



COLORADO

**Hazardous Materials
& Waste Management Division**

Department of Public Health & Environment

VIA EMAIL ONLY

February 1, 2022

Ms. Elizabeth Stengl
Environmental Manager
Allied Waste Systems of Colorado, LLC
8480 Tower Road
Commerce City, CO 80022

RE: CDPHE Approval with Conditions: One-Time Waiver to Accept Debris from the 2021-2022 Boulder County Marshall Fire

SW/JFR/FTH 2.2

Dear Ms. Stengl:

In response to the wildfires in Boulder County commonly known as the Marshall Fire, the Colorado Department of Public Health and Environment (CDPHE or department) Hazardous Materials and Waste Management Division (division) has been asked to provide disposal options for debris from structures damaged or destroyed by fire. Fire debris associated with burned structures may contain friable asbestos. 6 CCR 1007-2, Part 1, the Regulations Pertaining to Solid Waste Sites and Facilities (the "Regulations") prohibits solid waste sites and facilities, including landfills, from accepting friable asbestos waste unless expressly authorized in the facilities approved design and operations plan. The Foothills Landfill's (Facility) approved Engineering Design and Operations Plan (EDOP) prohibits the acceptance of friable asbestos waste. Because some of the debris and ash from these wildfires may contain friable asbestos, the division is providing the Facility a one-time waiver (Waiver) to accept this waste stream to facilitate disposal needs of citizens affected by the fires in Boulder County.

The department is providing this waiver to allow the Facility, located at 8900 Highway 93 in Jefferson County, Colorado, to accept fire debris from the Marshall Fire. However, this Waiver does not compel the Facility to accept debris from these fires.

While this Waiver eliminates the administrative requirement to amend the Facility's approved EDOP prior to accepting friable asbestos waste, disposal activities at the Facility shall be conducted pursuant to the requirements set forth in Section 5 of the Regulations. The Facility must comply, as practicable, with substantive provisions of Subsection 5.3 of the Regulations. The following conditions shall be implemented:

Condition 1. Fire debris from buildings that are inspected and found to contain asbestos-containing materials or were previously known to contain asbestos in amounts greater than the state trigger levels defined in Air Quality Control Commission Regulation Number 8, 5 CCR 1001-10, Part B, Asbestos Control, is not eligible for disposal under this Waiver. Known friable asbestos-containing materials must be disposed of at a landfill that is permitted to accept friable asbestos waste.



- Condition 2.** All activities involved in the disposal of the debris, including placement in the waste disposal area, covering the waste, and compacting the overlying fill shall be conducted in a manner that minimizes the potential for emission of asbestos fibers to the air.
- Condition 3.** Misting or fine spraying shall be provided at the debris disposal area to minimize emissions in the case of waste loads received in a non-wetted condition or with packaging that does not remain intact during placement.
- Condition 4.** All unrelated landfill activities shall cease, and no non-essential persons shall be allowed, within one hundred (100') feet in all directions from the debris disposal during placement, covering and compaction of the debris and overlying fill. This will entail setting up a debris disposal area separate from the main working face used by the public.
- Condition 5.** At no time shall compaction equipment come into contact with debris, containers, or packaging.
- Condition 6.** Although warning signs are not required, temporary fencing or some other means of demarcating the debris disposal area shall be provided while disposal is occurring.
- Condition 7.** Following placement in the landfill, the debris shall be covered immediately with nine inches (9") of soil or eighteen inches (18") of non-asbestos cover material.
- Condition 8.** Disposal of the debris shall only occur when wind speeds are below 20 mph sustained and below 30 mph gusts.
- Condition 9.** The disposal location shall be surveyed and depicted on a site map, to be placed in the operating record at the end of the event and within sixty calendar days of last receipt of fire debris.
- Condition 10.** All loads delivered to the Facility must be bagged and covered.
- Condition 11.** Department staff will verify completion of the wind fence that was breached prior to the acceptance of any Marshall/Middle Fork Fire debris subject to this waiver.
- Condition 12.** This waiver is effective for 60 calendar days from the date of the first receipt of material subject to this waiver. Republic may request and extension past the 60 day sunset date after meeting with the department and local governing body.

In accordance with the waiver provisions defined in Section 1.5.2 of the Regulations the division grants the Facility a one-time waiver for acceptance and disposal of asbestos containing material from the Marshall Fire. This Waiver will remain in effect during removal and disposal of debris and ash associated with these fires.

Should you have any questions or concerns, please contact me by email at david.snapp@state.co.us or by phone at (303) 726-6836.

Sincerely,

David Snapp, Manager
Solid Waste and Materials Management Program
Hazardous Materials and Waste Management Division

ec: Jim Rada, Jefferson County
Roy Laws, Jefferson County Public Health
Jennifer Reynolds, CDPHE Solid Waste
Sarah Foreman, CDPHE Solid Waste

