

ROUTT COUNTY PLANNING COMMISSION

FINAL MINUTES

JANUARY 20, 2022

The regular meeting of the Routt County Planning Commission was called to order at 6:00 p.m. with the following members present: Chairman Steve Warnke and Commissioners Linda Miller, Bill Norris, Brian Kelly, Andrew Benjamin, Jim DeFrancia, Greg Jaeger, and Roberta Marshall. Commissioners Ren Martyn and Paul Weese and were absent. Planning Director Kristy Winser, staff planner Alan Goldich, and Environmental Health Director Scott Cowman also attended. Sarah Katherman prepared the minutes.

PUBLIC COMMENT

There was no public comment.

MINUTES - December 2, 2021

Commissioner DeFrancia moved to approve the above cited minutes, as written. Commissioner Kelly seconded the motion. **The motion carried unanimously.**

ACTIVITY: PL20210002 (tabled from December 2, 2021)
PETITIONER: Twin Landfill Corporation
PETITION: Amendment of Special Use Permit and Certificate of Designation
LOCATION: At the end of CR 205, approximately 1 mile southwest of Milner

Mr. Goldich reviewed the application, stating that the goal of the hearing is for Planning Commission to make a recommendation to the Board of Commissioners (BCC) that includes conditions of approval (COAs) sufficient to mitigate the potential impacts of the operation. He stated that staff and the applicant have met many times to go over the suggested COAs and have reached agreement on all but a few. Mr. Goldich cited COAs #24 regarding visual impacts from US 40 and #19 regarding the reports that must be submitted to the County. He stated that staff now has a comprehensive list of the reports that Twin submits to the Colorado Department of Public Health and the Environment (CDPHE), and is asking that all of these but no additional reports be submitted to the County as well.

Mr. Goldich said that landfills are regulated by the County as well as by the state. The Hazardous Materials and Waste Management Division (HMWMD) is the division within the CDPHE in charge of landfills. Mr. Goldich reviewed the responsibilities of the agency, but noted that they had been unable to inspect the Twin operation since 2019. He stated that the County, which issues the Certificate of Designation (CD) and regulates offsite impacts of landfills, has inspected the site five times since 2019. Mr. Goldich explained that the CD

details the boundaries of the landfill; the Engineering, Design, and Operations Plan (EDOP) specifies how the landfill will be operated and how it will be closed. The EDOP is under the jurisdiction of the state.

Mr. Goldich said that very little is changing with this amendment regarding the operations conducted at the landfill. The only new uses are vehicle storage, container and portable toilet storage, onsite resource extraction, electronics recycling storage, and soil and organic materials storage. Mr. Goldich reviewed the history of the landfill on this site. He stated that the County last reviewed the operation in 2018 when a problem with the liner of the liquid waste solidification basin was identified. The result of that review was that the solidification basin was decommissioned and is being used as secondary containment for the tanks that hold liquids until they can be transported to a proper disposal facility. Mr. Goldich said that in 2016 a compliance advisory had been issued by the CDPHE, which resulted in a revised EDOP being approved in December of 2020. He said that at this point most of the compliance issues at the site have been addressed. He said that the operation was inspected in October of 2021 by County staff and the following issues were identified: illegal septic waste vaults, lack of adequate daily interim daily cover, stormwater control problems, wind-blown trash outside the Material Recovery Facility (MRF) for recycle sorting, and unpermitted extraction (which has since been approved by the state.)

Mr. Goldich noted that for the first time, the permit is being reviewed in light of the recently adopted Routt County Climate Action Plan (CAP). Review under the CAP is similar to review under the Master Plan and Sub-area Plans. Mr. Goldich noted that because waste diversion is a major element of the CAP, the landfill is and will continue to be an important partner in fulfilling the CAP. He offered that a compliant landfill operation is a valuable operation for the future of the County.

Ms. Rebecca Lindeman, a civil and environmental engineer representing the landfill, clarified that the state has been attempting to conduct an inspection for some time, but has been unable to do so due to COVID-19. Frequent conference calls have been conducted between Twin and CDPHE. She added that the soils extraction was approved as part of the current EDOP and trenching is being done in accordance with and with the approval of CDPHE.

Mr. Les Liman, the owner of the site, reviewed the full history of the landfill site. He said that the landfill is located on a former underground and surface coal mine, which has complicated many aspects of the operation. He noted that the landfill had originally been operated by the County. Mr. Liman said that he has never believed that the solidification liner leaked, but rather that the problem identified by the monitoring well was the result of drainage issues and the legacy of the site being used to dump septage.

Chairman Warnke asked the applicant to discuss the issue of visual impact. Mr. Goldich presented a photo of the site as seen from US 40. Mr. Marlin Mullet, CEO of Twin, stated that the storage of containers and portable toilets is not a new

activity. He offered that the visual impact is not significant for travelers on US 40 because the road is 0.6 miles away and cars are moving at 65 mph. He offered that the addition of a few trees to break up the visible line of portable toilets could be considered.

Commissioner Jaeger asked about enforcement of violations by the state. Mr. Goldich said that in addition to the state's own periodic inspections, the County sends its inspection reports to the state as well as to the operator. Routt County Environmental Health Director Scott Cowman said that violations identified by the state usually result in a letter with a deadline to bring the issue into compliance, then move on to compliance advisories, consent orders and fines.

In response to a question from Chairman Warnke about the specificity of the activities at the site, some of which seem to be accessory to the landfill operation, Mr. Goldich said that the goal is to include all activities and required reports in the permit, which would then serve as a single comprehensive document to enable a more efficient review process.

Commissioner DeFrancia stated his support for a buffer of trees instead of a fence to screen the storage area. Mr. Goldich said that trees only work as a buffer if they live. He recommended requiring a bond for any required landscaping to ensure care, maintenance and survival.

Commissioner Kelly said he drives by the site frequently and agreed that at 65 mph one hardly notices the landfill site. He expressed concern with the volume of traffic entering and exiting the site in the only eastbound passing lane along that stretch of road. He compared the traffic impacts to that generated by gravel pits.

In response to a question from Commissioner Benjamin, Mr. Goldich clarified that at this point there are no regulatory requirements associated with the CAP. COAs have been suggested in response to the CAP, however.

Regarding single-stream recycling, Mr. Mullet stated that it is all sorted and shipped as a commodity. He clarified that the MRF is operated by a third party. The third party reports to Twin, which reports to the state.

Commissioner Marshall stated that she does not support bonding for landscaping. She said that a 3 - 5 year check for efficacy of the buffer is a more appropriate way to handle it. Regarding the traffic onto and off of US 40, she suggested that this was a Colorado Department of Transportation (CDOT) issue. Mr. Goldich confirmed that the intersection of CR 205 and US 40 is regulated by CDOT and since no changes in operations are being proposed, CDOT was not notified of this permit application. He added that Twin does pay a fee associated **with the use of the bridge on CR 205. Mr. Cowman said that Twin pays 25¢ per cubic yard to support recycling and 15¢ per cubic yard for the bridge construction.** He added that the bridge project would be paid off in 2029, at which point the County will have to decide whether to discontinue that fee or not.

Mr. Liman noted that the food waste and bio-solids composting operation had been restarted and generates good quality finished compost. He said that some acreage has been reclaimed and is used for grazing. He added that the 70 - 80 acres that was the site of the old strip mine will be used to expand the landfill in the future. Mr. Liman noted that Twin holds approximately \$4 million in a closure trust that will finance the closure and monitoring of the site 30 years following its closure. He reviewed the monitoring wells and the liners under the disposal areas.

Mr. Cowman asked about the storage of unscreened compost that is not eligible for sale. Mr. Mullet stated that the material is mixed with soil and stored for use in reclamation of the landfill. CDPHE is aware of this. The finished compost is stored in a separate area. Mr. Goldich indicated these areas on an aerial photo. Mr. Liman indicated the old strip mine site on the aerial.

Mr. Cowman noted that statistically significant increases in compounds had been identified in some of the monitoring wells, triggering more thorough testing of a longer list of compounds, but nothing had been identified in the larger suite of compounds tested for. Ms. Lindeman stated that this past fall the state had approved the removal of two testing wells. Mr. Cowman said that this was news to him, adding that the County wants to be informed of all correspondence with CDPHE. Mr. Liman reviewed the impact on testing wells of the legacy septage pit and the application of magnesium chloride to the roads. He stated that the old septage issue relates to the need for vault septic systems to serve the operation. He said that the vaults had been approved by former Environmental Health Director Mike Zopf so that monitoring wells would not be contaminated with organics. Mr. Liman began discussing the vault variance process. Mr. Goldich said that a COA addressing this issue has been suggested, and the discussion of whether a variance would be needed for the vault septic systems would be scheduled for a later date.

Commissioner Kelly asked about the lifespan of the landfill. Mr. Liman estimated at least 50 years. Mr. Goldich indicated the modules being filled at this time on a site plan. When those modules are full, Twin will move on to module 8. After that, the landfill operation would move into phase 2, the central area of the site. Mr. Goldich said that the areas allowed for use under the current EDOP have an estimated life of approximately 26 years. These areas do not include the former strip mine site.

Mr. Mullet noted the change in the insurance requirement from \$1 million to \$1.1 million. He said that they cannot get an additional \$100,000 policy, and that the \$200,000 additional policy would cost \$9,000 for eight months. He asked for relief from this increased insurance requirement. Mr. Goldich said that the insurance requirement is a policy set by the BCC and is consistent across all permits. Mr. Liman added that Twin holds \$4 million in a trust for closing. Ms. Winsler

suggested that this issue should be discussed with the BCC, as it is not within the purview of Planning Commission.

Mr. Mullet, citing suggested COA #24, asked about the need for an air space survey. Mr. Goldich cited Section 6.1.5 of the Zoning Regulations regarding best management practices. He said that it is the County's interests to track the available space at the landfill in order to properly plan for the future in case the site cannot be expanded as planned due to unforeseen issues. Mr. Liman said that Twin tracks volume closely and can supply data to provide the capacity and lifespan information the County needs. He added that Twin has a great deal of data on the expansion site, as well. Mr. Cowman offered that a drone survey doing a lidar scan could be accomplished for around \$2000. This type of survey would provide useful information on the rate and density of fill.

There was a discussion of whether Twin's data could replace the need for a survey and of the benefits of conducting a physical survey via drone or other means, and what the appropriate frequency of surveys should be. Mr. Goldich suggested that the County could have Twin submit the data they have, and if this doesn't provide sufficient information, the survey issue could be revisited. Mr. Cowman stated his preference for an annual airspace survey in addition to tonnage information in order to understand the relationship between tonnage and airspace consumed. He offered that he would ask the County to fund the survey, if necessary. Mr. Goldich proposed a revision to COA #24. There was lengthy discussion of the appropriate frequency of airspace surveys and whether a drone survey could be replaced by data alone. Chairman Warnke suggested going with the data only in the COA and then having the County conduct a physical survey every five years to compare to the calculated estimates.

Regarding suggested COA #25, Commissioner DeFrancia said that the issue is the overall landscape, not only the view from a passing car. He stated his support for requiring mitigation. Commissioner Benjamin noted that if plantings are used there would need to be some calculation of the required number of trees to effectively screen the storage area and the number of evergreens that should be included in the mix. Mr. Liman stated that water for irrigation of the site is not available. He added that he was not in support of berms, which take up a lot of space. Mr. Goldich offered that reconfiguring the storage may be effective to reduce the visual impact, as it is only the portable toilets that stand out. Chairman Warnke suggested that the operator develop a screening plan to be approved by the Planning Director.

There was no public comment.

In response to a question from Mr. Cowman, Mr. Mullet confirmed that 20% - 30% of single stream recyclables are contaminated and disposed of in the landfill. He stated that the rejected materials are scaled and included in the tonnage reports of materials going into the landfill.

MOTION

Commissioner DeFrancia moved to recommend approval of the Amendment to the Special Use Permit and the Certificate of Designation with the findings of fact that the proposal, with the following conditions, meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, 6 and 9 of the Routt County Zoning Regulations.

CONDITIONS that may be appropriate may include the following:

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 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

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 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.
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
 - 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.
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.

Commissioner Kelly seconded the motion. **The motion carried 8 - 0, with the Chair voting yes.**

ADMINISTRATOR'S REPORT

Ms. Winser stated that two Master Plan update virtual community outreach events had been scheduled for February 1st & 2nd: one to focus on Stagecoach and the other to focus on the West of Steamboat Area. The meetings will be interactive and include a variety of polling questions. She discussed the goals of the meetings, noting that they hope with this format they will be able to fill in some of the response gaps in the outreach. She said that the next step, following these events, will be the Community Assessment Report that will pull together the information gathered from the entire community outreach process. There was a

discussion of the potential impact of the Brown Ranch on future growth in other areas of the County.

Ms. Winser said that the Planning Commission meeting scheduled for February 3rd is likely to be very short. She proposed add a Master Plan discussion to the agenda for this meeting. Ms. Winser announced that Michael Fitz, the new Planner Tech, would be joining the team soon.

The meeting was adjourned at 8:45 p.m.