

Title: Administrative Policy Solid Waste Disposal Site and Facility Fund	Policy No. Part 4, Financial Administration Chapter 4, Enterprises, Funds, Tax Districts Section 1
	Effective Date August 18, 2015
Policy Custodian Planning and Zoning Division	Adoption/Revision Date August 18, 2015

Adopting Resolution(s): CC15-309

References (Statutes/Resos/Policies): §30-20-100.5 et seq.; CC86-1135, CC87-3, CC87-293, CC90-275, CC92-88, CC92-163, CC95-134, CC05-397, CC06-538

Procedure: Solid Waste Site and Facility Application Procedures

Purpose: To establish requirements for the issuance of a Certificate of Designation and to establish the Solid Waste Disposal Site and Facility Fund

Policy: Solid Waste Disposal Site and Facility Fund

A. Definitions

1. "Emergency" means any occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from a natural or man-made cause that is less severe than a disaster, but of such severity that it cannot be handled by emergency response agencies in conduct of their normal duties.
2. Household Hazardous Wastes (HHW) are Solid Wastes which would be classified as hazardous wastes under federal regulations but which are exempt from regulation pursuant to 40 CFR Sec 261.4 (b) (1). HHW are derived from domestic and residential sources such as single and multiple dwellings.
3. "Recyclable materials" means any type of discarded or waste material that is not regulated under section 25-8-205 (1) (e), C.R.S., and can be reused, remanufactured, reclaimed, or recycled, but not including recycled auto parts or excluded scrap metal that is being recycled, or scrap that is composed of worn out metal or a metal product that has outlived its original use, commonly referred to as obsolete scrap.
4. "Solid Waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial or commercial operations or from community activities.

B. Applicability

1. Any person desiring to own or operate a solid waste disposal site and facility must apply and pay all applicable fees in accordance with this policy and the procedure that implements this policy.
2. Failure to comply with any of the terms of this policy may result in suspension or revocation of the site and facility Certificate of Designation issued by the Board pursuant to 30-20-112, C.R.S.

C. Application

1. Pursuant to the authority set forth in Section 30-20-103, C.R.S. 1973 (as amended), accompanying each application for a Certificate of Designation shall be a nonrefundable processing fee in an amount established by the Board of County Commissioners (BCC).
2. Any proposed change to an existing Certificate of Designation affecting neither acreage nor yearly volume of materials shall be considered an amendment. Amendment applications shall be charged the nonrefundable processing fee established by the BCC.
3. Any fee paid to the county for rezoning shall be credited toward the amount specified above.
4. The Colorado Department of Public Health and Environment shall make a recommendation to approve or disapprove the application. Any conditions of approval recommended by the Colorado Department of Public Health and Environment must be incorporated as requirements in the Certificate of Designation. If the Colorado Department of Public Health and Environment recommends disapproval, the BCC cannot approve the application and issue a Certificate of Designation.
5. Jefferson County Public Health shall review and comment of the application.

D. Solid Waste Disposal Site and Facility Fund

1. Pursuant to the authority set forth in 30-20-115, C.R.S., the BCC has created the Jefferson County Solid Waste Disposal Site and Facility Fund ("the fund").
2. The fund shall be financed with a service charge equal to 7% of the gross revenues collected by the operators of solid waste disposal sites and facilities in Jefferson County. For the purposes of this policy, gross revenues shall not include any solid waste users fees collected by the operators pursuant to Section 25-16-104.5, C.R.S. Since the Denver Water Board Ralston Reservoir Sludge Disposal site does not collect revenue and is not operated for profit, it shall be assessed on a gate cubic yard basis of \$.25 per cubic yard, which equates to the 7% of the gross revenues figures stated above.
3. The fund shall be administered by the Deputy County Manager or designee.
4. All sites and facilities within the county which dispose of solid waste as defined in 30-20-101(6), C.R.S., shall be subject to that service charge.
5. It shall be the duty of the owners and operators of the solid waste disposal sites and facilities to collect said charge at the time that their fees are collected and to remit the same to the county on or before the last day of the month following the end of each calendar quarter.
6. The Solid Waste Disposal Site and Facility Fund shall be used to address impacts and Emergencies resulting from Solid Waste actions/operations and finance Solid Waste management activities in Jefferson County including, but not limited to:
 - a. Collection and/or Disposal of Solid Waste that has been illegally dumped or spilled on county property or right-of-way;
 - b. Remedial action relating to impacts, Emergencies, or environmental problems created by Solid Waste disposal sites. Remedial actions may include on-going monitoring of caps, constructing and maintaining access to sites, compliance with

permit or closure plan requirements, release and monitoring of landfill gases, or other actions deemed appropriate by the Deputy County Manager;

- c. Compensation for administration of:
 - (1) Certificates of Designation, including but not limited to costs of inspections, monitoring, and enforcement of conditions and requirements;
 - (2) Solid Waste remedial actions, operations or routine activities;
 - (3) Insurance costs associated with Solid Waste activities;
 - d. Collection, recycling and/or disposal of Household Hazardous Wastes, including educational and promotional efforts
 - e. Collection, recycling and/or disposal of Recyclable Materials including educational and promotional materials efforts;
 - f. Funding any other solid waste management programs or purposes determined necessary by the BCC.
7. Expenditures from the fund for the purposes set out herein shall be made at the discretion of and occur only upon prior authorization by the BCC.
8. The fund is intended to provide assurance that money will be available when needed to deal with potential waste-related impacts, emergencies, or environmental problems and to finance routine solid waste management activities in the county. Nothing herein shall relieve an owner and operator of any particular site or facility from its operation or mitigation responsibilities at that site and facility, or from compliance with any conditions imposed by the BCC in a Certificate of Designation. Nor shall anything herein relieve an owner or operator from any liability to third parties for bodily injury or property damage caused by sudden or non-sudden accidental occurrences arising from operation and maintenance of a solid waste disposal site and facility. Owners and operators of waste disposal sites and facilities shall reimburse the fund for any fund expenditures associated with and necessitated by a particular owner and operator's site and facility.
- E. Record Keeping
- 1. The owners and operators shall, in addition to normal record-keeping, keep records of the volume of waste disposed there, the amount of service charges collected and records of their gross revenues collected from solid waste disposal at the site. All of these records shall be kept on site and shall be open to inspection by BCC or any designated agent of the BCC at any time during business hours.
 - 2. It shall be the duty of the Jefferson County Planning and Zoning Division to maintain a current list of all solid waste disposal sites and facilities within the county. That list shall include the name and location of the facility, and the telephone number and the name of a person associated with the facility who can be contacted for compliance and auditing purposes. .