



**COMMUNITY AND ECONOMIC DEVELOPMENT  
DEPARTMENT**

**CASE NO.: EXG2009-00002  
CASE NAME: ASPHALT SPECIALTIES**

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**COMMUNITY AND ECONOMIC DEVELOPMENT  
DEPARTMENT  
STAFF REPORT**

**Board of County Commissioners**

**April 18, 2017**

|                            |                                |
|----------------------------|--------------------------------|
| CASE NUMBER: EXG2009-00002 | CASE NAME: Asphalt Specialties |
|----------------------------|--------------------------------|

|                      |   |
|----------------------|---|
| Owner's Name:        | Asphalt Specialties Co Inc.   |
| Permittee's Name:    | Asphalt Specialties Co Inc.   |
| Permittee's Address: | 10100 Dallas Street, Henderson, CO 80640  |
| Location of Request: | 12021 Brighton Road   |
| Nature of Request:   | Suspension or revocation of a certificate of designation granted to Asphalt Specialties through Case # EXG2009-00002 for inert filling. |
| Zone District:       | Agricultural-3 (A-3) & Agricultural-2 (A-2)   |
| Site Size:           | 75 acres  |
| Existing Use:        | Fill site (inert landfill)  |
| Hearing Date(s):     | <b>BoCC: April 18, 2017 / 9:30 a.m.</b>   |
| Report Date:         | April 11, 2017  |
| Case Manager:        | Christopher C. LaRue  |
| Recommendation:      | Suspension of the certificate of designation (EXG2009-00002) for 60 days (June 6, 2017) with 7 Findings and 6 Conditions of Approval.   |

**BoCC Update**

The Board of County Commissioners (BOCC) considered this case on March 14, 2017, and continued it to the April 4, 2017, public hearing meeting. The continuance was to afford staff and the permittee adequate time to discuss remedies towards resolving outstanding violations on the property and make recommendations to the BOCC. On April 4, 2017, Staff and the permittee requested another continuance to the BoCC meeting on April 18. This continuance was to allow a final resolution to the outstanding violations. Currently, the permittee has taken actions to correct a number of the violations. The status of each violation and actions taken are explained in the summary of this report with details of the violations.

As of writing this report, staff has scheduled to inspect the property on April 17<sup>th</sup>. This inspection will assist staff to assess status of the violations and actions taken to correct them.

Currently, there are five identified violations on the property to be resolved. The violations alleged by staff, and the current status of each violation, are discussed below:

**Condition of CD: (3) All conditions set forth by the Colorado Department of Public Health and Environment (Solid Waste and Material Management Unit) as stated in their letter August 27, 2010 (see exhibits 2.1 & 2.5) shall be considered as conditions in this case.**

*Violation: The Colorado Department of Health (CDPHE) issued a citation to the property owners on February 15, 2017. This violation pertains to the facility accepting non-inert material (including rebar and other materials). In addition, CDPHE also cited the permittee for not monitoring wind speeds to determine whether or not operations should be ceased during periods of high winds.*

**Status** - *Complete: On March 28, 2017, the CDPHE issued a no further action letter to the property owner confirming all violations pertaining to accepting non-inert materials and not installing wind speed monitoring equipment have been resolved.*

**Condition of CD: (9) The facility shall cease operations during periods of high winds. High winds shall be defined as when wind speeds exceed 35 mph or a sustained 25mph.**

*Violation: Staff found no wind monitoring devices to gauge the speed of wind during an inspection on February 8, 2017. In addition, the operation staff on the site were unaware of the condition requiring them to close the site when the wind gust exceeds 35 mph. County staff has records of wind gusts exceeding 40 mph on the day of the inspection, during which the site was operating in violation.*

**Status** - *Complete: Staff inspected the property on March 28, 2017, and found that wind monitoring equipment have been installed on the property.*

**Condition of CD: (11) All applicable operational standards found within the Solid and Hazardous Waste Disposal section of the Adams County Development Standards shall be followed.**

*Violation: Per Section 4-10-02-03-02 of the County's Development Standards and Regulations, Solid and Hazardous Waste Disposal Requirements, outdoor storage and activities are required to be screened with a solid screen fence. In addition, the outdoor storage areas are to maintain attractive visual screening from any public right-of-way from which the facility is visible. Currently, there is no screen fencing on the property or screening materials providing attractive visual screening any adjacent right-of-ways from which the property is visible. There is an existing chain link fence around the property that is in disrepair. The property is visible from East 120<sup>th</sup> Avenue.*

***Status- Incomplete:*** *On April 10, 2017, the permittee informed staff about the intent to construct a berm on the property as well as removing all equipment on the property that is not associated with operations of the CD. According to the applicant, construction of the berm and removal of the equipment will be completed before the BoCC hearing on April 18, 2017.*

**Condition of CD: (14) Authorized personnel trained to recognize non-inert material shall be present on site while filling is taking place and shall inspect and screen each load of material brought to the fill site. Trash, organic material, and other waste material not meeting the definition of inert material shall be removed from each load at the screening location. A visual inspection and screening shall be made where loads are offloaded and materials not meeting the definition of inert material shall be removed. All materials removed from the waste stream shall be disposed of at an approved waste disposal facility at regular intervals and records of the transportation disposal shall be kept.**

Per Section 11-02-270 of the County's Development Standards and Regulations, inert materials are defined as: "As defined in C.R.S. Section 25-15-101 (14) which includes non-water soluble and non-putrescible solids together with such minor amounts and types of other materials as will not significantly affect the inert nature of such solids, as determined by Adams County. The term includes, but is not limited to, earth, sand, gravel, rock, concrete (which has been in a hardened state for at least sixty (60) days, masonry, asphalt paving fragments which are not located in the water table, and other inert solids including those the Colorado Department of Health may identify by regulation. Street sweepings from street cleaning machines are not considered inert material and are instead considered solid waste."

Based on the definition for inert fill, the types of materials allowed on the property as fill include the following:

- Earth (dirt, soil)
- Sand
- Gravel
- Rock
- Concrete (hardened for at least 60 days) and concrete pieces
- Asphalt paving fragments (only above the water table)
- Top soil
- Masonry

*Violation: During the site inspection on February 15, 2017, staff identified several trucks hauling materials onto the property without any inspections. The County staff also identified several non-inert materials dumped on the property as fill (see Exhibits 2.1 & 2.2).*

***Status – Pending review:*** *The permittee has submitted a corrective action plan to address this violation of the certificate of designation. The plan is currently under review by staff and an update will be provided at the public hearing.*

**Condition of CD: (16) All materials must be inert, as defined in the Adams County Development Standards and Regulations including: non-water soluble and non-putrescible**



**solids together with such minor amounts and types of other materials as will not significantly affect the inert nature of such solids, as determined by Adams County. The term includes, but is not limited to, earth, sand, gravel, rock, concrete (which has been in a hardened state for at least sixty (60) days), masonry, asphalt paving fragments which are not located in the water table, and other inert solids including those the Colorado Department of Health may identify by regulation. Street sweepings from street cleaning machines are not considered inert material and are instead considered solid waste.**

*Violations: During the site visit on February 15, 2017, staff found non-inert materials on the property used as fill (See exhibit 2.2).*

*Status – Complete: On March 28, 2017, staff inspected the property and found no visible rebar or non-inert material being used as fill on the property.*

### **Remedies:**

To remedy the violations, the following actions will be required to be implemented on the property prior to reinstatement of the CD:

1. By June 6, 2017, the Permittee shall repair or replace the perimeter fence surrounding the property in accordance with the County's regulations or, alternatively, construct a seeded earthen berm to screen the property from view. If the fence remains on the property, Permittee shall repair and maintain it.
2. By June 6, 2017, the Permittee shall remove all outdoor storage materials not directly associated with the certificate of designation.
3. Permittee shall submit and have approved a corrective action plan for the operation to address the noted operational violations of the certificate of designation. The plan shall include but is not limited to, dust mitigation, air quality testing, training of staff members on site, hours of operation, and safeguards such as visual inspection of materials and on-site monitoring to prevent non-inert materials from being placed in the landfill.
4. A hearing on the reinstatement of the permit will be held on June 6, 2017. Reinstatement of the certificate of designation will be subject to approval by the BOCC in a public hearing.
5. If the permittee provides evidence of full compliance with all conditions of the suspension of the certificate of designation, the permittee may request a reinstatement hearing earlier than the 60 days (June 6, 2017) noted in the conditions. The reinstatement hearing will be subject to all applicable notice requirements.
6. All operations shall cease, except those required to correct the violations on the property

### **SUMMARY OF PREVIOUS APPLICATIONS**

On October 16, 2000, the Board of County Commissioners approved a Conditional Use Permit to allow sand and gravel mining, a concrete plant, concrete recycling, equipment storage, and a maintenance facility on the property. On February 10, 2003, the Board of County Commissioners approved a second request to expand the mining area of the conditional use permit. The mining operations on the property have been completed.

On December 6, 2010, the Board of County Commissioners approved a certificate of designation (CD) to allow approximately 500,000 cubic yards of inert fill material on the property. As part of the approval of the CD, nineteen conditions of approval were imposed on the property to operate as an inert landfill. The CD will expire on December 6, 2017.

On May 4, 2016, the County issued a zoning notice of violation to the property owner for operating a recycling facility on the property without a permit, not utilizing screen fencing for outdoor storage, and use of outdoor storage on the property, and on June 14, 2016, the County filed a Complaint in County Court based on the violations. On June 20, 2016, staff reviewed a conceptual review application and met with the permittee to discuss using the site for recycling activities. On July 11, 2016, the property owner signed a settlement agreement for the County Court case agreeing to be in compliance with requirements for having a recycling permit and screen fencing by December 16, 2016. On December 13, 2016, the County extended the settlement agreement deadline to February 28, 2017.

On February 9, 2017, the Planning Commission continued action for a request from the property owner to allow a Conditional Use Permit for asphalt and concrete products recycling facility on the property. The continuance was to allow the permittee to take corrective action due to existing violations on the certificate of designation approved on the property. The case is scheduled to be considered by the Planning Commission on April 13, 2017.

## **BACKGROUND**

The subject request initially considered on March 14, 2017 is to revoke the Certification of Designation on the property due to multiple violations of the conditions of approval associated with the permit. Per Section 1-02-01-02-09 of the County's Development Standards and Regulations, the Board of County Commissioners may revoke or suspend a permit if a permit holder or operator conducting a use fails to abide by the terms, requirements or conditions of the permit. If the Board of County Commissioners deems a suspension to be appropriate, it may allow the permit holder or operator to perform necessary changes or correct conditions in order to meet the performance standards of the Development Standards and Regulations, or the purpose and intent of the Development Standards and Regulations.

On February 8, 2017, the County inspected the subject property to ensure compliance with the certificate of designation allowed on the property. During this inspection, the County identified several violations to the certificate of designation. Specifically, operations of the property were in violation of five of the conditions of approval. These conditions and their violations are discussed above on the "BOCC update" section of this report.

In addition to the discussed violations of the conditions of approval associated with the CD, there is a pending violation for operating a recycling facility without a permit on the property. The recycling materials are also stored outdoors without adequate screen fencing. Per Section 4-06-01-02-01-06 of the County's Development Standards and Regulations, screen fencing to conceal outside storage from all adjacent rights-of-way is required for all outdoor storage operations. In

addition, there are stored truck trailers, roadways signs and other storage equipment on the property that were not permitted with the CD. Per Section 3-07-01, specific industrial uses are not permitted within the A-3 zone district without an approved Conditional Use Permit.

**Site Characteristics:**

The subject site is 75 acres and located northwest of 120<sup>th</sup> Avenue and Brighton Road. The site was previously used for gravel mining operations and approximately half of the property has been covered with inert fill materials such as earth, rock, concrete, asphalt, top soils, and masonry. The northern half of the property was the area previously mined. This area currently serves as a lake. This lake is being filled with inert material. Filling of the lake was approved through a certificate of designation. Overall, the topography of the site is similar in height with surrounding properties.

**Future Land Use Designation:**

The Adams County Comprehensive Plan designates this site as Estate Residential and Agriculture. Per Chapter 5 of the County's Comprehensive Plan, Estate Residential areas are designated for single family housing at lower densities, typically no greater than 1 unit per acre, and with compatible uses such as schools and parks. Agriculture areas are to be used for food production and other farming uses and are not expected to develop in the future. The subject operation is currently inconsistent with the future land use designations. In addition, due to the violations on the property, continual use of the property impedes future development of the site to be consistent with the future land use designation.

**Surrounding Zoning Designations and Existing Use Activity:**

|   |   |  |
|---|---|--|
| <b>Northwest</b><br>A-3<br>Regional Park Property | <b>North</b><br>A-3<br>Regional Park property                                   | <b>Northeast</b><br>A-3<br>Residential                                       |
| <b>West</b><br>A-3<br>Regional Park Property      | <b>Subject Property</b><br>A-3/A-2<br>Inert Land fill & recycling               | <b>East</b><br><b>RE, A-1, C-5</b><br><b>Residential/ limited commercial</b> |
| <b>Southwest</b><br>A-3<br>Vacant                 | <b>South</b><br>A-3, C-2, I-2<br>Water District infrastructure & Service Garage | <b>Southeast</b><br>A-3,C-5, RE<br>Commercial                                |

**Compatibility with the Surrounding Land Uses:**

The adjoining property to the west and north of the site is zoned Agricultural-3 (A-3). This property is owned by Adams County and is part of the Regional Park. The property east and northeast of the subject property consists of mixed uses and zoned as A-1, RE, A-3, C-2, and C-5. These properties are developed with residential homes and some commercial uses. The

properties to the south of the site are zoned C-2, A-3, and I-2. These lands are developed with an auto repair shop, water district facilities, and vacant ground.

The intent of the conditions of approval associated with the CD was to mitigate effects of the CD on surrounding properties. However, due to non-compliance with the conditions of approval, the use has become incompatible with the surrounding properties.

**Staff Recommendations:**

Based upon the violations, the criteria for certificates of designation, and a recent site inspection, staff recommends suspension of the CD for a period of 60 days (June 6, 2017) with the following seven findings and six conditions that must be met for reinstatement:

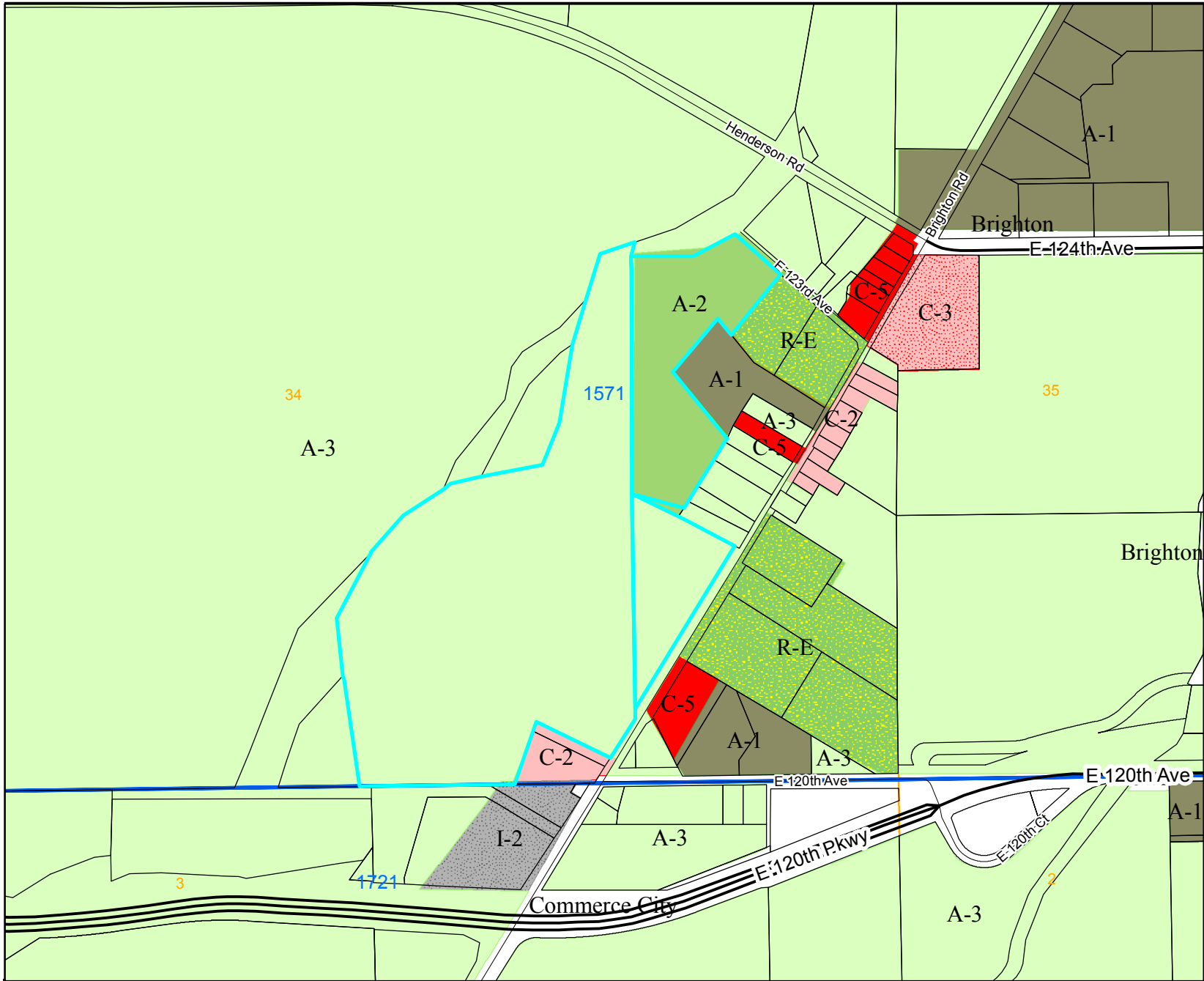
**Recommended Findings-of-Fact**

1. The facility has not been operated as an acceptable use in the applicable zone district.
2. The operations pursuant to the certificate of designation have been inconsistent with the purposes of these standards and regulations and does not meet the intent of the Adams County Comprehensive Plan.
3. The operations pursuant to the certificate of designation are not in compliance with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
4. The operations under this certificate of designation are incompatible with the surrounding area, not harmonious with the character of the neighborhood, detrimental to the immediate area, detrimental to the future development of the area, and detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
5. The permittee has not addressed all off-site impacts.
6. The permittee has not documented its ability to comply with the operating procedures as provided by the Colorado Department of Public Health and the Environment and the County.
7. The facility has not complied with all applicable laws and regulations relating to air pollution and water pollution. When standards do not exist for regulating emissions from a particular type of facility, the County considers whether the facility may impact health and welfare of the community based upon specific facility design and operating procedures.

**Recommended Conditions:**

1. By June 6, 2017, the Permittee shall repair or replace the perimeter fence surrounding the property in accordance with the County's regulations or, alternatively, construct a seeded earthen berm to screen the property from view. If the fence remains on the property, Permittee shall repair and maintain it.
2. By June 6, 2017, the Permittee shall remove all outdoor storage materials not directly associated with the certificate of designation.

3. Permittee shall submit and have approved a corrective action plan for the operation to address the noted operational violations of the certificate of designation. The plan shall include but is not limited to, dust mitigation, air quality testing, training of staff members on site, hours of operation, and safeguards such as visual inspection of materials and on-site monitoring to prevent non-inert materials from being placed in the landfill.
4. A hearing on the reinstatement of the permit will be held on June 6, 2017. Reinstatement of the certificate of designation will be subject to approval by the BOCC in a public hearing.
5. If the permittee provides evidence of full compliance with all conditions of the suspension of the certificate of designation, the permittee may request a reinstatement hearing earlier than the 60 days (June 6, 2017) noted in the conditions. The reinstatement hearing will be subject to all applicable notice requirements.
6. All operations shall cease, except those required to correct the violations on the property.



### LEGEND

- ★ Special Zoning Conditions
- 3 Section Numbers
- Railroad
- Major Water
- Zoning Line
- Sections

### Zoning Districts

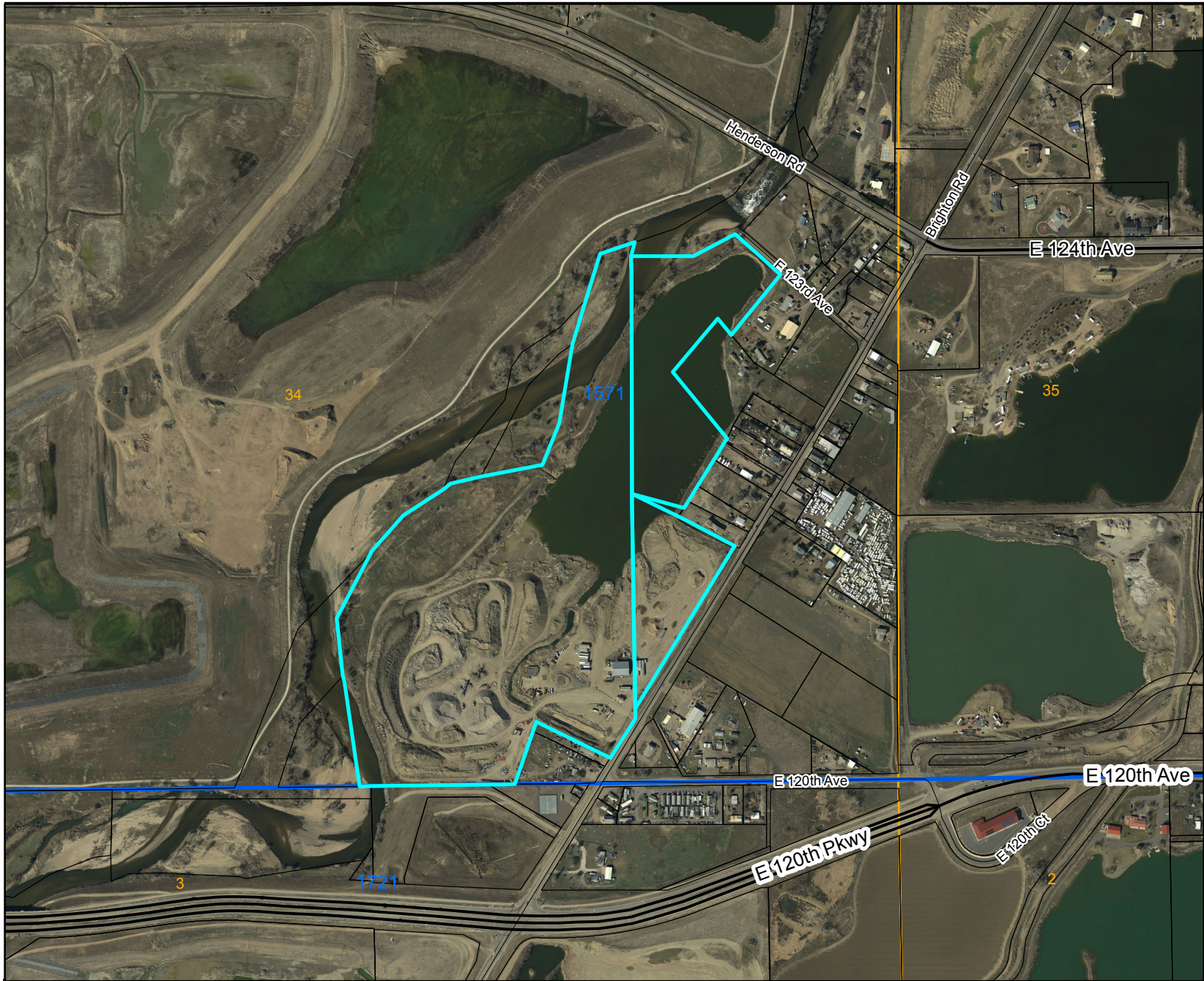
- A-1
- A-2
- A-3
- R-E
- R-1-A
- R-1-C
- R-2
- R-3
- R-4
- M-H
- C-0
- C-1
- C-2
- C-3
- C-4
- C-5
- I-1
- I-2
- I-3
- CO
- PL
- AV
- DIA
- P-U-D
- P-U-D(P)
- Airport Noise Overlay

**Asphalt Specialties**  
**EXG2009-00002**

N  
 For display purposes only.

ADAMS COUNTY  
 COLORADO  
 This map is made possible  
 by the Adams County GIS  
 group, which assumes no  
 responsibility for its accuracy





**LEGEND**

Special Zoning Conditions

Section Numbers

Railroad

Major Water

Zoning Line

Sections

**Zoning Districts**

A-1

A-2

A-3

R-E

R-1-A

R-1-C

R-2

R-3

R-4

M-H

C-0

C-1

C-2

C-3

C-4

C-5

I-1

I-2

I-3

CO

PL

AV

DIA

P-U-D

P-U-D(P)

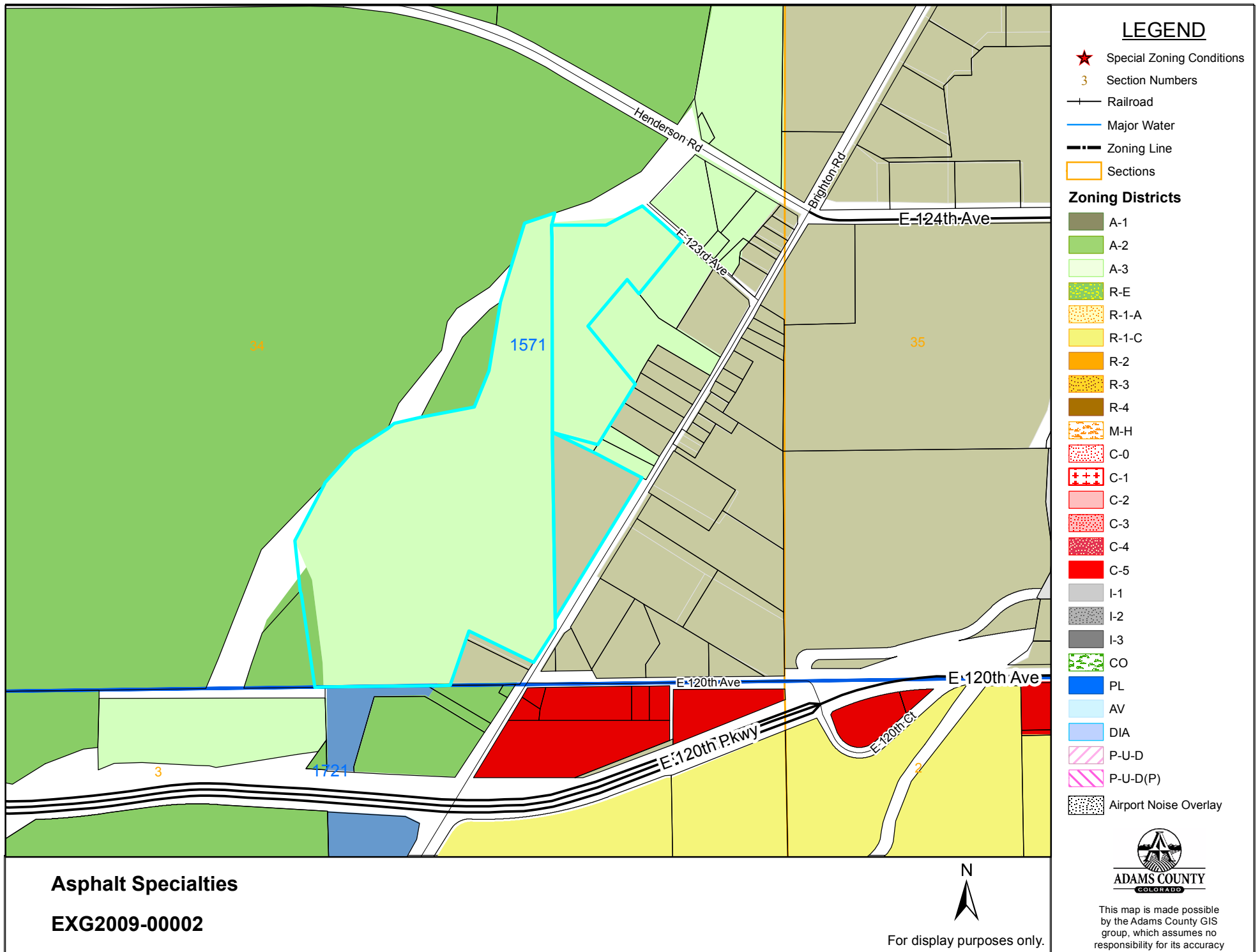
Airport Noise Overlay

Asphalt Specialties  
EXG2009-00002

For display purposes only.

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Karen Long, Adams County, CO

STATE OF COLORADO )

COUNTY OF ADAMS )

RECORDED AS RECEIVED

At a regular meeting of the Board of County Commissioners for Adams County, Colorado, held at the Administration Building in Brighton, Colorado on the 6<sup>th</sup> day of December, 2010 there were present:

|                      |                    |
|----------------------|--------------------|
| Alice J. Nichol      | Chairman           |
| W.R. "Skip" Fischer  | Commissioner       |
| Larry W. Pace        | Commissioner       |
| Hal B. Warren        | County Attorney    |
| Kristen Hood, Deputy | Clerk of the Board |

when the following proceedings, among others were held and done, to-wit:

**ZONING HEARING DECISION - CASE #EXG2009-00002, SPEER/ASPHALT SPECIALTIES**

WHEREAS, on the 6<sup>th</sup> day of December, 2010, the Board of County Commissioners, held a public hearing on the application of Asphalt Specialties Company, Inc., Case #EXG2009-00002; and,

WHEREAS, this case involved an application for: Certificate of Designation to allow this site to be filled with approximately 500,000 cubic yards of inert material in order to bring the site back to its approximate former grade of land on the following described property:

**LEGAL DESCRIPTION:**

**0157134000075**

SECT, TWN, RNG: 34-1-67 DESC: PT OF S2 SEC 34 DESC AS FOL BEG 1923/81 FT W OF SE COR TH CONT W 716/70 FT TO S4 COR TH CONT W 58/40 FT TO SE COR ADAMS COUNTY REGIONAL PARK COMPLEX ADDITION #1 TH THE FOL DIST AND BRNG N 08D 33M W 63/81 FT TH N 07D 41M W 473/73 FT TH N 18D 52M W 191/83 FT TH N 25D 30M E 422/06 FT TH N 38D 29M E 220/91 FT TH N 52D 32M E 288/79 FT TH N 76D 55M E 486/22 FT TH N 22D 28M E 214/81 FT TH N 09D 53M E 160 FT TH N 07D 38M E 149/98 FT TH N 17D 49M E 538/95 FT H N 72D 18M E 210/97 FT TO A PT WHICH BRS S 12/10 FT FROM NW COR E2 SE4 TH S 2301/59 FT TO A PT ON NWLY ROW LN OLD BRIGHTON RD TH S 31D 48M W 237/09 FT TH N 63D 22M W 410 FT TH S 19D 47M W 332/50 FT TO POB 52/44A

**0157134000037**

SECT, TWN, RNG: 34-1-67 DESC: COM AT SE COR SEC TH W 80 RODS TH N 15 RODS 3 AND 1/2 FT TO POB TH N 71 AND 1/2 RODS TH S 62D 30M E 39 RODS TO CEN OF CO RD TH S 31D 30M W 61 AND 1/2 RODS TO POB 8A

Please Return To  
BoCC 6<sup>th</sup> Floor  
5<sup>th</sup>

**0157134000079**

SECT,TWN,RNG:34-1-67 DESC: PT OF SE4 AND NE4 SEC 34/1/67 DESC AS FOL BEG AT NE COR SD SE4 TH S 88D 58M W 673/10 FT TO A PT ON SWLY ROW LN CO RD 20 TH S 48D 59M E 655/07 FT TH S 13D 25M E 34/63 FT TO A PT ON WLY ROW LN CO RD 31 TH S 29D 28M W 339/31 FT TO TRUE POB TH N 57D 57M W 299/95 FT TH N 58D 39M W 118/27 FT TH N 39D 46M W 286/42 FT TH S 39D 34M W 351/46 FT TH S 39D 46M E 428/62 FT TO A PT 335 FT NWLY OF AS MEAS AT R/A FROM WLY ROW LN CO RD 31 TH N 31D 12M E 252/62 FT TH S 57D 57M E 335 FT TO A PT ON WLY ROW LN CO RD 31 TH N 31D 12M E 138/34 FT TH N 29D 28M E 3/35 FT TO TRUE POB EXC ELY 20 FT 4/301A

**0157134402001**

SUB:SWEETMAN SUBDIVISION LOT:3

APPROXIMATE LOCATION: 12021 Brighton Road.

WHEREAS, substantial testimony was presented by members of the public and the applicant; and,

WHEREAS, the Adams County Planning Commission held a public hearing on the 10<sup>th</sup> day of November, 2010, and forwarded a recommendation of APPROVAL to the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that based upon the evidence presented at the hearing and the recommendations of the Department of Planning and Development and the Planning Commission, the application in this case be hereby **APPROVED** based upon the following findings of fact and subject to the fulfillment of the following conditions precedent and conditions by the applicant:

#### **FINDINGS OF FACT**

1. The proposed use is an acceptable use in the applicable zone district.
2. The certificate of designation is consistent with the purposes of these standards and regulations and meets the intent of the Adams County Comprehensive Plan.
3. The certificate of designation will comply with the requirements of these standards and regulations including, but not limited to, all applicable performance standards.
4. The certificate of designation is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the certificate of designation will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation.
5. The certificate of designation has addressed all off-site impacts.
6. The site is suitable for the certificate of designation, including adequate usable space, adequate access, and absence of environmental constraints.
7. There is a need for the facility in the County.

8. The applicant has documented his ability to comply with the health standards and operating procedures as provided by the Colorado Department of Health, the Tri-County Health Department, and other relevant agencies.
9. The site is accessible to Adams County residents and other potential users.
10. The proposed facility will comply with all applicable laws and regulations relating to air pollution, water pollution, and noise. When standards do not exist for regulating emissions from a particular type of facility, the County will consider whether the facility may impact health and welfare of the community based upon specific facility design and operating procedures.
11. The site conforms to siting standards for the type of facility being proposed.

**Conditions Precedent:**

1. Dedication by warranty deed of 20 ½ feet of right-of-way for Brighton Road along the Brighton Road frontage shall be required.
2. The existing Floodplain Use Permit shall be reviewed and updated as required.
3. A regional drainage facility to accommodate the flows from Henderson Creek shall be required. A drainage easement consisting of 50 feet shall be required for the drainage channel. The easement shall be described in a drainage easement document that shall be reviewed and approved by the Right-of-Way Supervisor of Adams County.
4. The applicant shall comply with all the requirements of the Colorado Division of Water Resources as stated in their letter dated September 29, 2010.
5. The applicant shall provide a schedule for the construction of the perimeter drain specified in the Operation and Closure Plan. The schedule shall be reviewed and approved by the Colorado Division of Reclamation Mining and Safety

**Conditions:**

1. Operations shall not proceed until a "Notice to Proceed" is issued by the Department of Planning and Development, after the applicant has demonstrated all pertinent Conditions of Approval, as determined by Adams County, have been completed.
2. Hours of operation for the facility shall be from 6:00 A. M. to 6:00 P.M., Monday through Saturday.
3. All conditions set forth by the Colorado Department of Public Health and Environment (Solid Waste and Material Management Unit) as stated in their letter August 27, 2010 shall be considered as conditions in this case.
4. The applicant shall comply with the Colorado Department of Public Health and Environment's (Air Pollution Control Division) letter dated September 29, 2010.
5. The CD shall expire on December 6, 2017.
6. Fugitive dust control mechanisms must be in place and functioning at all times.
7. All complaints received by the applicant concerning impacts to offsite wells, and the resolution of those complaints, shall be conveyed to the Department of Planning and Development. Impacts to offsite water wells shall be responded to and resolved immediately by the applicant. Disputes concerning impacts to offsite water wells may be resolved by the Department of Planning and Development and may be justification for a Show Cause Hearing before the Adams County Board of County Commissioners.
8. All haul trucks shall cover their loads pursuant to C.R.S. 42-4-1407.
9. The facility shall cease operations during periods of high winds. High winds shall be defined as when wind speeds exceed 35 mph or a sustained 25mph.
10. All fluid spills such as hydraulic and oil from maintenance of equipment, shall be removed and disposed of at a facility permitted for such disposal.

11. All applicable operational standards found within the Solid and Hazardous Waste Disposal section of the Adams County Development Standards shall be followed.
12. The total volume of the import shall not exceed 500,000 cubic yards over the lifetime of this project.
13. The proposed fill operation shall not obstruct or cause interference of any kind to irrigation ditch laterals or roadside ditches that are in place.
14. Authorized personnel trained to recognize non-inert material shall be present on site while filling is taking place and shall inspect and screen each load of material brought to the fill site. Trash, organic material, and other waste material not meeting the definition of inert material shall be removed from each load at the screening location. A visual inspection and screening shall be made where loads are offloaded and materials not meeting the definition of inert material shall be removed. All materials removed from the waste stream shall be disposed of at an approved waste disposal facility at regular intervals and records of the transportation disposal shall be kept.
15. The applicant shall be responsible for the cleanliness and safety of all roadways adjacent to this site. If at any time, these roadways are found to be dangerous or not passable due to debris or mud, the Adams County Public Works Department will shut down the project, until the roadway conditions have improved and are deemed acceptable. If the contractor/applicant fails to keep the adjacent roadways clean and free from debris, the Public Works Department has the option to do the required clean up and bill the charges directly to the owner/applicant.
16. All materials must be inert, as defined in the Adams County Development Standards and Regulations including: non-water soluble and non-putrescible solids together with such minor amounts and types of other materials as will not significantly affect the inert nature of such solids, as determined by Adams County. The term includes, but is not limited to, earth, sand, gravel, rock, concrete (which has been in a hardened state for at least sixty (60) days), masonry, asphalt paving fragments which are not located in the water table, and other inert solids including those the Colorado Department of Health may identify by regulation. Street sweepings from street cleaning machines are not considered inert material and are instead considered solid waste.
17. Control of the fill materials, keeping records of the sources of the materials used at this site, shall be the responsibility of the applicant. Records concerning sources of fill materials and certifications shall be made available to Adams County inspectors upon request. This site is subject to inspection from Adams County inspectors, during reasonable working hours. Adams County may give notice of inspection prior to the inspection.
18. Finished elevations shall be at or below pre-mine elevations.
19. If fuel will be stored on this site:
  - All fuel storage at this site shall be provided with secondary containment, which complies with State of Colorado Oil Inspection Section Regulations; and
  - Fueling areas shall be separated from the rest of the site's surface area, and protected from storm water; and
  - Applicant shall provide a spill prevention plan and release prevention plan for fuel storage and fueling operations. Good housekeeping shall be practiced at this site. Spill and drip containment pans shall be emptied frequently and all spills shall be cleaned up and disposed of immediately at a facility permitted for such disposal.

**Notes to the Applicant:**

1. All conditions precedent must be satisfied prior to commencing operations on the subject site. Proof that the concerns have been addressed will require a Notice to Proceed from the Department of Planning and Development.
2. All applicable requirements of the Zoning, Health, Building and Fire Codes shall be adhered to with this request.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

|               |       |     |
|---------------|-------|-----|
| Nichol        | _____ | Aye |
| Fischer       | _____ | Aye |
| Pace          | _____ | Aye |
| Commissioners |       |     |

STATE OF COLORADO )

County of Adams )

I, Karen Long, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 6<sup>th</sup> day of December, A.D. 2010.

County Clerk and ex-officio Clerk of the Board of County Commissioners

Karen Long:

By:



Deputy



**COLORADO**  
**Department of Public  
 Health & Environment**

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

February 15, 2017

Asphalt Specialties - Speer Inert Fill  
 ATTN: Gary Stillmunkes  
 12049 Brighton Road  
 Henderson CO 80640

**CERTIFIED MAIL: 70141200000114558982**  
**RETURN RECEIPT REQUESTED**

Re: Compliance Advisory for Speer Inert Fill  
 12049 Brighton Road  
 Henderson, CO 80640  
 SW/ADM/SPE 1.6

Dear Gary,

This Compliance Advisory provides notice related to information gained during an inspection conducted by the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (the "Department") on February 8, 2017. The purpose of the inspection was to determine the facility's compliance status with respect to the Solid Wastes Disposal Sites and Facilities Act, CRS 30-20-100.5 *et. seq.*, and the Regulations Pertaining to Solid Waste Sites and Facilities (6 CCR 1007-2, Part 1; the Regulations). The Department advises you that the information gained during the inspection indicates that you may have violated Colorado's solid waste laws. Department personnel will review the facts established and this notice may be revised to include additions or clarifications as a result of that review.

Please be aware that you are responsible for complying with the State solid waste regulations and that there are civil penalties for failing to do so. The issuance of this Compliance Advisory does not limit or preclude the Department from pursuing its enforcement options concerning this inspection including issuance of a Compliance Order and/or seeking an assessment of civil penalties. Also, this Compliance Advisory does not constitute a bar to enforcement action for conditions that are not addressed in this Compliance Advisory, or conditions found during future file reviews or inspections of your property. The Department will take into consideration your response to the requested actions listed below for each cited deficiency in its consideration of enforcement options.

**Deficiency 1:** Speer Inert Landfill is not monitoring wind speeds, and unable to determine if operations need to be ceased during periods of high wind warnings. This is in violation of Section 2.1.11 of the Regulations.

**Deficiency 2:** Speer Inert Landfill is accepting rebar and other metals for final disposal. Metals are not an inert material. This is in violation of Section 2.1.2(C) of the Regulations.

**Requested Action 1:** Immediately implement a wind monitoring program by either (a) obtaining a wind velocity measuring device; or (b) obtain hourly wind speed readings from the nearest national weather service office.



## SOLID WASTE INSPECTION REPORT

Agency: Colorado Department of Public Health and Environment  
Hazardous Materials and Waste Management Division

Date: February 8, 2017 Times: 10:00 AM - 12:00 PM

Site: Speer Inert Landfill  
12021 Brighton Road  
Henderson, CO 80640

Operator: Asphalt Specialties

Owner: Asphalt Specialties

Inspectors: Jennifer Reynolds, HMWMD

Inspection: Complaint, Unannounced

Site Representatives: Willard Morrow, Asphalt Specialties  
Mike Rodabaugh, Asphalt Specialties

Other Participants: Lisa Oliveto, Tri-County Health Department  
Jen Rutter, Adams County Planning  
Augusta Allen, Adams County Code Enforcement

Weather Conditions: Sunny and Windy

---

On February 10, 2016, staff from the Colorado Department of Public Health and Environment (the Department), conducted an inspection of the above-referenced property located in Henderson, Colorado. The purpose of the inspection was to evaluate the compliance of the Facility with the requirements set forth in the Solid Wastes Disposal Sites and Facilities Act ("the Act"), CRS 30-20-100.5 *et seq.*, the Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2 ("the Regulations"), and the Facility's approved Engineering Design and Operations Plan (the Plan).

### --Site History--

Speer Inert Landfill ("Speer") is an inert solid waste disposal site located in Henderson, Colorado. The facility has been operating under a Certificate of Designated issued by Adams County Commissioners. Access to the facility is made from Brighton Road. A lockable gate is located near the entrance to the facility to discourage illegal dumping and scavenging. The landfill site is fully fenced.

### --Records Review--

The onsite records were reviewed during the inspection. Operational records for the facility were accessible and in good order. Rejected load documentation were observed and determined to be adequate.

When asked about closure due to high winds, Facility Representatives mentioned that operations ceased when winds were high enough to cause visibility issues. Facility does not have a wind velocity measuring device, nor does the facility track wind speeds from the nearest national weather service office.

#### **--Site Inspection--**

The site inspection was performed in the field at the Facility. Participants included Department Inspector Jennifer Reynolds; Tri-County Health Department's Lisa Oliveto; Adams County's Jen Rutter and Augusta Allen; and Facility representative Willard Morrow.

A circuit was made of the Facility and all areas of the Facility were inspected. The complaint about the facility stated that municipal solid waste and other non-inert materials were being disposed of in the facility's pond.


Municipal solid waste was not observed to be in the pond. However, many pieces of rebar and other metal items were in the pond. Metal is not an inert material, and not an acceptable waste for an inert fill.

#### **--Findings--**

The Facility was in apparent violation of the Act and the Regulations on the day of inspection and will be receiving a Compliance Advisory. The following apparent violations were found:

**Deficiency 1:** Speer Inert Landfill is not monitoring wind speeds, and unable to determine if operations need to be ceased during periods of high wind warnings. This is in violation of Section 2.1.11 of the Regulations.

**Deficiency 2:** Speer Inert Landfill is accepting rebar and other metals for final disposal. Metals are not an inert material. This is in violation of Section 2.1.2(C) of the Regulations.

Prepared by:   
Jennifer Reynolds  
Environmental Protection Specialist  
Compliance Assurance Unit  
Solid Waste and Materials Management Program  
Colorado Department of Public Health and Environment

Date: 2/14/2017

#### **Attachments:**

Attachment 1      Photo Log - Photos Taken by the Department

File: SW/JFR/FTH 1.2



# Attachment 1 - Photo Log

## Photos Taken by the Department



Photo 1:



Photo 2:





Photo 3:

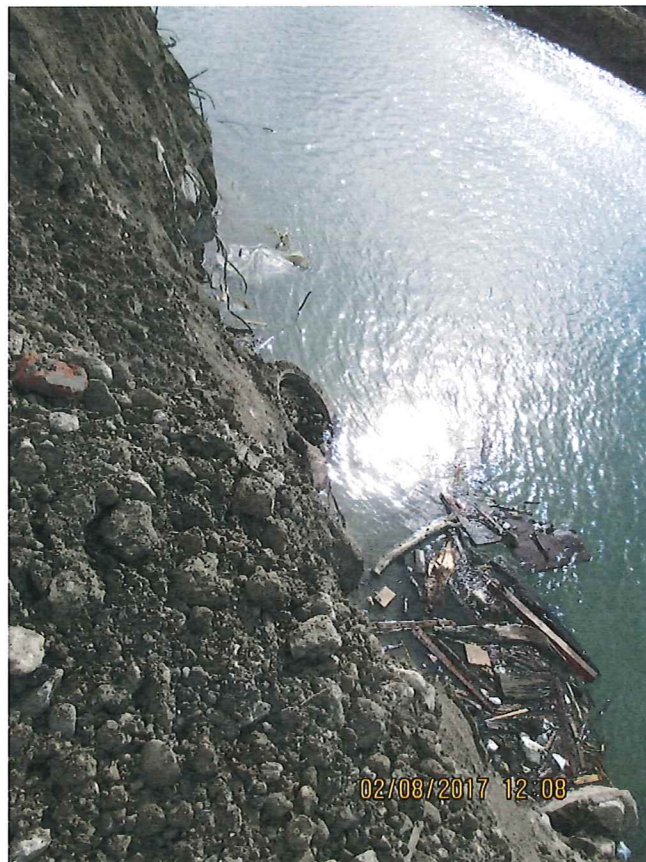


Photo 4:



Photo 5:





Colorado Department  
of Public Health  
and Environment

## Colorado Department of Public Health and Environment Hazardous Materials and Waste Management Division

4300 Cherry Creek Drive South, Mail Code HMWMD-B2, Denver, CO 80246-1530

(303) 692-3320 <http://www.colorado.gov/cdphe/solidwaste>

### Solid Waste and Materials Management Program Notice of Inspection

|   |  |                              |
|---|--|------------------------------|
| Facility Name <u>Speer Inert Landfill/Asphalt Spe</u>   | Facility ID Code <u>ADM 2799</u>                     | Date <u>2/8/2017</u>         |
| Trim Code <u>SWI ADMISPE</u>  |  |                              |
| Street <u>12021 Brighton Road</u>   | Announced?<br>( ) Yes (x) No                         | Time In:<br><u>10:30 AM</u>  |
| City <u>Henderson</u> County <u>Adams</u> Zip <u>80640</u>  | Enter by: (x) Consent<br>( ) Warrant ( ) Open Fields | Time Out:<br><u>12:00 PM</u> |
| Facility Representatives:<br><u>Willard Morrow</u> <u>Mike Rodabaugh</u>  | Phone  | Email                        |
| Local Government Representatives:<br><u>Lisa Oliveto, TCHD</u><br><u>Jen Rutter's Augusta Allen, Adams County</u> | Phone  | Email                        |

#### Inspection Result:

- ☐ No Violations Observed  
☐ Minor Violations Noted Below  
☒ Minor Violations, Compliance Advisory Issued  
☐ Major Violations Identified

#### Compliance Assistance Delivered During the Inspection:

☐ Yes ☐ No; If yes, describe:

#### Apparent Violations and requested corrective actions:

- 1) No method of measuring wind speed, need to either purchase wind speed monitor or track via nearby weather Stations.
- 2) a large amount of rebar/metals seen in the pond. metals are not inert and should not be in the water table. Also some trash was seen in the pond needs to be removed.

#### Inspection Type:

- |  |   |
|--|---|
| <input type="checkbox"/> Audit                         | <input type="checkbox"/> Enforcement Follow-up  |
| <input checked="" type="checkbox"/> Complaint          | <input type="checkbox"/> Environmental Covenant |
| <input type="checkbox"/> Routine Compliance Inspection | <input type="checkbox"/> File/Records Review    |
| <input type="checkbox"/> Compliance Assistance Visit   | <input type="checkbox"/> Sampling               |

|   |   |
|---|---|
| Signature of Facility Representative Receiving Form:<br><u>Mike Rodabaugh</u> | Lead CDPHE Inspector:<br><u>Jennifer Reynolds</u> |
| Name of Facility Official Receiving Form:                                     | Assisting Inspectors:                             |



**COLORADO DEPARTMENT of PUBLIC HEALTH ENVIRONMENT**  
**Hazardous Materials and Waste Management Division**  
**SOLID WASTE DISPOSAL SITE AND FACILITY INSPECTION**

Time In: 10:30 AM

Time Out: 11:33 AM

Facility: Speer Inert Landfill

Inspection Date: 2/8/2017

Page 1 of 2

**Landfill**

Inspector(s): Reynolds

| Functional Category              | Requirement Description  | Not Insp                 | N/A                                 | Citation                          | Violation Y/N/P | Note Reference |
|----------------------------------|--|--------------------------|-------------------------------------|-----------------------------------|-----------------|----------------|
| <b>Record Review</b>             |  |                          |                                     |                                   |                 |                |
| Certificate of Designation       | Have a Certificate of Designation (CD) (or Approved EDOP for One's Own Waste Facility) | <input type="checkbox"/> | <input type="checkbox"/>            | 1.3.3                             | N               |                |
| D and O Plan                     | Closure Plan Submission and Content  | <input type="checkbox"/> | <input type="checkbox"/>            | 2.5.8;<br>3.5.1;3.5.2;3.5.3;3.5.4 | N               |                |
|                                  | Developed Closure Plan for Approval  | <input type="checkbox"/> | <input type="checkbox"/>            | 3.5                               |                 |                |
|                                  | Operating in Accordance with Approved Design and Operation Plan                        | <input type="checkbox"/> | <input type="checkbox"/>            | 1.3.9, 3.3.2                      | Y               | 1              |
|                                  | Post-closure Plan Submission and Content   | <input type="checkbox"/> | <input type="checkbox"/>            | 2.6.1; 3.6                        | N               |                |
| Duty to Comply                   | Compliance with CD Conditions  | <input type="checkbox"/> | <input type="checkbox"/>            | 1.3.5                             | N               |                |
| Fees                             | Solid Waste User or Annual Fees  | <input type="checkbox"/> | <input type="checkbox"/>            | 1.7.3,1.7.4                       | N               |                |
| Financial Assurance              | Annually Update Financial Assurance for Inflation                                      | <input type="checkbox"/> | <input type="checkbox"/>            | 1.8.3(C)                          | N               |                |
|                                  | Establish Adequate Financial Assurance or Provide 5 year Update to Financial Assurance | <input type="checkbox"/> | <input type="checkbox"/>            | 1.8.1; 1.8.3(D)                   | N               |                |
|                                  | Provide Revised Cost Estimate for Financial Assurance                                  | <input type="checkbox"/> | <input type="checkbox"/>            | 1.8.3(D)                          | N               |                |
| General Provisions               | Compliance with Department-issued compliance order                                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1.9.2                             | N               |                |
|                                  | Compliance with other Department rules or local ordinances                             | <input type="checkbox"/> | <input type="checkbox"/>            | 2.1.1                             | N               |                |
| Operating Requirements           | Compliance with Approved Waiver conditions   | <input type="checkbox"/> | <input type="checkbox"/>            | 1.5                               | N               |                |
|                                  | Knowing Receipt of Hazardous Waste   | <input type="checkbox"/> | <input type="checkbox"/>            | 2.1.2                             | N               |                |
| Personnel Training               | Conduct Personnel Training for Prohibited Waste Recognition                            | <input type="checkbox"/> | <input type="checkbox"/>            | 2.1.2(B)(3)                       | N               |                |
| Recordkeeping                    | Maintain Operating Record with all Required Elements                                   | <input type="checkbox"/> | <input type="checkbox"/>            | 2.4; 3.4; 2.1.18(B)               | N               |                |
| Reporting                        | Notify the Dept of a Release   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2.1.18(A)                         |                 |                |
|                                  | Submit Construction / Quality Assurance Report for Approval                            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 3.2.7, 3.3.3                      |                 |                |
| Waste Characterization, Acceptan | Exclude Hazardous Waste  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2.1.2(A)                          |                 |                |
|                                  | Have and Follow Waste Characterization Plan  | <input type="checkbox"/> | <input type="checkbox"/>            | 2.1.2(C)(2)                       | Y               | 1              |
|                                  | Update Waste Characterization Plans for Required Disposal Prohibitions                 | <input type="checkbox"/> | <input type="checkbox"/>            | 16.6.6                            | N               |                |
| <b>Site Review</b>               |  |                          |                                     |                                   |                 |                |
| Certificate of Designation       | Illegal Disposal   | <input type="checkbox"/> | <input type="checkbox"/>            | 1.3.3, 30-20-102                  |                 |                |
| Cover                            | Ensure Adequate Cover is Available Throughout Site Life                                | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 3.3.5                             |                 |                |
|                                  | Place Adequate Cover   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2.1.10; 3.3.4;3.3.5               |                 |                |
| Monitoring - Explosive Gas       | Conduct Explosive Gas Monitoring   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2.3.1; 2.3.2 ; 2.3.4; 3.4(C)      |                 |                |
|                                  | Properly Respond to an Explosive Gas Exceedance  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2.3.3                             |                 |                |
| Monitoring - Ground Water        | Compliance With Ground Water Protection Standards                                      | <input type="checkbox"/> | <input type="checkbox"/>            | 2.1.15                            |                 |                |
|                                  | Implement and Maintain a Groundwater Monitoring Program                                | <input type="checkbox"/> | <input type="checkbox"/>            | 2.2                               |                 |                |



Landfill

Inspector(s): Reynolds

| Functional Category              | Requirement Description   | Not Insp                 | N/A                                 | Citation             | Violation Y/N/P | Note Reference |
|----------------------------------|---|--------------------------|-------------------------------------|----------------------|-----------------|----------------|
| Nuisance Conditions Control      | Adequately Fence Site and Prevent Debris From Escaping and Accumulating   | <input type="checkbox"/> | <input type="checkbox"/>            | 2.1.7; 2.1.11        | N               |                |
|                                  | Control Nuisance Conditions:  | <input type="checkbox"/> | <input type="checkbox"/>            | 2.1.3, 2.1.7; 2.1.11 | N               |                |
|                                  | No Unauthorized Burning   | <input type="checkbox"/> | <input type="checkbox"/>            | 2.1.9                | N               |                |
| Operating Requirements           | Adequate amounts of water   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 3.3.6                |                 |                |
|                                  | Co-Disposal of Sludge at the Working Face   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2.1.13               |                 |                |
|                                  | Ensure Adequate Water is Available for Construction and to Minimize Nuisance Conditions                             | <input type="checkbox"/> | <input type="checkbox"/>            | 3.3.6                | N               |                |
|                                  | Operate Leachate Collection and Removal System, Including Monitoring for Leachate Depth on Liner                    | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 3.2.5(D)             |                 |                |
|                                  | Place Waste in Most Dense Volume via Compaction or Other Approved Method  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2.1.10               |                 |                |
|                                  | Restricted Unloading Area, Waste in Smallest Area, Working Face Size  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2.1.10               |                 |                |
|                                  | Wind Speed Monitoring to Cease Operation During High Wind Warning   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2.1.11               |                 |                |
|                                  | Control Access and Provide Site Security  | <input type="checkbox"/> | <input type="checkbox"/>            | 2.1.8                | N               |                |
| Surface Water Control            | Maintain Stormwater Run-on and Run-off Control System   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2.1.6; 3.2.6         |                 |                |
|                                  | Prevent Ponding of Water  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2.1.10               |                 |                |
| Waste Characterization, Acceptan | Disposal of Liquid Waste  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2.1.14               |                 |                |
|                                  | Motorized and Electronic Equipment Disposal Prohibition   | <input type="checkbox"/> | <input type="checkbox"/>            | 16                   | N               |                |
|                                  | No Acceptance of Wastewater Treatment Plants Sludge, Septic Tank Pumpings or Chemical Toilet Waste Without Approval | <input type="checkbox"/> | <input type="checkbox"/>            | 2.1.12               | N               |                |
|                                  | No Disposal of Waste Below or Into Surface Water or Groundwater   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2.1.17               |                 |                |
| Water Protection                 | Prevent Water Pollution at or Beyond the Point of Compliance  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2.1.4; 2.1.5         |                 |                |

Site-Specific Engineering Design and Operation Plan Requirements:

1) See Notice of inspection

Landfill

| Note/Regulation Reference # | Comments and Deficiency Requests | Request Date | RTC Date |
|-----------------------------|----------------------------------|--------------|----------|
|-----------------------------|----------------------------------|--------------|----------|

**From:** [Jen Rutter](#)  
**To:** [Chris LaRue](#)  
**Subject:** FW: Speer Inert Landfill inspection  
**Date:** Wednesday, February 22, 2017 4:48:46 PM

---

FYI

### Jen Rutter

Senior Environmental Analyst, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6841 | [jrutter@adcogov.org](mailto:jrutter@adcogov.org)

[www.adcogov.org](http://www.adcogov.org)

---

**From:** Reynolds - CDPHE, Jennifer [mailto:jennifer.reynolds@state.co.us]  
**Sent:** Wednesday, February 22, 2017 4:46 PM  
**To:** Jen Rutter  
**Subject:** Fwd: Speer Inert Landfill inspection

----- Forwarded message -----

**From:** Reynolds - CDPHE, Jennifer <[jennifer.reynolds@state.co.us](mailto:jennifer.reynolds@state.co.us)>  
**Date:** Tuesday, February 21, 2017  
**Subject:** Speer Inert Landfill inspection  
**To:** Gary Stillmunkes <[GaryS@asphaltspecialties.com](mailto:GaryS@asphaltspecialties.com)>

Rebar is not specifically mentioned in the regulations. However, metals are not an inert material.

On Tuesday, February 21, 2017, Gary Stillmunkes <[GaryS@asphaltspecialties.com](mailto:GaryS@asphaltspecialties.com)> wrote:  
Hi Jennifer,

Thank you for the response back to my email. Can you show me where the regulation is that states "concrete with exposed rebar" is not an inert landfill material since it is an attached part of the broken out concrete pieces?

I appreciate your help.

**Gary Stillmunkes**

**Asphalt Specialties Co., Inc.**

**10100 Dallas Street**

**Henderson, CO 80640**

Direct Line: (720)322-7056

Office: (303)289-8555

Fax: (303)289-7707

Cell: (303)994-0408

Web: [www.asphaltspecialties.com](http://www.asphaltspecialties.com)

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Think green, keep it on the screen.

**From:** Reynolds - CDPHE, Jennifer [<mailto:jennifer.reynolds@state.co.us>]

**Sent:** Tuesday, February 21, 2017 6:45 AM

**To:** Gary Stillmunkes <[GaryS@asphaltspecialties.com](mailto:GaryS@asphaltspecialties.com)>

**Subject:** Re: Speer Inert Landfill inspection

Hi Gary,

We had asked about wind speed monitoring at the time of the inspection, and no one was aware of any monitoring that went on. If you already have a monitoring program in place, then there is no violation regarding wind monitoring.

As for the rebar, metal is not an inert material. Concrete is inert. If the metal is enclosed in concrete, that would be inert, exposed rebar is not.

I hope this helps.

On Fri, Feb 17, 2017 at 3:17 PM, Gary Stillmunkes <[GaryS@asphaltspecialties.com](mailto:GaryS@asphaltspecialties.com)> wrote:

Jennifer,

I want to follow up on the February 8<sup>th</sup> Speer Inert Landfill site inspection. Attached is the site inspection report by Jennifer Reynolds (CDPHE), Lisa Olivas (TCHD), Jen Rutter and Augusta Allen (Adams County). Site representatives Mike Rodabaugh and Willard Morrow (ASCI).

Inspection Type: Complaint.

Inspection Results: Minor Violations, Compliance Advisory Issued.

Apparent Violations and requested correction actions – 2 each.

1. No Method of monitoring wind speed –
2. Large amounts of metal/rebar not inert –

Please clarify the two requested actions per our Speer Inert Landfill Certificate of Designation (CD) Operations and Closure Plan for SPEER INERT LANDFILL Adams County, Colorado (Revision 2) September 2010 (CD). Our current CD does address monitoring winds (Exceed 35 MPH, or a sustained 25 MPH). Our closest weather station is Dunes Weather station, Henderson, less than a mile away.

Please direct us to where it states concrete with rebar is not allowed as an inert landfill material. Please provide clarification of regulations for corrective actions needed from your notice of inspection.

We are presently working with Adams County planning on updating our permit and will continue with this process.

Sincerely,

***Gary Stillmunkes***

**Asphalt Specialties Co., Inc.**

**10100 Dallas Street**

**Henderson, CO 80640**

Direct Line: [\(720\)322-7056](tel:7203227056)

Office: [\(303\)289-8555](tel:3032898555)

Fax: [\(303\)289-7707](tel:3032897707)

Cell: [\(303\)994-0408](tel:3039940408)

Web: [www.asphaltspecialties.com](http://www.asphaltspecialties.com)

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*Think green, keep it on the screen.*

--

**Jennifer Reynolds**  
**Environmental Protection Specialist**  
**Solid Waste & Materials Management Program**



**P 303.692.3408 | F 303.759.5355**

4300 Cherry Creek Drive South, Denver, Colorado 80246-1530

[Jennifer.Reynolds@state.co.us](mailto:Jennifer.Reynolds@state.co.us) | [www.colorado.gov/pacific/cdphe](http://www.colorado.gov/pacific/cdphe)

--

**Jennifer Reynolds**  
**Environmental Protection Specialist**  
**Solid Waste & Materials Management Program**



**P 303.692.3408 | F 303.759.5355**

4300 Cherry Creek Drive South, Denver, Colorado 80246-1530

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--

**Jennifer Reynolds**  
**Environmental Protection Specialist**  
**Solid Waste & Materials Management Program**



**P 303.692.3408 | F 303.759.5355**

4300 Cherry Creek Drive South, Denver, Colorado 80246-1530

[Jennifer.Reynolds@state.co.us](mailto:Jennifer.Reynolds@state.co.us) | [www.colorado.gov/pacific/cdphe](http://www.colorado.gov/pacific/cdphe)

**Requested Action 2:** Immediately cease the disposal of rebar and/or other metal items at the Facility.

**Requested Action 3:** Within forty-five (45) calendar days from the date of the Compliance Advisory, remove all rebar and metals from the pond that are visible and retrievable.

To facilitate resolution of the issues identified in this Compliance Advisory, we encourage you complete the requested actions, including any required submittals, in the timeframes requested, and to document your return to compliance by submitting correspondence back to the Department by April 5, 2017 or you may contact this office at the number listed below and, where necessary, schedule a meeting:

To discuss the Compliance Advisory and answer any questions that you may have;  
To develop a schedule for correcting the deficiency noted above; or  
To submit information necessary to show that the deficiency is not a violation of Colorado's solid waste laws.

A copy of the inspection report is enclosed with this Compliance Advisory.

You may contact Jennifer Reynolds at (303) 692-3408 or Ed Smith (303) 692-3386 concerning the deficiencies detailed under this Compliance Advisory and/or to set a meeting to discuss this Compliance Advisory.

Sincerely,



Jennifer Reynolds  
Environmental Protection Specialist  
Solid Waste Compliance Assurance Unit  
Solid Waste & Materials Management Program

EC: Jen Rutter, Adams County Planning  
Augusta Allen, Adams County Code Enforcement  
Lisa Oliveto, Tri-County Health Department  
Andy Todd, HMWMD  
Ed Smith, HMWMD  
SW Tracking



4. *Outdoor Activities Prohibited:* All equipment, material storage, and uses shall be performed or carried out entirely within an enclosed building.

#### 4-10-02-02 **RESEARCH, DEVELOPMENT AND TESTING**

1. *Minimum Parcel Area:* one (1) acre
2. *Fire District Review:* All plans shall be reviewed by the applicable fire district prior to approval in order to determine existing services provide adequate protection for citizens.
3. *Setback from Residential Zoning:* Not applicable.
4. *Outdoor Activities Prohibited:* All equipment, materials and uses shall be performed or carried out entirely within an enclosed building.
5. *Smoke and Odor Control:* Smoke and odor shall be controlled by filter, scrubbers, fans, or other means.

#### 4-10-02-03 **EXTRACTION AND DISPOSAL USES**

##### 4-10-02-03-01 **EXTRACTION USES**

1. *Compliance with Colorado Department of Natural Resources:* Requirements contained in this section shall not exempt the owner or operator of an extractive industry from compliance with the requirements of Colorado Department of Natural Resources. Prior to the approval of a Conditional Use Permit by the Board of County Commissioners, a reclamation contract shall be signed and approved by the owner or operator and the Colorado Department of Natural Resources.
2. *Site Size:* The site of an extractive industry shall be of sufficient size and dimensions to accommodate the proposed operations.
3. *Blasting Hours:* Operations utilizing explosive devices shall be restricted to Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M.
4. *Stagnant Water:* Pockets and stagnant pools of water resulting from surface drainage shall either be:
  - a. Sprayed to eliminate breeding places for mosquitoes and other insects using methods and chemicals approved by the Colorado Department of Agriculture; or
  - b. Drained to prevent the creation of such breeding places.

5. *Plan for Development of the Site:* A plan for the Mining Phase and the Reclamation Phase shall be approved by the Director of Community and Economic Development.
6. *Standards of the MCO Zone District:* All other operation and rehabilitation standards of the Mineral Conservation Overlay (MCO) Zone District shall apply as outlined in Section 3-35-06.
7. *Recreational Prospecting in Creeks and Rivers:* In stream recreational prospecting using non-motorized equipment is not regulated by the County. It is incumbent upon the operator of a non-motorized in stream recreational prospecting site to notify and gain permission of the property owner. The use of motorized equipment for such an operation is considered mining. Any operation using motorized equipment is prohibited.

4-10-02-03-02

**SOLID AND HAZARDOUS WASTE DISPOSAL**

1. *General Operating and Performance Standards:* The following General Operating and Performance Standards are applicable to all Solid Waste Disposal Sites and/or Processing Facilities:
  - a. Compliance with Colorado Solid Waste Act: Operators shall comply with the Colorado Solid Waste Act (C.R.S. 30-20-100 et. seq.), and all regulations promulgated pursuant to said Act by the Colorado Department of Public Health and Environment.
  - b. Compliance with State Standards and Regulations: Operators shall comply with all adopted State and Federal regulations, whether such regulations are adopted prior to, or after, approval of a Certificate of Designation under these standards and regulations.
  - c. Performance Bond Required: Prior to commencing operations, and thereafter during the active life of the facility, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County.
  - d. Liability Insurance Required: All solid waste disposal site and/or processing facility operators shall maintain adequate liability insurance in the amount of one million dollars and submit evidence of such insurance upon request from the Director of Community and Economic Development.
  - e. Outdoor Processing Prohibited: All solid waste processing facility operations shall take place completely enclosed within a building unless otherwise specifically provided for in the approved plan.
  - f. User Service Charges Required: All solid waste disposal site and/or processing facility operators shall collect service charges from users for the purpose of solid waste management in the

County. Such charges shall be collected pursuant to the Board of County Commissioners Resolution of August 28, 1985, as amended.

- g. Uncovered Loads: All uncovered loads shall be charged double the normal disposal rate.
- h. Waste Along Public Rights-of-Way Control: Operators shall remove trash, or other waste material, disposed of or treated at their facility, along all public rights-of-way within one (1) mile of the facility and up to five (5) miles along the approved haul routes, or as otherwise specified.
- i. Odor Control: At no time shall a waste disposal site or waste processing facility create malodorous conditions.
- j. Erosion Control: At no time shall a waste disposal site or processing facility allow soil loss or erosion beyond that provided for in the erosion control measures approved in the design and operations plan.
- k. Storage of Untreated or Unprocessed Waste: Storage of authorized untreated or unprocessed waste shall not exceed the time limit described in the approved plan, conditions of approval required with the Certificate of Designation, or otherwise required by the Colorado Department of Public Health and Environment.
- l. Outside Storage: All allowed accessory outside storage shall be concealed by an eight (8) foot solid screen fence or other effective screening material as approved by the Director of Community and Economic Development.
- m. Right-of-Way Screening: All new facilities shall provide and maintain attractive visual screening from any public right-of-way from which the facility is visible.
- n. Waste Minimization Program: All operators shall conduct a waste minimization program both with the community and with generators, providing public information and assistance for waste reduction, recycling, and reuse programs.
- o. Certification of Special Structures and Equipment: Special structures not addressed in these standards and regulations, and processing equipment which has the potential to create external environmental impacts (through air emissions, groundwater impacts, etc.), shall be certified by a registered professional engineer or other qualified expert, as determined by the Director of Community and Economic Development, as to proper installation and construction in accordance with the approved design and operations plan prior to start of operations.

- p. Quarterly Reports: Operators shall submit quarterly reports no later than thirty (30) calendar days following the end of the calendar quarter to the Director of Community and Economic Development, Tri-County Health Department, and the Colorado Department of Public Health and Environment, summarizing:
    - (1) Results of Monitoring Data: The results of air and water monitoring data, monitoring of landfill gas, and other environmental monitoring data, as applicable, prepared by a qualified independent firm or other qualified professionals, including in-house certified staff and laboratories acceptable to the Director of Community and Economic Development.
    - (2) Received Waste Figures: Daily average and cumulative figures for the quantity and types of waste received. The cumulative figure shall be related to a percentage completion figure for the current phase of operation, or approved operating capacity.
    - (3) Gross Quarterly Revenues: Gross quarterly revenues for calculation of the County's Solid Waste Management Fee.
  - q. Annual Reports: Operators shall submit annual reports to the Director of Community and Economic Development, Tri-County Health Department, and the Colorado Department of Public Health and Environment.
    - (1) Purpose of Annual Reports: The annual reports shall be used to determine if the amount of the performance bond is still adequate and whether timely progress is being made toward completion or closure, if applicable to the specific operation.
    - (2) Content of Annual Reports: The annual reports shall summarize the following information
      - (a) Waste Types and Volumes: The waste types and volumes handled throughout the year.
      - (b) Operation Completion: The percentage of operation completion to date.
      - (c) Monitoring Information: An interpretation of all monitoring information on a yearly basis.
      - (d) Reclamation Activities: A tabulation of reclamation activities to date.
      - (e) Operational Plans for Following Year: A description of operational plans for the following calendar year.
2. *Landfill Standards (required in addition to General Standards):*
- a. Quality Assurance (QA) Program Required: All operators shall fund an independent quality assurance (QA) quality control

program to ensure construction of synthetic or clay liners for cells meet required specifications in the approved design and operations plan. The QA program shall be performed by a qualified professional, approved by the Director of Community and Economic Development, representing the County. The expense shall be charged to the operator.

- b. Radiation Monitoring Program: The landfill operator shall operate a radiation monitoring program in accordance with an approved plan.
  - c. Quantity of Paper Permitted: The quantity of paper permitted in a demolition and construction debris landfill is limited and is established by the Board of County Commissioners for each landfill. This standard shall be followed during operations.
3. *Incinerator Standards (required in addition to General Standards):*
- a. Monitoring Program: The specific monitoring program approved by the County for on-site soils and air monitoring shall be followed.
  - b. Waste Minimization Program: The waste minimization program approved by the County shall be followed.
  - c. Ash Transportation: All ash will be transported in a manner minimizing the release of fugitive dust.
  - d. Pollution Control Device Residue Collection: The program for residue collection from air pollution control devices approved by the County shall be followed.
  - e. Incinerator Operation: The incinerator shall be operated in accordance with the approved design and operations plan.
  - f. Radioactivity Monitoring: The operator shall operate a low level radioactivity monitoring program in accordance with an approved plan.
4. *Inert Fill Operation Standards (required in addition to General Standards):*
- a. *Screening of Loads:* Operators shall inspect and screen each load of material brought to the fill site. Trash, organic material, and other waste material not meeting the definition of inert material shall be removed from each load at the screening location. A visual inspection and screening shall be made where loads are offloaded and materials not meeting the definition of inert material shall be removed. All materials removed from the waste stream shall be disposed of at an approved waste disposal facility and records of the transportation disposal shall be kept.



- b. *Fencing*: An eight (8) foot solid screen fence or security fence, with additional screening material, as approved by the Director of Community and Economic Development, shall enclose all outside storage.
  - c. *Traffic Control Plan*: Provisions of the traffic control plan shall be followed.
  - d. *Nuisance Control Plan*: Provisions of the nuisance control plan shall be followed.
  - e. *Appearance*: All sites shall maintain a clean, neat, and orderly appearance. Stockpiles of materials may only be placed as specified in the design and operation plan.
  - f. *Performance Bond*: Prior to commencing operations, and thereafter during the active life of the facility, and for five (5) years after closure, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. The amount of said bond shall be \$2,000.00 per acre. Should any corrective actions be required by the County in order to protect the health, safety, and general welfare which result from failure of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.
5. *Composting Operation Standards (required in addition to General Standards)*:
- a. *Removal of Trash from Right-of-Way*: Operators shall remove trash, or other waste material, of the type which is brought to the composting facility, along all public rights-of-way within one-half (1/2) mile of the facility.
  - b. *Performance Bond*: Prior to commencing operations, and thereafter during the active life of the facility, the operator shall post and maintain a performance bond or other approved financial instrument with Adams County. Said bond shall be sufficient to ensure compliance with operating conditions of the Permit, the amount of which shall be established by the Board of County Commissioners. Should any corrective actions be required by the County in order to protect the health, safety, and general welfare which result from failure of the operator to follow any regulations, standards, or conditions of approval, the performance bond shall be forfeited in an amount sufficient to defray the expense of said actions, including staff time expended by Adams County involved in such corrective actions.



# STATE OF COLORADO

Bill Ritter, Jr., Governor  
Martha E. Rudolph, Executive Director

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

4300 Cherry Creek Dr. S.  
Denver, Colorado 80246-1530  
Phone (303) 692-2000  
TDD Line (303) 691-7700  
Located in Glendale, Colorado

Laboratory Services Division  
8100 Lowry Blvd.  
Denver, Colorado 80230-6928  
(303) 692-3090

<http://www.cdphe.state.co.us>



Colorado Department  
of Public Health  
and Environment

**Certified Mail # 7007 0220 0001 0162 7773**  
**Return Receipt Requested**

August 27, 2010

Adams County Board of Commissioners  
450 S. 4th Avenue  
Brighton, CO 80601

Re: Final Agency Action: Recommendation for Approval with Conditions  
Certificate of Designation Application for Speer Inert Landfill – Asphalt Specialties Company

Dear Honorable Commissioners,

The Colorado Department of Public Health and Environment ("the Department"), Hazardous Materials and Waste Management Division ("the Division") received referral correspondence from Adams County on February 17, 2010. The correspondence included: (1) a memorandum from Adams County Planning and Development Department dated February 12, 2010 requesting the Division's review of the subject Certificate of Designation ("CD") application, (2) a document entitled "Certificate of Designation, Operations and Closure Plan for Speer Inert Landfill, Adams County, Colorado" prepared by Asphalt Specialties Company, Inc., ("ASCI"), dated May 2009 ("the Plan"), and (3) "Addendum to Certificate of Designation Operations and Closure Plan for Speer Inert Landfill, Adams County, Colorado," prepared by ASCI, dated January 25, 2010. The Division conducted a completeness review of the CD application in accordance with procedures outlined in State statute, C.R.S. §30-20-103 *et seq.*, and corresponding Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2, Part 1 ("the Solid Waste Regulations"). By its letter dated March 11, 2010 the Division notified ASCI that the Plan was incomplete. On April 20, 2010, the Division received Revision 1 to the Plan dated April 2010 ("Revision 1"). By letter dated April 27, 2010, the Division notified ASCI that the Revision 1 was substantially complete, and provided preliminary technical comments and identified issues requiring additional information. ASCI provided responses to preliminary comments, and transmitted additional information in its letter dated May 28, 2010.

The Division initiated a 30-day written public comment period by publishing a public notice in the *Your Hub* section of *The Denver Post* newspaper on May 13, 2010. The Division received no comments during the 30-day public comment period which concluded on June 14, 2010.

August 27, 2010

Adams County Board of Commissioners

Final Agency Action: Recommendation for Approval with Conditions

Certificate of Designation Application for Speer Inert Landfill – Asphalt Specialties Company

Page 2

The Division conducted and completed its comprehensive technical review of Revision 1 and ASCI's May 28, 2010 response document in accordance with procedures outlined in State statute and corresponding Solid Waste Regulations. The comments from the Division's comprehensive technical review of Revision 1 were provided to ASCI in a letter dated July 21, 2010. The Division's July 21<sup>st</sup> letter required ASCI to modify certain provisions from Revision 1 and its response document and submit an updated Plan.

In response to the Division's July 21, 2010 letter, the Division received two documents: (1) a memorandum from ASCI titled "Alluvial Groundwater Levels at Speer Inert Fill Site" dated August 9, 2010, and (2) a revised Operations and Closure Plan dated August 2010 ("Revision 2") received on August 11, 2010. For ease of review, ASCI presented all proposed modifications for Revision 2 in bold font. The Division has reviewed Revision 2 for technical merit. It is the determination of the Division that the proposed facility can comply with the technical, environmental, and public health standards in the Act and corresponding Solid Waste Regulations if the facility is constructed, operated, and monitored as detailed in Revision 2, and with the conditions of the Division as stated in this letter. Based on this assessment, the Division recommends, as final agency action, that this facility may be approved by Adams County, with the conditions set forth herein and with any additional local restrictions Adams County may choose to impose. The required conditions are as follows:

1. Section 4.1 of Revision 2 stipulates that asphalt materials must be placed at least 1 foot above the seasonal high alluvial groundwater table elevation. Section 4.1 also includes the following statement: "*ASCI has determined that the elevation of one-foot above the seasonal-high groundwater elevation is 5008 ft. above MSL.*" The groundwater elevation data provided by ASCI shows that the groundwater table elevations prior to dewatering varied significantly across the site. For example, a topographic map of the site from a 1999 aerial survey shows an elevation of 5011.6 feet for surface water in a former pond near the southern end of the site. Given the characteristics of the alluvial soil (i.e., sand and gravel) that existed in 1999, the water elevation in the pond is likely to be a surface expression of the groundwater elevation that existed in that area of the site in 1999 prior to dewatering activities. Consequently, the Division believes that the groundwater table could return to elevations that are higher than 5008 feet above MSL at some locations at the site following cessation of groundwater dewatering activities. Therefore, prior to placement of any asphalt materials, and following cessation of dewatering activities, the Division requires ASCI to assess and document stabilized groundwater elevations at the site. The groundwater level documentation and assessment must be provided to the Division for its review and approval prior to placement of any asphalt materials at the site.
2. Section 8 of Revision 2 includes the following statement: "*Approximately 18 inches (1.5 ft.) of topsoil or clean fill dirt will be placed on top of all filled materials as final cover.*" Pursuant to the requirements in Section 3.5.3 of the Solid Waste Regulations, the Division requires the final cover to consist of at least 24 inches of clean soil. The upper 6 inches of final cover shall consist of topsoil capable of supporting vegetation. The Division does not require a compaction specification or permeability specification since the site is being proposed as an inert material landfill.

August 27, 2010

Adams County Board of Commissioners

Final Agency Action: Recommendation for Approval with Conditions

Certificate of Designation Application for Speer Inert Landfill – Asphalt Specialties Company

Page 3

3. Section 8 of Revision 2 includes the following statement: *"ASCI will institute a Construction Quality Assurance/Quality Control Plan (CQA/QCP) for the assurance of final grade construction and completion for the Speer inert fill site for the soil cover."* If Adams County approves the CD application, ASCI must submit the CQA/QCP to the Division for its review and approval within sixty (60) calendar days following approval of the CD application.
4. Section 11.1 of Revision 2 includes the following statement: *"As discussed with CDPHE personnel during a meeting in March 2010 regarding this application, a bond held by the State of Colorado through DRMS bonds the Speer site in the amount of \$678,000.00 for complete reclamation per the most recently approved amendment to the permit. ASCI requests that rather than bond to two different Colorado state agencies for the same procedures, that one bond be implemented for this site."* The DRMS bond addresses reclamation of the Speer site. Typically, DRMS financial assurance requirements do not address the post-closure monitoring and maintenance of the site pursuant to requirements of the Solid Waste Regulations should Adams County approve the CD application. Therefore, the Division approves the DRMS financial assurance for the closure portion of the Division's financial assurance requirements. However, additional financial assurance must be established for post-closure costs pursuant to the requirements in Section 1.8 of the Solid Waste Regulations. If the Adams County Commissioners approve the CD application, the additional post-closure financial assurance shall be submitted to the Division for review and approval within thirty (30) calendar days of the approval decision.

The Division approves the post-closure cost estimate of \$362,382.00. Please note that pursuant to the requirements in Section 1.8.3 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, ASCI 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.

5. In addition to complying with the Solid Waste Regulations, ASCI must comply with all relevant federal, state, and local regulations including but not limited to the requirements of the Division of Reclamation Mining and Safety, the Division of Water Resources, the Water Quality Control Division, and the Air Pollution Control Division. The facility shall also comply with all local laws, ordinances, and CD conditions.

As required by the Act, 30-20-104(3)(a) and (3)(b), Adams County is obligated to notify its citizens and conduct a public hearing regarding the proposed solid waste facility. Please forward a copy of the County's final resolution concerning the CD issuance or denial to the Division.

The Division is authorized to bill for its review of technical submittals pursuant to the provisions set forth in Section 1.7 of the Solid Waste Regulations. Division staff charges its time at \$125.00 per

August 27, 2010

Adams County Board of Commissioners

Final Agency Action: Recommendation for Approval with Conditions

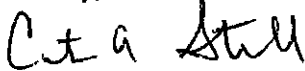
Certificate of Designation Application for Speer Inert Landfill – Asphalt Specialties Company

Page 4

hour. An invoice for the Division's technical review of the CD application will be transmitted to Asphalt Specialties under separate cover.

Should you have questions, or if you would like to schedule a meeting to discuss our comments, please contact Curt Stovall at (303) 692-2295 ([curtis.stovall@state.co.us](mailto:curtis.stovall@state.co.us)) or Roger Doak at (303) 692-3437 ([roger.doak@state.co.us](mailto:roger.doak@state.co.us)).

Sincerely,



Curt Stovall, P.E.  
Environmental Protection Specialist  
Solid Waste and Material Management Unit  
Hazardous Materials and Waste  
Management Division



Roger Doak  
Permitting Group Unit Leader  
Solid Waste and Material Management Unit  
Hazardous Materials and Waste  
Management Division

cc: David Bird – Division of Reclamation Mining and Safety  
Ioana Comaniciu – Division of Water Resources  
Dan Hunt – Asphalt Specialties Company  
Deanne Kelly – Tri-County Health Department  
Christopher La Rue – Adams County Planning and Development Department  
Rob Laird – Asphalt Specialties Company  
Craig Tessmer – Adams County Planning and Development Department

ec: Gary Beers – Water Quality Control Division  
Darrell Dearborn – Hazardous Materials and Waste Management Division  
Dana Podell – Air Pollution Control Division

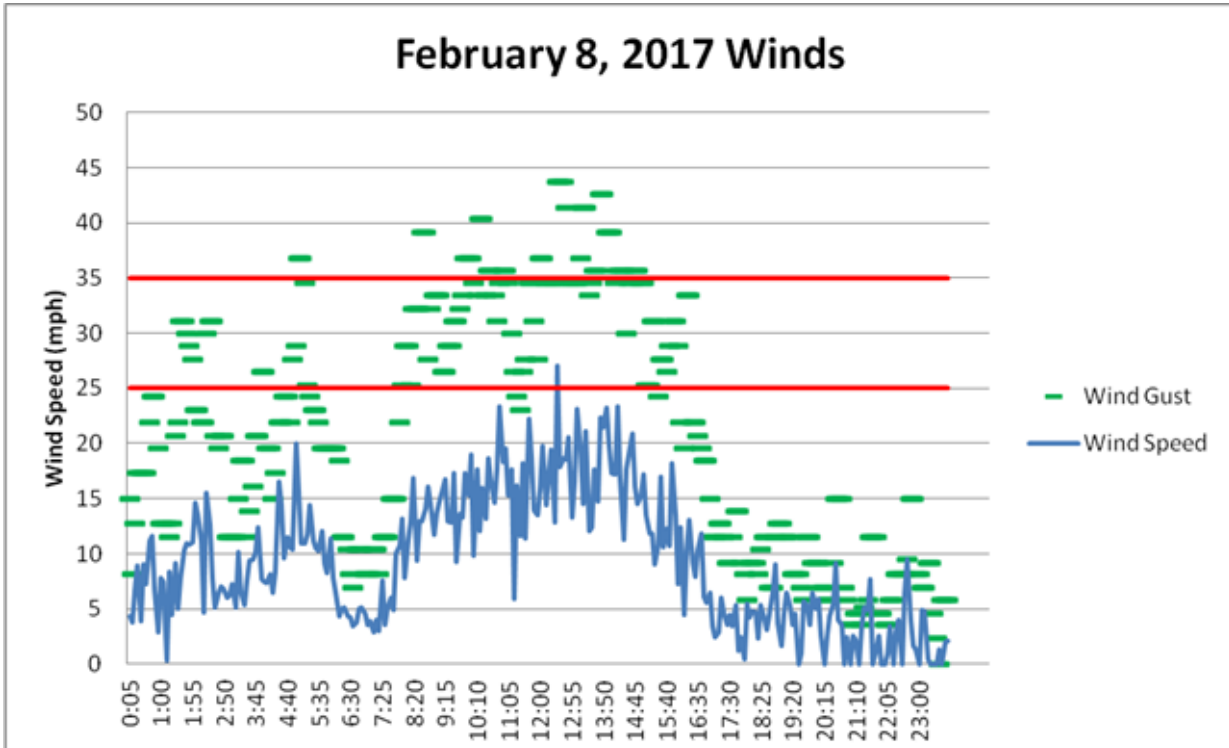
File: SW/ADM/SPE 2.1

**From:** [Jen Rutter](#)  
**To:** [Nana Appiah](#); [Chris LaRue](#); [Christine Francescani](#)  
**Subject:** Speer Pit Inspection Winds  
**Date:** Friday, March 03, 2017 8:50:20 AM  
**Attachments:** [ThorntonWeatherStationMap.pdf](#)  
[image002.png](#)

---

All,

In case we need it, I acquired wind speed data (5-minute intervals) from a local weather sensor for the date of the Speer Pit Inspection. The map shows its location relative to the Speer Pit (~2.8 miles west).



**Jen Rutter**

Senior Environmental Analyst, *Community & Economic Development Department*

ADAMS COUNTY, COLORADO

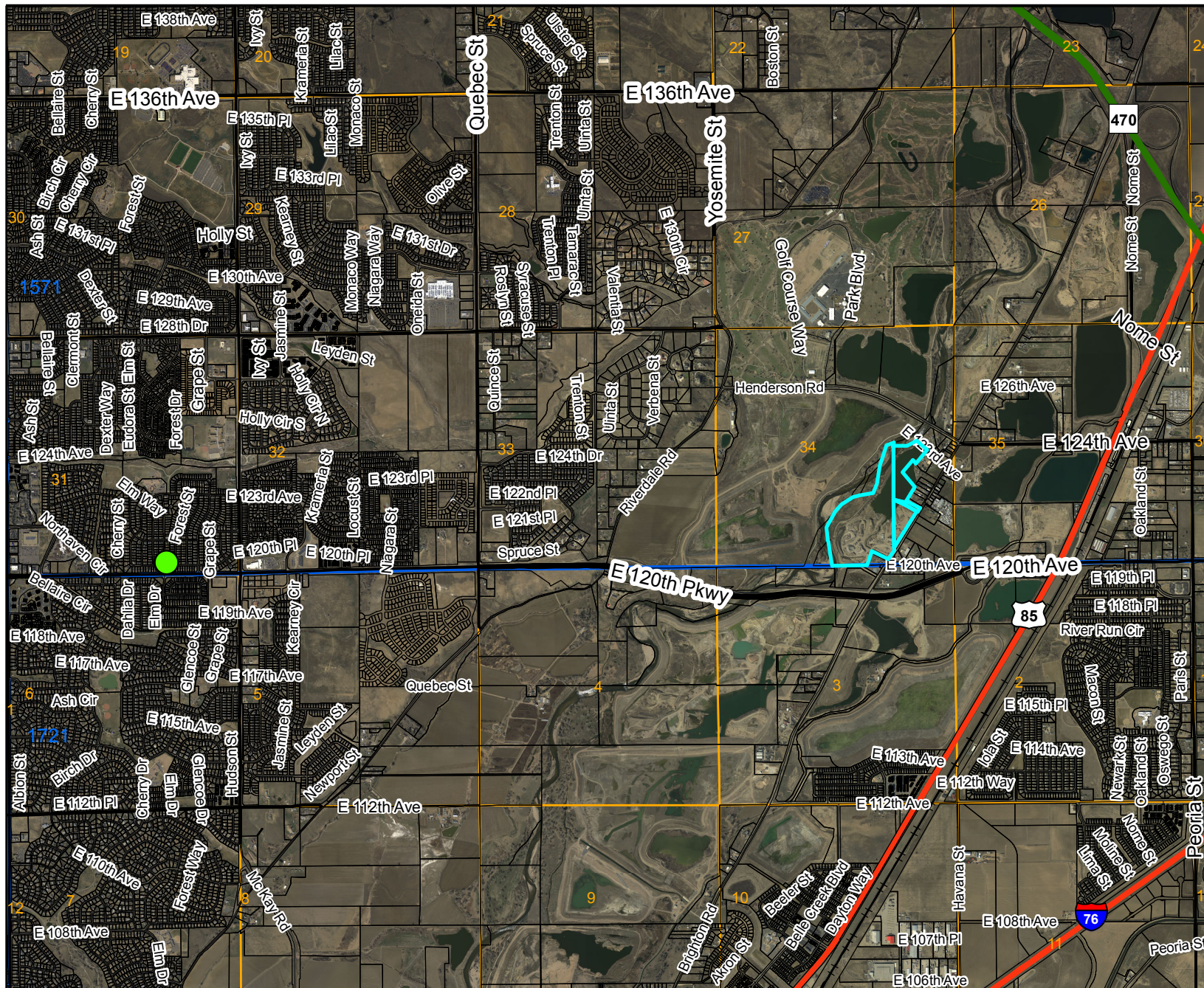
4430 South Adams County Parkway, 1st Floor, Suite W2000A

Brighton, CO 80601

o: 720.523.6841 | [jrutter@adcogov.org](mailto:jrutter@adcogov.org)

[www.adcogov.org](http://www.adcogov.org)





## LEGEND

- ★ Special Zoning Conditions
- 3 Section Numbers
- Railroad
- Major Water
- Zoning Line
- Sections
- Zoning Districts**
  - A-1
  - A-2
  - A-3
  - R-E
  - R-1-A
  - R-1-C
  - R-2
  - R-3
  - R-4
  - M-H
  - C-0
  - C-1
  - C-2
  - C-3
  - C-4
  - C-5
  - I-1
  - I-2
  - I-3
  - CO
  - PL
  - AV
  - DIA
  - P-U-D
  - P-U-D(P)
  - Airport Noise Overlay



ADAMS COUNTY  
COLORADO

This map is made possible  
by the Adams County GIS  
group, which assumes no  
responsibility for its accuracy

Green Dot - Thornton Weather Station

Outlined Light Blue - Speer Pit



For display purposes only.



Community & Economic  
Development Department  
Development Services Division  
www.adcogov.org



4430 South Adams County Parkway  
1st Floor, Suite W2000B  
Brighton, CO 80601-8218  
PHONE 720.523.6800  
FAX 720.523.6967

## Public Hearing Notification

|   |                         |
|---|-------------------------|
| Case Name:                                  | Asphalt Specialties Co. |
| Case Number:                                | EXG2009-00002           |
| Board of County Commissioners Hearing Date: | 03/14/2017 at 9:30 a.m. |

February 23, 2017

A public hearing has been set by the Adams County Board of County Commissioners to consider the following request:

**Suspension or revocation of the Certificate of Designation (fill permit) granted to Asphalt Specialties through Case # EXG2009-00002**

This request is located at: 12021 BRIGHTON RD

The Assessor's Parcel Number(s): 0157134000075, 0157134402001, 0157134000037

Applicant Information: ASPHALT SPECIALTIES CO INC  
10100 DALLAS STREET  
HENDERSON, CO 80640

The hearing will be held in the Adams County Hearing Room located at 4430 South Adams County Parkway, Brighton CO 80601-8216. This will be a public hearing and any interested parties may attend and be heard. The Applicant and Representative's presence at these hearings is requested. If you require any special accommodations (e.g., wheelchair accessibility, an interpreter for the hearing impaired, etc.) please contact the Adams County Community and Economic Development Department at (720) 523-6800 (or if this is a long distance call, please use the County's toll free telephone number at 1-800-824-7842) prior to the meeting date.

For further information regarding this case, please contact the Department of Community and Economic Development, 4430 S Adams County Parkway, Brighton, CO 80601, 720-523-6800. This is also the location where maps and/or text certified by the Planning Commission may be viewed.

Thank you,

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry  
DISTRICT 1

Charles "Chaz" Tedesco  
DISTRICT 2

Erik Hansen  
DISTRICT 3

Steve O'Dorisio  
DISTRICT 4

Mary Hodge  
DISTRICT 5



Christopher C. LaRue

Christopher C. LaRue  
Senior Planner

Community & Economic  
Development Department  
www.adcogov.org



4430 South Adams County Parkway  
1st Floor, Suite W2000B  
Brighton, CO 80601-8218  
PHONE 720.523.6800  
FAX 720.523.6967

February 24, 2017

Asphalt Specialties  
c/o Rob Laird  
10100 Dallas Street  
Henderson, CO 80640

**RE: NOTICE OF SHOW CAUSE HEARING  
12021 Brighton Road**

**PIN #s: 0157134000075, 0157134402001, & 0157134000037**  
**Case #: EXG2009-00002**  
**Case Name: Speer/Asphalt Specialties Certificate of Designation**

Mr. Laird:

Per Section 1-02-01-02-09 of the Adams County Development Standards and Regulations, a public hearing has been scheduled before the Adams County Board of County Commissioners to consider the following:

**Suspension or revocation of the Certificate of Designation granted to Asphalt Specialties through Case # EXG2009-00002**

The grounds for the proposed revocation are based on violations of the previously issued Certificate of Designation (CD). The violations were noted during a site inspection that occurred on February 8, 2017. This inspection identified the following violations regarding the required performance of the CD:

1. The facility is accepting non-inert material including rebar and other metals (required condition # 16 of the CD).
2. The facility is not monitoring wind speeds to determine if operations should be ceased during periods of high winds (required condition # 9 of the CD). On the date of the inspection the facility was operating during a period of high wind.

In addition to the noted violations during the inspection, there is an open violation for continuing to operate a recycling facility without a permit on the property. The Certificate of Designation and Section 4-06-01-02-01-06 of the County's Development Standards and Regulations also requires screen fencing to conceal outside storage from all adjacent right-of-ways. There is

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry  
DISTRICT 1

Charles "Chaz" Tedesco  
DISTRICT 2

Erik Hansen  
DISTRICT 3

Steve O'Dorisio  
DISTRICT 4

Mary Hodge  
DISTRICT 5

storage of materials on the property without a screen fence, this is a violation of the County's Development Standards and Regulations and the approved Certificate of Designation. Further, the Certificate of Designation and Section 4-06-01-02-01-08 of the County's Development Standards requires outdoor storage to not be allowed above the height of the property's screening fence. Storage of materials on the property exceeds the height of eight feet. Finally, the site appears to be storing items truck trailers, roadway signs, etc. that were not permitted as part of the Certificate of Designation.


**Per Section 1-02-01-02-09, the Board of County Commissioners may revoke or suspend a permit if a permit holder or operator conducting a use fails to abide by the terms, requirements or conditions of the permit.**

**Your presence is required on Tuesday, March 14, 2017 at 9:30 A.M., to show cause why the Certificate of Designation should not be suspended or revoked. This hearing will be at the Adams County Government Center Hearing Room, located at 4430 South Adams County Parkway.**

The hearing will be open to the public and any interested person may attend and be heard. If you require special accommodations (e.g. wheelchair accessibility, interpreter for the hearing impaired, etc.), please contact the Adams County Community and Economic Development Department prior to the meeting date.

If you have any questions or concerns, you may contact me at (720) 523-6858.

Sincerely,

A handwritten signature in dark ink that reads "Christopher C. La Rue". The signature is written in a cursive, flowing style.

Christopher C. La Rue  
Senior Planner

## CERTIFICATE OF POSTING

**PUBLIC NOTICE**

CASE NO. EXG2009-00002 POSTING DATE 3/4/17

A PUBLIC HEARING HAS BEEN SET BY ADAMS COUNTY  
BOARD OF COUNTY COMMISSIONERS (BOCC)  
 TO BE HELD ON 3/14/17 AT 9:30 AM  
 AT \_\_\_\_\_

IN THE ADAMS COUNTY GOVERNMENT CENTER  
 4430 S. ADAMS COUNTY PKWY, BRIGHTON, CO 80601

FOR THE FOLLOWING REASON:  
SUSPENSION OR REVOCATION OF THE CERTIFICATE OF  
DESIGNATION (DEVELOPMENT) GRANTED TO ADHOC  
SPECIALTIES THROUGH CASE # EXG2009-00002

THE REQUEST IS LOCATED AT APPROXIMATELY:  
12021 BRIGHTON RD

THIS WILL BE A PUBLIC HEARING. ANY INTERESTED  
 PARTIES MAY ATTEND AND BE HEARD.  
 FOR ADDITIONAL INFORMATION, CONTACT:  
CHRIS LA RUE 720-523-6858

I, Christopher C. La Rue do hereby certify that I had the property posted at

12021 Brighton Road

on March 4, 2017

in accordance with the requirements of the Adams County Zoning Regulations

*Christopher C. La Rue*

Christopher C. La Rue



**COLORADO**  
Department of Public  
Health & Environment

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

March 28, 2017

Dan Hunt  
Asphalt Specialties - Speer Inert Fill  
c/o Dietrich Hoefner  
Lewis Rocha Rothgerber Christie LLP  
1200 17<sup>th</sup> Street Ste 3000  
Denver CO 80202

Re: No Further Action Letter for Speer Inert Fill  
12021 Brighton Road  
Henderson, CO 80640  
SW/ADM/SPE 1.6

Dear Messrs. Hunt and Hoefner,

On February 15, 2017, the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division ("Division"), issued a Compliance Advisory to Speer Inert Landfill for being out of compliance with the Solid Wastes Disposal Sites and Facilities Act, CRS 30-20-100.5, *et. seq.* (the Act) and/or the Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2 (the Regulations). The Compliance Advisory cited deficiencies related to the disposal of solid waste on the property located at 12021 Brighton Road, Henderson, CO 80640. The deficiencies were as follows: 1) Speer Inert Landfill is not monitoring wind speeds, and unable to determine if operations need to be ceased during periods of high wind warnings (Section 2.1.11); and 2) Speer Inert Landfill is accepting rebar and other metals for final disposal (Section 2.1.2(C)).

The Compliance Advisory provided the respondents with the following requested actions necessary for the facility to return to compliance with the Act and Regulations: 1) Immediately implement a wind monitoring program by either (a) obtaining a wind velocity measuring device; or (b) obtain hourly wind speed readings from the nearest national weather service office; 2) Immediately cease the disposal of rebar and/or other metal items at the Facility; and 3) Within forty-five (45) calendar days from the date of the Compliance Advisory, remove all rebar and metals from the pond that are visible and retrievable.

In response to the Compliance Advisory, on March 24, 2017, the respondents submitted documentation showing that the deficiencies have been corrected. A wind speed monitor has been installed at the facility, and all visible rebar has been removed.

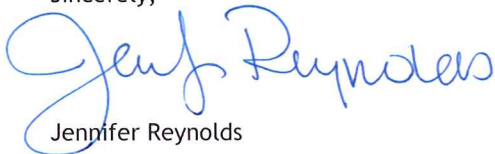
Based upon the submitted information, the Division finds that compliance with some or all of the regulatory requirements relative to deficiencies cited in the Notice of Inspection have been achieved. This No Further Action letter serves to document that the deficiencies cited in the Notice of Inspection have been remedied as of the date of this letter, and no further action by the respondent is necessary in order to come into compliance with the specified requirements. This correspondence shall serve as the No Further Action Letter required in Section 1.9.3 of the Regulations and will be attached to the



Inspection Report in the facility's file. This correspondence also confirms that the Compliance Advisory requested that only the visible rebar be removed. The Division did not, and does not intend to, request that any unseen rebar that may already be in the pit be removed.

Should you have questions, please contact Jennifer Reynolds at (303) 692-3408 or Ed Smith at (303) 692-3386.

Sincerely,



Jennifer Reynolds  
Environmental Protection Specialist  
Solid Waste Compliance Assurance Unit  
Solid and Hazardous Waste Program

EC: Jen Rutter, Adams County Planning  
Augusta Allen, Adams County Code Enforcement  
Lisa Oliveto, Tri-County Health Department  
Andy Todd, HMWMD  
Ed Smith, HMWMD  
SW Tracking

