COLORADO
Hazardous Materials
& Waste Management Division
Department of Public Health & Environment

August 1, 2022

Mr. Matthew Fitzsimmons
El Paso County Planning and Community Development
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Re: Comments for Sterling Recycling Facility

Mr. Fitzsimmons,

On July 26, 2022, the Hazardous Materials and Waste Management Division ("the Division") of the Colorado Department of Public Health and Environment received a formal request for comments regarding the proposed construction of a new construction and demolition debris recycling facility called the Sterling Recycling Facility ("the Facility"). The location of the proposed facility would be approximately east of Vollmer Road and south of the future extension of Marksheffel Road in El Paso County, Colorado (see attached Site Development Plan for location details). Based on the information received by the Division, the Division cannot determine whether the proposed facility meets the Division's criteria for Industrial Recycling Facilities as defined in Section 8.5 of the Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2, Part 1 ("the Solid Waste Regulations").

Depending on how the incoming material is managed at the site, the site may be exempt from the criteria for Industrial Recycling Facilities as defined in Section 8.5 of the Solid Waste Regulations. If all incoming loads are only concrete and asphalt then the operation may be able to meet the Section 8.5.3 Exemption as described below.

> *"(B) Concrete and asphalt operations when the material is managed like a commodity by meeting the following conditions:*
>
> > *(1) material is managed and separated into commodity specific piles processed for reuse;*
> > *(2) material is managed in active piles separated by material type or use within the past year; and*
> > *(3) Incoming loads shall have all non-concrete, non-asphalt and non-rebar material removed from concrete and asphalt materials within thirty (30) calendar days and non-concrete, non-asphalt and non-rebar material shall not exceed 10% of the total material onsite by weight or volume."*

If the facility will not meet the criteria above, then the requirements of Section 8.5 of the Solid Waste Regulations will apply. In particular, the Facility would then be subject to mandatory registration and reporting as an Industrial Recycling Facility, would need to submit a Design and Operations Plan for Division review, would need to meet a minimum 75% recycling turnover rate over a 3-year rolling average, and would need to have a closure plan. Please refer to Section 8.5 of the Solid Waste Regulations for all Industrial Recycling Facility requirements.

Additional information can be found in the Division's Compliance Bulletin on Asphalt, Brick and Concrete Recycling and Beneficial Use. It can be found at the link below and is supplied as an attachment to this letter.

https://cdphe.colorado.gov/swguidance

Please feel free to contact me with any questions or concerns. If it appears that the Facility will not be exempt from Section 8.5, then I would be happy to work with them and El Paso County Planning and Community Development on further review of their plans.

Sincerely,

Michael Bankoff
Environmental Protection Specialist
Materials Management Unit
Hazardous Materials and Waste Management Division

Attachment 1: Site Development Plan
Attachment 2: Compliance Bulletin – Asphalt, Brick and Concrete