denver Zoological Foundation (DZF) will use the Waste to Energy System to convert waste generated on-site at the Denver Zoo into energy for on-site heat and power. The Waste to Energy System is planned to be located in the Waste Management Building in the Denver Zoo's new Toyota Elephant Passage exhibit. Included in the Application is an Engineering Design and Operations Plan (EDOP) prepared by DZF staff and dated February 6, 2014. The EDOP was signed and sealed by a Colorado registered Professional Engineer.

The Division has reviewed the Application 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 regulations promulgated there under: Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2, Part 1 (Solid Waste Regulations). In accordance with the Solid Waste Statute, CRS 30-20-103 (2), a "completeness review" of the Application is required within thirty (30) days of the Application referral from the local governing authority (City and County of Denver). The Division has conducted the completeness review and has determined the Application to be

complete. Please note that it is not the intent or purpose of a “completeness review” to imply anything concerning final recommendation of approval (or disapproval) of the Application.

In accordance with the Solid Waste Statute, a “technical evaluation” of the Application is required after the completeness review has been conducted. The Division has initiated the technical evaluation and has one hundred and fifty (150) calendar days to complete the activity. The Division might request additional information in order to clarify aspects of the EDOP before completing the technical evaluation. During the technical evaluation, the Division will initiate a written public comment period of thirty (30) calendar days following the issuance of a public notice. A formal recommendation of approval, approval with conditions, or disapproval of the Application per the Solid Waste Regulations will be made after the Division has reviewed any public comments received.

For your information and use in achieving timely review/approval of this Application from all appropriate parties, (1) attached is a Solid Waste Compliance Bulletin, “Certificate of Designation (CD) as a Solid Waste Disposal Site,” dated December 2010; and (2) please note that the Solid Waste Statute, CRS 30-20-104, states:

(3) (a) Prior to the issuance of a certificate of designation, the governing body having jurisdiction shall require that the report, which shall be submitted by the applicant under section 30-20-103, be reviewed and a recommendation as to approval or disapproval be made by the department and shall be satisfied that the proposed solid wastes disposal site and facility conforms to the local government's comprehensive land use plan and zoning restrictions, if any. Any technical conditions of approval made by the department in its final report shall be incorporated as requirements in the certificate of designation. The application, report of the department, comprehensive land use plan, relevant zoning ordinances, and other pertinent information shall be presented to the governing body having jurisdiction at a public hearing to be held after notice. Such notice shall contain the time and place of the hearing, shall state that the matter to be considered is the applicant's proposal for a solid wastes disposal site and facility, shall provide a description of such proposed site and facility, and shall provide a description of the geographic area that is within three miles of such proposed site and facility. The notice shall be published in a newspaper having general circulation in the county or municipality in which the proposed solid wastes disposal site and facility is located at least ten but no more than thirty days prior to the date of the hearing. In addition, the notice of such public hearing shall be posted at a conspicuous point in at least one location at the offices of the governing body having jurisdiction and in at least one location at the proposed site. Such notice shall be posted for a period beginning at least thirty days before the public hearing and continuing through the date of such hearing.

(b) At the public hearing held pursuant to the provisions of this subsection (3), the governing body shall hear any written or oral testimony presented by governmental entities and residents concerning such proposed site or facility. All such testimony shall be considered by the governing body having jurisdiction in making a decision concerning such application. For the purposes of this subsection (3), “residents” means all individuals who reside within the

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geographic area controlled by the governing body having jurisdiction or within three miles of the proposed site and facility or who own property which lies within three miles of such proposed site and facility without regard to which county or municipality such individuals reside within.

DZF is entitled to two meetings with the Division that are non-billable for this project. In order to arrange a meeting please contact the undersigned to schedule one. The Division has had great success working with applicants during these meetings, which typically result in expedited reviews and more effective communication.

The Division is authorized to bill for its review of technical submittals at \$125 per hour, pursuant to Section 1.7 of the Solid Waste Regulations. The fee ceiling is \$35,000 for the review of the Application, which includes time for the completeness review, the technical evaluation, associated meetings, other communications, and any other related items to the Application. An invoice for the Division's review of the subject document will be sent under separate cover. You can find the Division's fees and billing ceilings at the Division's web site from the following link: <http://www.colorado.gov/cs/Satellite/CDPHE-Main/CBON/1251607568997>.

Enclosed is a 30-Hour Billable Time Notification Waiver/Cease-Work Notice. Please check the appropriate box on this notice and sign and date the waiver. This notice should be returned to Larry Bruskin at:

Colorado Department of Public Health & Environment
HMWMD
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Should you have questions regarding this determination, I may be reached at 303-692-3384 or email at larry.bruskin@state.co.us.

Sincerely,



Lawrence J. Bruskin, P.E.
Solid Waste Permitting Unit
Solid Waste and Materials Management Program
Hazardous Materials and Waste Management Division

cc: Jennifer Hale, DZF
Paul Quick, DZF
Diane DeLillio, Denver Environmental Health

ec: Roger Doak, HMWMD



**CERTIFICATE OF DESIGNATION (CD)
AS A SOLID WASTE DISPOSAL SITE**

reviewed/ revised December 2010

The siting, permitting and regulation of solid waste disposal sites is an area of dual jurisdiction between the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (the Division) and local governing authorities. Persons proposing a facility in unincorporated portions of any county must apply to the commissioners of the county in which the site is to be located. If the facility is proposed to be within the corporate boundaries of a municipality, they must apply to the governing body of the municipality. Each party has assigned roles and responsibilities. (6 CCR 1007-2 Section 1.3.1)

What is a certificate of designation (CD)?

A certificate of designation is a document issued by the local governing body authorizing the use of land for a solid waste disposal site or facility. The CD is issued if it has been determined that the technical standards set out in regulation are met and after local issues are considered and satisfied.

Who must obtain a CD?

Anyone operating a facility for solid waste disposal where processing, treatment, or final disposal of solid waste is performed must obtain a certificate of designation (6 CCR 1007-2 Section 1.3.3). Examples of such facilities include municipal solid waste landfills, certain private solid waste landfills, composting facilities, and solid waste incinerators. Exceptions to the requirement to obtain a CD include:

- those sites at which any person, other than a governmental unit, disposes of one's own waste on one's own property, *as long as the Division has determined that the site complies with state regulations and is not a public nuisance based on a review of an engineering design and operations report prepared and submitted by the operator;*
- facilities at which persons are engaged in mining operations under a permit issued by the Division of Minerals and Geology of the Colorado Department of Natural Resources for mining wastes or other solid waste

- generated within the permitted area;
- sites operated for the legitimate purpose of processing, reclaiming, or recycling recyclable materials as long as the materials are not likely to contaminate groundwater or create off-site odors as a result of these operations;
- sites where sludge is applied for beneficial purposes (fertilizer, soil conditioner, or livestock feed) as long as the sludge meets all State Board of Health and Department of Agriculture requirements;
- hazardous waste disposal sites issued a CD under the Colorado Hazardous Waste regulations; and
- solid waste transfer stations that meet the requirements of Section 7 of the State solid waste regulations.

(6 CCR 1007-2 Section 1.4)

Who do you contact to obtain a CD?

Obtaining a certificate of designation begins with the local governing authorities. Persons interested in obtaining a CD should contact the county commissioners, planning department, or municipal government, based on the location of the proposed facility. (6 CCR 1007-2 Section 1.6.1)

Is there an application form?

There is no standard application form to fill out. Applicants should contact the local governing authority to determine their requirements. Copies of the Colorado Solid Waste Regulations may be obtained from the Division and are available in downloadable format on the Internet.

What happens after the local governing authority receives the application?

The local governing body forwards copies of the application packet to the Division for technical review and recommendation of approval or disapproval. The local governing body may also conduct their own review at this time.

An application completeness determination must be made by the Division within 30 days of receipt of the

application. The determination of completeness of the application doesn't imply anything about the outcome of the review, nor prevent the Division from seeking clarifications or additional information. (6 CCR 1007-2 Section 1.6.5)

Once it is determined that the application is complete, a comprehensive technical review is completed to determine if the siting, design, and operating criteria of the proposed facility are protective of human health and the environment. Any technical conditions of approval made by the Division in its final report will be incorporated as requirements in the Certificate of Designation. (6 CCR 1007-2 Section 1.6.6) A public review and comment period is included as part of the review. (Title 30 Article 20 Section 104(3)).

Who issues the CD?

The certificate of designation is issued by the local governing authority. Issuance of the CD is based on the recommendation of the Division to approve the application and on local factors. (6 CCR 1007-2 Section 1.6.6) If the Division disapproves the application, the local governing authority cannot issue the CD. The local governing authority may also deny the CD even if it has been approved by the Division. The local governing authority is required to conduct a public hearing for new CDs.

What fees are required to obtain a CD?

A non-refundable fee must accompany the application to the local governing authority. This fee is based on costs incurred by that body in the application review and approval process (6 CCR 1007-2 Section 1.6.2). The applicant is also responsible for costs incurred by the Division during the comprehensive technical review of the application, technical review of amendments to existing certificates of designation, site visits, and attendance of Division staff at meetings and hearings concerning the application or amendments. The applicant must pay all applicable fees prior to issuance of the final recommendation (6 CCR 1007-2 Section 1.7.2).

Are there other fees?

Landfill operators are required to collect a user fee from each person disposing of solid waste at an attended solid waste disposal site. These monies are partially used by the Division to fund the ongoing monitoring and inspection activities of Division Staff (Title 25 Article 16 Section 104.5 CRS).

For more information:

**Colorado Department of
Public Health & Environment**

**Hazardous Materials and
Waste Management Division
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530**

*Customer Technical Assistance (303) 692-3320
888-569-1831 ext. 3320 toll-free*

Division website www.colorado.gov/cdphe/hm
E-mail comments.hmwm@state.co.us

SW-002

This Compliance Bulletin is intended to provide guidance on the appropriate siting of non-hazardous solid waste disposal sites and facilities based on Colorado solid waste statutes and regulations only. The sites and facilities described in this guidance may also be regulated under other statutes and regulations.

30 Hour Billable Time Notification Waiver/Cease Work Notice

Denver Zoological Foundation hereby acknowledges receipt of the required notification that the Department has received the **Denver Zoo Waste to Energy System CD Application including the Engineering Design and Operations Plan**. We are also aware that the Department must provide written notice, pursuant to Section 1.7(A)(6) of the Regulations Pertaining to Solid Waste Sites and Facilities (6 CCR 1007-2), once our project reaches thirty (30) hours of billable time unless notification is waived or we direct the Department to cease work on our project.

Please choose one of the following options:

- Denver Zoological Foundation** grants the Department a waiver from providing the 30 Hour Billable Time Notification and gives the Department permission to proceed with review of our project, **Denver Zoo Waste to Energy System**, without any further notice regarding accumulated billable time other than the usual quarterly fee bills, until the project is complete.

OR

- Denver Zoological Foundation** hereby notifies the Department to cease all work on our project, **Denver Zoo Waste to Energy System**, when 30 hours of billable time is reached. We acknowledge fiscal responsibility for the work completed and will expect to be invoiced accordingly. We understand that a written request must be submitted to the Department to restart the review process on the **Denver Zoo Waste to Energy System**. We also acknowledge that our project will be reviewed following the project manager's last received document prior to receiving our request.

Facility Authorized Representative's Signature

Date

Facility Authorized Representative's Printed Name

Facility Authorized Representative's Address

Facility Authorized Representative's Phone