



# ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

## AGENDA COMMUNICATION FORM

<b>ITEM DATE: February 1, 2022</b>	<b>ITEM TIME: 9:35 am</b>

<b>FROM:</b>	Alan Goldich
<b>TODAY'S DATE:</b>	January 25, 2022
<b>AGENDA TITLE:</b>	Twin Landfill; PL20210002

**CHECK ONE THAT APPLIES TO YOUR ITEM:**

☒ **ACTION ITEM**

☐ **DIRECTION**

☐ **INFORMATION**

**I. DESCRIBE THE REQUEST OR ISSUE:**

Amendment of Twin Landfill's Special Use Permit and Certificate of Designation for a Solid Waste Disposal Facility

**II. RECOMMENDED ACTION (motion):**

### Special Use Permit

I move to approve Twin Landfill's SUP Amendment with the following finding of fact:

1. That the proposal, with the following conditions, meets the applicable guidelines of the County Master Plan and is in compliance with Sections 4, 5, 6 and 9 of the Routt County Zoning Regulations.

Such approval is subject to the following conditions:

**General Conditions:**

1. The Special Use Permit (SUP) is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 4, 5, 6, and 9.
2. Any complaints or concerns that may arise from this operation may be cause for review of the SUP, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
3. In the event that Routt County commences an action to enforce or interpret this SUP, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
4. Fuel, flammable materials, and any other materials classified as hazardous shall be stored in a safe and secure area in accordance with federal and state requirements.
5. Prior to the issuance of the permit, the Permittee shall provide evidence of liability insurance in compliance with the County's Insurance and Surety Requirements policy, then in effect. The certificate of insurance shall include all permit numbers associated with the activity and Routt

Approve  
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2nd - Redmond  
3-0



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County shall be named as an additional insured. Permittee shall notify the Routt County Planning Department of any claims made against the policy.

6. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director following internal review, without public notice.
7. Transfer of this SUP may occur only after a statement has been filed with the Planning Director by the transferee guaranteeing that they will comply with the terms and conditions of the permit. If transferee is not the landowner of the permitted area, transferee shall submit written consent for the transfer by the landowner. Failure to receive approval for the transfer shall constitute sufficient cause for revocation of the permit if the subject property is transferred. Bonds, insurance certificates or other security required in the permit shall also be filed with the Planning Director by the transferee to assure the work will be completed as specified. Any proposal to change the terms and conditions of a permit shall require a new permit.
8. The Permittee shall prevent the spread of weeds to surrounding lands and comply with the most current version of the Colorado Noxious Weed Act and Routt County regulations for noxious weeds. A Noxious Weed Control Plan shall be developed by the Permittee and reviewed and approved by the County Weed Supervisor prior to issuance of the Special Use Permit.

#### **Specific Conditions:**

9. The SUP is valid for five years. If no major issues have been identified in the three inspections preceding the expiration of this permit and there are no substantial changes to the EDOP or uses, this permit may be administratively renewed according to Section 3.2.1 of the Zoning Regulations for an additional 5 years.
10. The SUP is limited to uses and facilities presented in the approved project plan, including the uses and structures listed below. Any additional uses or facilities that are not considered accessory to a landfill and waste hauling business, recycling, waste transport, or special event supply must be applied for in a new or amended application. Facilities and uses shown or described in narrative (August 9, 2021) or on site uses and sup boundary map (September 2021) or within EDOP (December 2020).

#### **Landfill Uses:**

- Solid waste disposal (does not include hazardous waste)
- Liquid waste storage and transfer (does not include hazardous waste)
- Exploration and Production waste (solid waste disposal and liquid waste storage and transfer)
- Friable and non-friable asbestos disposal
- Clay, topsoil, and gravel extraction for onsite landfill use only
- Leachate management, including existing evaporation pond
- Fuel storage and fueling operations for onsite vehicles and equipment
- Storage of topsoil
- Onsite equipment and vehicle use, repair and storage
- Tire shred usage for drainage



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#### Recycling Uses:

- Composting operations:
  - food waste storage and processing
  - bio-solid storage and processing
  - finished compost storage
- Storage and sale of reusable construction and demolition (C&D) waste (Milner Mall)
- Material Recovery Facility (MRF) recycling operations
- Electronics storage and transport
- Steel & building material storage
- Scrap metal storage
- Waste tire storage in accordance with state regulations; tire shred storage and use
- Organics storage and processing area (green waste)

#### Waste Transport

- Waste hauling and associated maintenance and vehicle storage
- Waste and recycling container storage and maintenance
- Fuel storage and fueling operations for on-road vehicles

#### Special Events Uses:

- Portable Toilets
- Tents & event equipment
- Waste and Recycling Containers

#### Structures

- Office and scale house
- Material Recovery Facility (MRF/recycling facility)
- Container repair shop next to MRF
- Reusable C&D materials storage sheds (Home Resource Center/Milner Mall)
- Leachate holding tank
- Liquid waste storage tanks
- Shop (adjacent to liquid waste storage area)

11. This permit is contingent upon the acquisition of and compliance with all applicable permits. The operation shall comply with all federal, state, and local laws, including the Regulations Pertaining to Solid Waste Disposal Sites and Facilities set forth by the Colorado Department of Public Health and Environment. Any upset condition that is reportable to a permitting agency shall require notification to the Routt County Planning Department.
12. The Engineering, Design, and Operation Plan (EDOP) dated December 4, 2020, as amended is hereby incorporated into this SUP. Operation of the landfill shall proceed in accordance with this plan.
13. The Permittee shall communicate any contemplated amendments to the EDOP to County staff. EDOP and SUP amendments will be reviewed by Routt County Environmental Health and



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Planning Department staff to determine if a formal review will be required. Such review by staff will consider the scope of changes and impact to surrounding lands.

14. The operation will be reviewed annually by Routt County Planning or Environmental Health Department staff to ensure compliance with permit conditions, with recommendations to Planning Commission and Board of County Commissioners, as appropriate. Inspections may be conducted quarterly without notice to the Permittee. Inspections may include observation of all aspects of the operation.
15. Routt County Environmental Health officials may take split-samples from the wells during the spring or fall sampling events or surface water based on the agreed upon protocol:
  - a. Compliance Manager or designee of Twin shall be notified 24-hours in advance and be present at time of sampling.
  - b. Location of sample shall be identified by Routt County Environmental Health (RCEH).

#### **Roads**

16. Permittee shall be responsible for any additional winter maintenance and other regular road maintenance above and beyond that normally conducted by the Public Works Department on County Road 205 during the life of the operations and shall obtain applicable Grading and Excavating, Work in the Right of Way, and Snow Removal permits. Routt County shall meet with the permittee periodically to assess necessary maintenance resulting from use of the road. Additional maintenance shall be determined by the Routt County Public Works Department in its sole discretion and at permittee's expense. Maintenance may include, but is not limited to, grading and graveling of roadways, restoration of roadway crown, sweeping or cleaning access points, soft spot/damage repair and application of a dust palliative as approved by the Routt County Public Works Director
17. Routt County has the authority to close any county road at its sole discretion if damage to the road may occur by its use. To the extent that a road closure may affect permittee's operations, Routt County will cooperate with Permittee to allow operation to be continued in a safe and practical manner, with reasonable advance notice to the Permittee.

#### **Reporting**

18. All annual submittals shall be submitted to the Routt County designee at [annualreports@co.routt.co.us](mailto:annualreports@co.routt.co.us).
19. All regular reports required by a permitting agency shall be submitted to the Routt County designee. Such reports include:
  - Annual Liquid Waste Transfer Unit Report
  - Annual WQCD Report
  - Annual Biosolids Report
  - Annual Compost Report
  - Annual Recycling Report (recycle volumes)
  - Semi-annual Air Quality (Title 5) Permit Report(s) which contains



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- Annual Emission Calculation
  - Annual Non-Methane Organic Carbon
  - Annual Greenhouse Gas Calculation
  - Tier 2 Report(s)
  - Semi-annual Groundwater Monitoring Reports
  - Semi-annual Leachate Management Reports
  - Quarterly Gas Monitoring Reports
  - Quarterly Volume/tons Report
20. The landfill shall provide quarterly reporting on types and volumes of diverted waste including construction and demolition waste, plastics, glass, cardboard, paper, metal/steel, bio-solids (and other compostable waste), and liquid waste. Separated waste (contamination) of single stream recyclables shall be included in the disposal fee calculations. Reports shall be submitted at the same time as the disposal fee calculations.
21. The landfill shall provide yearly reports on the volume of E&P waste that is accepted with the quarterly disposal fee calculations that are provided.
22. Permittee shall submit an annual report prior to December 31 of each year to document all weed control measures undertaken, including herbicides used, rates of application, and total gallons of mixed herbicide solution applied.
23. Permittee shall conduct an annual inventory of weeds on site each spring including but not limited to species identification and map locations. Inventory shall be submitted to Routt County Weed Program (RCWP) supervisor within 30 days of conducting the survey.
24. Data shall be submitted annually that calculates landfill air space consumed during the previous 12 months. All data shall be submitted to the Routt County Environmental Health Department by October 31st.

#### **Visual Mitigation**

25. A screening plan shall be developed by the Permittee to shield the portable toilet storage area. Such screening plan shall be approved by the Planning Director.
26. Lighting shall be downcast and opaquely shielded. All exterior lighting shall be turned off between 8:00 p.m., or when the maintenance building is not in use, whichever is earlier, and 7:00 a.m. Necessary motion-sensitive, safety, and/or security lighting is excluded.
27. There shall be no exterior lighting at the above ground leachate holding tank except necessary, motion-sensitive, safety and/or security lighting.
28. All new structures shall be painted a neutral color.
29. At the Material Recovery Facility, all loose materials salvaged for recycling shall be contained within the recycling building. Recycled materials may be stored outdoors if baled, stored in bins, or other designated storage areas. Glass shall be contained within a cement block enclosure or similar containment area.



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30. Public access to the Milner Mall shall only occur during daylight hours. The hours of operation of other landfill activities shall be in accordance with the EDOP.
31. Prior to issuance, an Acknowledgement of Merger of Title shall be recorded merging parcel 938211002 with parcel 938164001.
32. The septic vaults at the shop and office building shall be brought into conformance with Routt County regulations by October 30, 2022.
33. Any clay, gravel, or similar construction materials used in the operation of the landfill brought onsite from another parcel, shall be from a County approved source, if under the jurisdiction of Routt County, within the SUP boundary, or through the acceptance of solid waste. If obtained from within the SUP boundary, applicant will communicate with the County the planned operations.

### **Certificate of Designation**

I move to approve the Certificate of Designation for the Milner Landfill.

Table  
Motion - Corrigan  
2nd - Redmond  
3-0

<b>III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):</b>
<b>PROPOSED REVENUE</b> <i>(if applicable)</i> : \$
<b>CURRENT BUDGETED AMOUNT</b> : \$
<b>PROPOSED EXPENDITURE</b> : \$
<b>FUNDING SOURCE</b> :
<b>SUPPLEMENTAL BUDGET NEEDED</b> : YES <input type="checkbox"/> NO <input type="checkbox"/>
<i>Explanation</i> : N/A
<b>IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):</b>
N/A
<b>V. BACKGROUND INFORMATION:</b>

The original BCC hearing for this application was tabled from 12/14/21 so that staff and the applicant could meet to discuss the conditions of approval (COA) prior to the staff packet going out. Multiple meetings were held and most of the COAs were agreed upon.

Planning Commission heard this item at their 1/20/22 hearing. It was recommended for approval with COAs listed above with a unanimous vote of 8-0. Most of the hearing revolved around the conditions of approval that staff and the applicant were not able to agree upon, that are outlined below. The history and details of the operation are provided in the staff packet and the discussion from Planning Commission are included in minutes attached to the communication form.

COA #5 – The applicant requested relief from the requirement to have an insurance policy that has a \$1.1 million coverage limit because of the cost and lack of available policies. Staff suggested that Planning Commission not weigh in on this subject since they did not have authority to stray from the County's policy on minimum insurance coverage. The standard COA addressing insurance was recommended.



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COA #24 – Planning staff, in consultation with Environmental Health, suggested a condition to Planning Commission requiring an annual survey of air space that was consumed the previous year. This would allow the County to be aware of the available life of the landfill and would also allow the County to confirm numbers that are submitted through the quarterly fee paid by the landfill. The landfill stated that they do not have this information and do not do annual surveys to calculate air space consumed. If required, this would require additional work on behalf of the landfill. Currently they use tons and cubic yards (and associated conversion formulas) and experience to determine how much air space was consumed. Staff believes that a survey would be a much more accurate method of determining this since so many factors play a role in converting tons to air space, including differing rates of compaction and mass of different materials. Staff considers an annual survey as a best management practice for operation of the landfill which is required by Section 6.1.5 of the Zoning Regulations. The landfill stated that they have information that can be used to calculate the air space consumed. It was Planning Commission's opinion that only data that the landfill already has and collects should be submitted to the County. If this information does not provide the data that the County is looking for, then this condition can be revisited in the future.

COA #25 – This condition addresses the visual impacts of the storage location of portable toilets from Highway 40. Planning Commission agreed that mitigation is needed. The COA in the staff report was meant as a starting point for discussion; and after discussion, it was modified to state that a screening plan must be developed and approved by the Planning Director. Different screening methods were discussed including planting vegetation, building a fence, or creating berms. The landfill stated that they do not have water to irrigate plantings so the question of landscape viability comes up. In the past when the County has required landscaping, the County has also required bonding to ensure that the landscaping survives. Some Planning Commissioners stated that they were not in favor of bonding for landscaping however this was not discussed extensively. Staff would like to know from the BCC if bonding to ensure any landscaping survives should be an available tool for staff to ensure that any landscaping is maintained.

<b>VI. LEGAL ISSUES:</b>
N/A
<b>VII. CONFLICTS OR ENVIRONMENTAL ISSUES:</b>
N/A
<b>VIII. SUMMARY AND OTHER OPTIONS:</b>
1. Table for additional information
2. Deny the application



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IX. LIST OF ATTACHMENTS:	
<ul style="list-style-type: none"><li>• P.C. staff report</li><li>• DRAFT PC minutes from 1/20/22</li></ul>	