

SUP Submittal Outline
(This outline tracks the Submittal Checklist provided by Alan Goldich)

Signed Application

- E-sign through online portal

Application Fee

- Pay through online portal

PDF of Complete Submittal Package

- Submit all documents through online portal

Proof of Ownership

- See Warranty Deed as Attachment A

Statement of Authority

- See statement attached as Attachment B

Vicinity Map

- See Attachment C

Legal Description

Legal description per reception no. 621323 recorded July 1, 2005.

A tract of land in Sections 4 and 9, Township 6 North, Range 85 West of the 6th P.M., more particularly described as follows:

BEGINNING at a point on the southerly right-of-way of the Denver and Salt Lake Railroad Company, from which the SE corner of Section 4, Township 6 North, Range 85 West of the 6th P.M. bears S73°28'23"E, 1236.71 feet;

thence S85°59'20"W, 114.0 feet along said right-of-way to the West line of the SE ¼ SE ¼ of said Section 4;

thence S05°36'00"W, 782.66 feet along said west line of SE ¼ SE ¼;

thence N63°19'50"E, 283.34 feet;

thence N05°27'49"W, 662.73 feet to the POINT OF BEGINNING.

EXCEPT any portion of the above described tract of land not lying within the SE ¼ SE ¼ of Section 4, and the NE ¼ NE ¼ of Section 9, all in Township 6 North, Range 85 West of the 6th P.M.

County of Routt, State of Colorado

List names and mailing address of adjacent property owners

- Adjacent Property Address: 40055 Baker Way
Owner: Steamboat II Metropolitan District
Mailing Address: PO Box 771277
Steamboat Springs, Colorado 80477
- Adjacent Property Address: 26185 US HIGHWAY 40
Owner: Hogue Ranch Limited Partnership, LLLP
Mailing Address: PO Box 774191
Steamboat Springs, Colorado 80477

Written Narrative/ detailed description of subject site and proposed use

- Duksa Family, LLC (“Applicant”) owns the property at 40025 Baker Way, Steamboat Springs, Colorado, 80487 (the “Property”). The Property is zoned industrial, which allows for Solid Waste Transfer Sites, Recycling Stations, and Junkyards with a Special Use Permit. Applicant is applying for a broad range Special Use Permit that will allow for a variety of recycling and landfill avoidance activities. Currently, D&D Enterprises, Inc. (“D&D”) operates a scrap metal recycling business on the Property which plans to operate as D&D Recycle Center or similar name.
- Description of Current Use
 - o For the short term, Applicant anticipates the Property will continue with current operations of processing scrap metal for recycling. Metal, in the form of appliances, drums and barrels, vehicles, small equipment, metal farm scraps, metal roofing and the like can be dropped off at the Property at no or little cost to the public. D&D then process, organizes, and bales the scrap metal for sale to the next processors in the metal recycling process.
 - o Site Uses are shown on the site maps provided in Attachment D. Conditions of approval should reference uses described in this narrative as well as depicted on the attached site maps.
 - o Stormwater at the site will be improved as part of this application to direct site runoff to a new detention pond that will be located at the south-southwest corner of the property. Site improved flow is depicted on the attached site maps. Since the site is largely unpaved, the detention pond has been sized to manage larger events that would reasonably be expected to generate overland flow, including spring runoff. A new berm will be constructed between the materials areas on the west side of the parcel and the existing drainage ditch to direct flows instead to remain onsite and toward the new detention pond.

- Possible Future Uses
 - Applicant is often asked if D&D can accept certain items outside of metal scrap and recognizing the needs of Routt County, Applicant anticipates expanding operations to include a wide range of recycling and composting operations. Applicant is interested in adopting practices that will divert waste from landfills. Possible expansion could include collecting food waste for composting and/or conversion to pellet animal feed, general recycling of household waste, pelletizing of plastics, and other green processes as they become feasible or needed in the community.
- Hours of operations
 - Public can drop off materials from 7:00 am – 5:00 pm, seven days a week.
 - Materials processing and heavy machinery operations occur at various times and Applicant does not have set times for those operations.
- Anticipated/Current number of Employees
 - Five - two office or managerial workers and three material processors
- Anticipated/Current Traffic
 - In addition to employee traffic, Applicant estimates that five vehicles enter and exit the property each day. Most traffic is made by personal vehicles in pickup trucks, SUVs, and cars. Typically, 2-3 semi-trucks a week enter and exit the Property. Applicant notes that traffic patterns can vary greatly from week to week and that Applicant has had weeks without any customer traffic.
- Access to the Property
 - Access to the Property is provided via Baker Way which connects to US Highway 40 just west of mile marker 127. The intersection of US Highway 40 and Baker Way has been improved with a westbound stacking turn lane, deceleration lanes, and acceleration lanes. Applicant has contacted and is attempting to work with CDOT and Union Pacific on access issues, which is explained further below in the CDOT Access Permit section.

Mitigation Plan for any significant negative impacts

- The Property's location, neighboring properties, and industrial zoning make it well suited for the existing and planned uses and Applicant believes little to no mitigation will be required. The property to the west is an industrial gravel pit. The property to the east is owned by the Steamboat II Metropolitan District. As can be viewed on the vicinity map and site plan, the east border of the Property abuts a large gravel parking lot and two track road, creating a buffer to the remaining metro district property. Applicant understands that no complaints have been lodged against its current operations and the Property has a dirt berm containing operations.
- Applicant utilizes a gate and cameras to mitigate illegal dumping or the dumping of items that it cannot or will not recycle or process.

Site Plan, Uses and SWMP

- See site plans prepared by Four Points Surveying and Engineering as Attachment D to include site layout, existing site uses and stormwater management plan (SWMP) for proposed improved conditions.

Floor plans and elevation drawings of proposed buildings, drawn to scale

- Applicant does not anticipate adding any buildings to the Property.

**Additional Information as Required by Planning Director –
CDOT Access Permit –**

- Applicant has been in contact with CDOT regarding access to the Property and has submitted a CORA request regarding the same. Applicant maintains that a CDOT access permit is not required. The Property is not adjacent to Highway 40 and is accessed via Baker Way. CDOT has asserted otherwise. Access on Baker Way crosses a Union Pacific railroad. Union Pacific has historically provided access agreements to the Property and to previous owners of the Property. Applicant has contacted Union Pacific requesting information on current license and access agreements, but those requests have gone unanswered. Planning staff directed that this application can be submitted with the access issue unresolved and with Applicant's agreement to continue working on this issue. Applicant will continue to follow up with both CDOT and Union Pacific until such issues are resolved.

Spill Control Plan

- Applicant will address any spills in compliance with 6 C.C.R. § 1007-3:279.22(d) and will stop the release of any oil, contain the released used oil, clean up and manage the released used oil and other materials, and if necessary, to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to retuning them to service.
- A spill control plan will be prepared as required by CDPHE for the Industrial Stormwater Permit (see stormwater section below) and will provide a copy to the County when complete and available.

Phase 1 Environmental Assessment, if available

- Applicant does not possess and is unaware of any Phase 1 Environmental Assessment and therefore one is not available.

Copies of all State registrations, permits, and approvals, including, but not limited to:

- *State Recycler ID or proof of registration – (Exempt)*
 - o Registration as recycler pursuant to 6 CCR 1007-2, Part 1, Section
 - Recycling Facility Initial Registration Form was completed and sent to CDPHE, at cdphe.hmrecycling@state.co.us, on 9/2/2021.
 - See 10/29/2021 email from cdphe.hmrecycling@state.co.us as Attachment E. “Scrap metal recycling is actually exempt from recycling regulations in Colorado.”
- *Storm Water Management Permit and State Discharge Permit, if needed*
 - o Applicant is working with Four Points Surveying and Engineering (“Engineer”) on a Stormwater Permit for Non-Extractive Industrial Activities, and a Storm Water Management Plan (SWMP). The SWMP map is attached to this application showing the general design of flow and collection of site runoff into a detention pond located at the south-southwest corner of the property. The CDPHE Industrial Stormwater Permit will be provided to the County when completed and available. The Engineer has visited the site and is working with the Owner to complete the necessary application forms for the Industrial permit.
- *Management of Waste Batteries – (No registration required)*
 - o Applicant will handle waste batteries as universal waste as provided for by 6 CCR 1007-3 Part 273. Applicant qualifies and will continue to qualify as a Small Quantity Handler of Universal Waste. Part 273.9. As a small quantity handler of universal waste, Applicant is not required to notify CDPHE of its battery handling activities and no permit is required. Part 273.12. Applicant will handle waste batteries as outlined by 1007-3:273.13-273.20.

- *Waste Tires*
 - Applicant qualifies as a Waste Tire Generator and has applied for a Certificate of Registration by submitting Form WT-1 to CDPHE on 10/21/2021. Applicant will handle waste tires as required by its Certificate of Registration and CDPHE regulations at 6 C.C.R. § 1007-2:1-10.4.

- *Plan for handling used oil and other fluids* – (no registration required)
 - Applicant is currently a used oil generator as defined by 6 C.C.R. § 1007-3:279.1 and is subject to the Standards for Used Oil Generators found at Subpart C of §1007-3:279.20-.24. Used oil generators do not have registration requirements and therefore no registration or application has been submitted to CDPHE or the Environmental Protection Agency. *See* Subpart C; *See also* Management Standards for Used Oil Generators Guidance Document at https://www.colorado.gov/pacific/sites/default/files/HM_hw-used-oil-generator-req_0.pdf.
 - Applicant may expand and accept used oil and qualify as a “Do-it-yourselfer used oil collection center” as defined at 6 CCR § 1007-3:279.30. Do-it-yourself used oil collection centers are subject to the same regulations as used oil generators and no registration would be required with CDPHE.
 - Applicant will follow all requirements as detailed at Subpart C. Standards for Used Oil Generators (also applicable to Do-it-yourself used oil collection centers), including, storing used oil in above ground tanks or containers that are in good condition that are labeled with the words “Used Oil”, and will respond to leaks as outlined in §273.22(d).
 - Applicant’s storage capacity for used oil is less than 660 gallons, exempting Applicant from regulation by the Department of Labor and Employment’s Division of Oil and Public Safety. 7 C.C.R. § 1101-14:3-1(b)(1); *See also* Management Standards for Used Oil Generators Guidance Document.
 - Applicant anticipates burning used oil on site in a used oil-fired space heater in compliance with 6 CCR § 1007-3:279.23.
 - Used oil generators can transport up to 55 gallons of used oil without EPA identification numbers. 6 C.C.R. § 1007-3:279.24; Applicant will self-transport no more than 55 gallons of used oil at a time and in compliance with §279.24. If Applicant ever needs to ship more than 55 gallons at one time, Applicant will only use transporters who have obtained EPA identification numbers. *Id.*
 - Spill Prevention, Control, and Countermeasure (SPCC) Rule is inapplicable. Applicant’s above ground storage capacity is less than 1,320 gallons and below ground storage is less than 42,000 gallons and therefore Applicant is not required to develop a SPCC. 40 CFR §112.1(d)(2); *See also* <https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations/does-spill-prevention-control-and-countermeasure>