



## Legislation Details (With Text)

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**Title:** LR22-004, Waste Management East Site Location Application for Lift Station

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Date	Ver.	Action By	Action	Result
11/22/2022	1	Board of County Commissioners Business Meeting	approved	Pass

**To:** Board of County Commissioners

**Through:** Bryan D. Weimer, PWLF, Public Works and Development

### Prepared By:

Larry G. Mugler, Planner, Planning Division, Public Works and Development

### Subject:

LR22-004, Waste Management East Site Location Application for Lift Station

### Purpose and Request:

Waste Management Denver East (WM) is seeking approval from the Colorado Department of Public Health and Environment (CDPHE) for a site location for a wastewater lift station needed to serve a new waste recovery facility and shop. As part of its application to CDPHE, WM has requested the Board of County Commissioners, as the affected county and the 208 planning/management agency for Arapahoe County and under CDPHE Regulation 22, 5 CCR 1002-22, to review and provide comments on the site location application to CDPHE. The Board of County Commissioners is requested to adopt a resolution authorizing the Chair to sign the application form for forwarding to CDPHE.

**Background and Discussion:** This application is for a wastewater lift station to serve the new facility to be located in unincorporated Arapahoe County at approximately 24755 East Quincy Avenue on property owned by

the Lowry Environmental Protection/Cleanup Trust Fund. A lift station will connect the new facility to the nearest connection in the City of Aurora sewer system. This is expected to be the Murphy Creek lift station located along Harvest Road about 3,216 feet south of the new lift station. Lift stations are wastewater facilities that move wastewater from one drainage basin into another, larger sewer line. The lift station under review is needed to move the wastewater from the waste recovery facility to the nearest sewer line. It sends wastewater to an Aurora lift station for ultimate treatment at the Metro Water Recovery Robert W. Hite Treatment Facility. The service area includes only the Waste Management facilities. The proposed site is attached.

The new lift station will only serve the WM facility, consisting of the waste recovery facility, a vehicle wash, and a joint administrative and shop building. The lift station would only serve this site. When these facilities are completed and in operation, the average daily flow at the lift station is expected to be 4,000 gallons per day and a peak flow of 15,790 gallons per day. The lift station as designed will handle those flows. The wastewater will discharge into the City of Aurora collection system for treatment at the Metro Water Recovery Robert W. Hite Treatment Facility.

The engineering report has been reviewed by Arapahoe County, the Tri-County Health Department, and the City of Aurora. The final stage is the signatures from these three agencies and the Chair of the Arapahoe County Board of County Commissioners, with authorization from the Board of County Commissioners.

The County's review and comment and Board approval are part of the CDPHE process for its review of this wastewater facility plan and the proposed site location for the State permit to operate a wastewater facility. CDPHE regulations for site location of a wastewater treatment facility, Regulation 22, as regards county approval, provide two opportunities for county comment:

Per Reg. 22, the County is being asked to comment as to:

*(b) County **if the proposed facility is located in the unincorporated area of a county.** The county, through its commissioners or its designee, is requested to review and comment upon: the relationship of the treatment works to the local long-range comprehensive plan for the area as it affects water quality; the proposed site location alternatives including the location concerning the flood plain; and the capacity to serve the planned purpose. A recommendation of approval from the county is considered to be a statement that the proposal is consistent with the water quality considerations contained in its local comprehensive plan.*

As the 208 planning/management agency, the county is asked to comment as to:

*...the consistency of the proposed treatment plant to the water quality management plan....*

Arapahoe County Public Works and Development staff, Aurora staff, and Tri-County Health Department staff have reviewed LR22-004, Waste Management East Site Location Application, in detail.

The Arapahoe County Comprehensive Plan addresses the relationship between water quality and discharges from treatment plants into streams as it affects water quality as stated in the goals and policy as quoted below:

***Strategy PFS 3.3(a) - Encourage the Reuse of Water by Water Suppliers and Individual Users*** *Many water suppliers in the County use reclaimed water for irrigation and other appropriate uses. The County supports these efforts and encourages the continued practice. The County supports efforts to expand the reuse of water to individual users.*

The wastewater from this lift station will be processed at the Metro Water Recovery Robert W. Hite Treatment Facility, which has a significant reuse program.

***Policy PFS 4.2 - Support Provision of New Wastewater Treatment Facilities in Designated Growth Areas***

*The County will support the approval and construction of new wastewater treatment facilities in Designated Growth Areas only when no other feasible or practicable alternatives are available to provide treatment.*

***Strategy PFS 4.2(a) - Work With Districts to Plan for New Wastewater Treatment Facilities***

*The County will cooperate with sanitation or metropolitan districts created in Designated Growth Areas to ensure that they are planning for adequate capacity to meet future growth demands.*

The lift station will have the capacity to serve its area and will convey wastewater to a major wastewater treatment facility that meets its state discharge permit conditions. With the design by WM, the lift station will be able to serve the site and address any emergency provisions.

***Strategy GM 3.3(h) - Locate Critical Facilities to Avoid Floodplains***

*The County will require that critical facilities avoid locating in 100-year floodplains, including water and wastewater treatment plants, fire and police protection facilities, community facilities, major utility substations or facilities, and other facilities of critical importance in an emergency or disaster.*

The lift station is located outside of the 100-year floodplain. The nearest designated floodplain is Murphy Creek, approximately 500 feet away from the lift station.

The service area of the lift station is shown as part of the “Lowry Trust Properties” on the Arapahoe County Comprehensive Plan. The Comprehensive Plan contains policies and strategies specifically addressing Lowry Trust Properties. Those related to the proposed land use at the site include:

***Strategy RDS GM 1.1(a) - Restrict Land Use Approvals in the Denver Arapahoe Disposal Site to Those***

***Associated with Waste Disposal***

*The County will approve development in the Denver Arapahoe Disposal Site on a case by case basis only if it is related to waste disposal, resource recovery and recycling, energy generation or monitoring efforts.*

The proposed waste recovery facility will be consistent with this strategy. However, the site is currently zoned A-1 which does not include such uses. WM is in the process of requesting re-zoning to a category that allows waste recovery. The County will use the following strategy in considering the re-zoning request.

***Strategy RDS GM 1.3(b) - Consider Development Approvals on the Lowry Trust Properties on a Case-by-Case Basis***

*The County will consider rezoning requests for the Lowry Trust Properties on a case-by-case basis, with an emphasis on the proposed development's impact on, and compatibility with, adjacent land uses, infrastructure capacity, the site and surrounding institutional controls and land use restrictions and their implementation, and findings of the most recent EPA five-year review of the Lowry Superfund Site approved remedy.*

Based on this review, Public Works and Development staff is satisfied that the application is consistent with the water quality considerations contained in the County's Comprehensive Plan and adequately addresses floodplain concerns (as specified in Regulation 22). Further, Tri-County Health Department and Aurora are comfortable with the application and have signed the WM's application to CDPHE.

In this case, the Board County of Commissioners has the responsibility, as the 208 Planning/Management Agency, to sign the Applicant Certification and Review Agencies Recommendation, Section 22.4 of Regulation 22: New Domestic Wastewater Treatment Facility, on behalf of Arapahoe County.

Staff, therefore, recommends the application **favorably** to the Board of County Commissioners with the findings listed below. If the Board concurs, we request that the Chair sign the application form for forwarding to CDPHE.

**Recommended Findings:**

1. The Colorado Department of Public Health and Environment (CDPHE) has to review the document before final approval for the construction of the wastewater facility. Under CRS 25-8702. Approval for commencement of construction:

(1) *No person shall commence the construction of any domestic wastewater treatment works or the*

*enlargement of the capacity of an existing domestic wastewater treatment works, unless the site location and the design for the construction or expansion have been approved by the division.*

*(2) In evaluating the suitability of a proposed site location for a domestic wastewater treatment works, the division shall:*

*(a) Consider the local long-range comprehensive plan for the area as it affects water quality and any approved regional wastewater management plan for the area;*

*(b) Determine that the plant on the proposed site will be managed to minimize the potential adverse impacts on water quality; and*

*(c) Encourage the consolidation of wastewater treatment facilities whenever feasible.*

2. In its role as the 208 Planning/Management Agency for Arapahoe County, the Board of County Commissioners finds that the application for the lift station is consistent with the water quality management portions of the Comprehensive Plan and with floodplain regulations.

**Alternatives:** The alternatives available to the Board of County Commissioners are:

1. Authorize the Chair of the Board of County Commissioners to sign the Applicant Certification and Review Agencies Recommendation form to forward to CDPHE.
2. Do not authorize the Chair of the Board of County Commissioners to sign the Applicant Certification and Review Agencies Recommendation form; the Board may want to identify areas of concern to be addressed.
3. Continue a decision to a future date to receive additional information or to further consider the information presented.

**Fiscal Impact:** None.

**Alignment with Strategic Plan:**

- ☐ Be fiscally sustainable
- ☒ Provide essential and mandated service
- ☒ Be community focused

**Concurrence:** City of Aurora and the Tri-County Health Department have also reviewed the application. Both have concurred in the approval of the lift station.

**Resolution:** Attached is a copy of the draft resolution.