

ORDINANCE NO. 535

AN ORDINANCE RECOUNTING AND AFFIRMING THE CLOSURE OF THE HOLLY MUNICIPAL LANDFILL

WHEREAS, the Town of Holly has always actively worked with the Colorado Department of Public Health & Environment (CDPHE) in regard to the operation of the Holly Municipal Landfill; and

WHEREAS, an inspection of the Holly Municipal Landfill facility on December 13, 2016 shows to be the beginning of strict enforcement of 6 CCR 1007-2 Regulation Pertaining to Solid Waste Sites and Facilities. Eight (8) violations were indicated; the significant violations consisted of outdated Landfill Operation & Maintenance Plan, failure to monitor explosive gases, and the Ground Water Monitoring Waiver and Landfill Liner Waiver was eventually rescinded in April 2017; and

WHEREAS, May 2017 correspondence from CDPHE indicated that the 2012 document "Streamline Alternative Final Cover Demonstration" or the Alternative Final Cover document was determined to be incomplete. Therefore, the old landfill cells soil coverage and plant growth is not adequate as an "alternative cover", and historic cells are required to be closed according to regulation meeting soil grade and thickness with native grass seeding; and

WHEREAS, a conference call with CDPHE in January 2018 resulted allowing 6 months to have a groundwater monitoring plan and an engineered construction plan to continue operations. In February 2018 CDPHE followed up the action plan with a draft compliance order on consent regarding the Holly Landfill. The Division indicated willingness to work on a settlement within 60 days or until April 30, 2018. At that time if settlement had not been finalized, the Division would finalize the Order. Acknowledging the Consent Order constitutes a full and final settlement of the violations cited, the Order being the final agency action and may be enforceable in District Court and may seek civil penalties of up to Ten Thousand Dollars (\$10,000) per violation each day of any violation of the Consent Order; and

WHEREAS, In March 2018 a consultant was hired and provided a financial comparison to operate a compliant landfill versus a Transfer Station. In April 2018 the Holly Board of Trustees decided it would be more cost effective to go with a transfer station and voted to close the Holly Landfill. In June 2018 the Board of Trustees sought a three (3) year extension from CDPHE prior to closing the landfill to allow time to obtain funding and construction of a transfer station; and

WHEREAS, Solid Waste Disposal Site and Facility inspections have continued at the Holly Landfill. A conference call with CDPHE on January 8, 2020 provided an update of the Holly Board of Trustees' direction to focus efforts to contract garbage pickup and haul to a compliant landfill such as Lamar or Springfield, or even Kansas by way of use of a transfer station at the Holly Landfill. Written correspondence from CDPHE on February 27, 2020 indicated the Division would not be enforcing compliance with financial assurance and not implementing a groundwater monitoring program at the facility at the time of inspections due to the Facility's planned closure by the end of 2020. If the Facility's plans change and closure does not occur by the end of 2020, compliance with all of Colorado's Solid Waste Regulations, including those associated with financial assurance and groundwater monitoring would apply; and

WHEREAS, in July of 2020 the Holly Landfill closure was expedited through a motion on July 1, 2020 and on July 16, 2020 Holly Board of Trustee's motioned to begin transitioning the landfill operation to dumping into a roll off style transfer station upon permitting. The required 60-day notice to the public was advertised and posted to close the landfill effective September 5, 2020, then extended until November 30, 2020. Meanwhile, the Prowers County Planning Commission approved the Land Use Permit for the roll off style transfer station and a burn permit was approved from Colorado Department of Public Health and Environment Air Pollution Control Division; and

WHEREAS, in the opinion of the Board of Trustees of the Town of Holly, Colorado, an emergency exists and this ordinance is necessary for the immediate preservation of the public peace, health, and safety.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Holly, Colorado, that:

1. The financial obligation to operate a compliant landfill is beyond the community's feasibility.
2. Regulations will continue to develop and strain the Town of Holly and the financial burden passed on to residents.
3. Alternative disposal means are available. A private contractor has been hired to pick up residential garbage weekly and options for pickup of miscellaneous items by special pickup and roll off container services are available.

Approved and adopted this 2nd day of December, 2020.

/s/ Calvin Melcher, Mayor

ATTEST:

/s/ Megan Jara, Clerk/Treasurer