

Clean Harbors Deer Trail Facility Community Involvement Plan

Prepared By:

**Colorado Department of Public Health and Environment
Hazardous Materials and Waste Management Division**

4300 Cherry Creek Drive South

Denver, Colorado 80246

Metro Area: (303) 692-3200

Toll Free: 1 (888) 569-1831, Extension 3300



**Colorado Department
of Public Health
and Environment**

Introduction

A community involvement plan serves as the communication basis for the ongoing operations of a hazardous waste management facility. It addresses the processes to be followed to manage and enhance two-way communication from the facility and regulating agency to the community, and from the community to the facility and regulating agency.

This plan specifically applies to the Clean Harbors Deer Trail Hazardous Waste Facility near Last Chance, Colorado. The regulating agency, the Colorado Department of Public Health and Environment, firmly supports community involvement at regulated hazardous waste management facilities. This plan was developed using the EPA Resource Conservation and Recovery Act Public Involvement Manual (1996) as guidance. State Health Department staff conducted community interviews in June 2005, and information gained in the interviews is used to determine the most desired and available activities to conduct an effective community involvement program.

Facility Overview

Clean Harbors Deer Trail, LLC, is a subsidiary of Clean Harbors, Inc. headquartered in Braintree, Massachusetts, which owns and operates the hazardous waste storage, treatment and disposal facility located near Last Chance, Colorado. This facility is commonly referred to as the Deer Trail Facility. The Deer Trail Facility is a fully permitted hazardous waste facility, permitted by various regulatory agencies in the state of Colorado to receive, store, treat and landfill a variety of waste streams. The treatment methods utilized at this facility reduce toxicity of waste materials and make it suitable for land disposal in a manner that is protective of human health and the environment. The Deer Trail Facility owns 5,760 acres in southeast Adams County, approximately 70 miles east of Denver, Colorado. Waste handling and associated activities occur on the RCRA permitted portion of the property, comprised of 325 acres.

Facility History

In 1980, the Highway 36 Land development Company a wholly owned subsidiary of Browning Ferris, Inc. purchased 5,760 acres in southeast Adams County, Colorado to site a hazardous waste management facility. In August 1983, the Adams County Commissioners issued the site a Certificate of Designation. In March 1987, the Colorado Department of Health issued the RCRA portion of a Part B Permit. In April 1987, the United States Environmental Protection Agency (EPA) issued the HSWA portion of the Part B permit.

Concord Resources Group, Inc. acquired the facility in 1990. Concord opened the facility on July 1, 1991 and received the first shipment of waste on July 23, 1991. The facility was then acquired by Rollins Environmental Services, Inc. (1994), and then acquired by Laidlaw Environmental Services, Inc. (1996).

On May 20, 1998, Safety-Kleen Corporation became a wholly owned subsidiary of Laidlaw Environmental Services, Inc. On July 1, 1998 Laidlaw Environmental Services (Deer Trail), Inc. changed its name to Safety-Kleen (Deer Trail), Inc.

In June 2000, Safety-Kleen filed for bankruptcy protection under Chapter 11 of the Bankruptcy Code. As a result, the Chemical Services Division (CSD), which included the Deer Trail Facility, was sold to Clean Harbors, Inc. on September 6, 2002. As such, all of the Deer Trail Facility's permits were changed to reflect the changed in ownership.

Site Characterization

The following provides information regarding land use around the Deer Trail facility, nearest surface water body, climatology, 100-year flood plain, hydrogeology, geology and environmental monitoring.

Land Use

The Clean Harbors Deer Trail facility is located in the southeastern corner of Adams County, Colorado. The Adams County population was 363,457 in 2000. There are no residential areas, industrial areas, schools, colleges, hospitals, convalescent homes, or day care centers within a 1-mile radius of the facility. There are no towns or cities with a population greater than 10,000 persons within a radius of 31 miles of the facility. The area closest to the facility is sparsely populated, with Deer Trail 35 miles southwest of the site being the closest significantly populated town of 462 people (2000 Census Data). The only community within a 10-mile radius is Last Chance, which is an unincorporated town with a population of approximately 15 people. The residence nearest to the facility is approximately 0.5 mile east of the facility. The Deer Trail facility is on former unirrigated farmland. The surrounding property is used for unirrigated production of dry land wheat, sunflowers, and grasslands for grazing cattle.

Clean Harbors Deer Trail facility is adjacent to two other counties – Arapahoe and Washington. These counties have populations estimated at 516,060 and 4,813 respectively. However, Arapahoe County's population is largely concentrated in its western section, and is included as part of the Denver metropolitan area.

The Adams County area where the facility is located is primarily a ranching and farming community. Per capita income in 2000 dollars in Adams County was \$47,323; Arapahoe County was \$53,570; Washington County was \$32,431.

Surface Waters

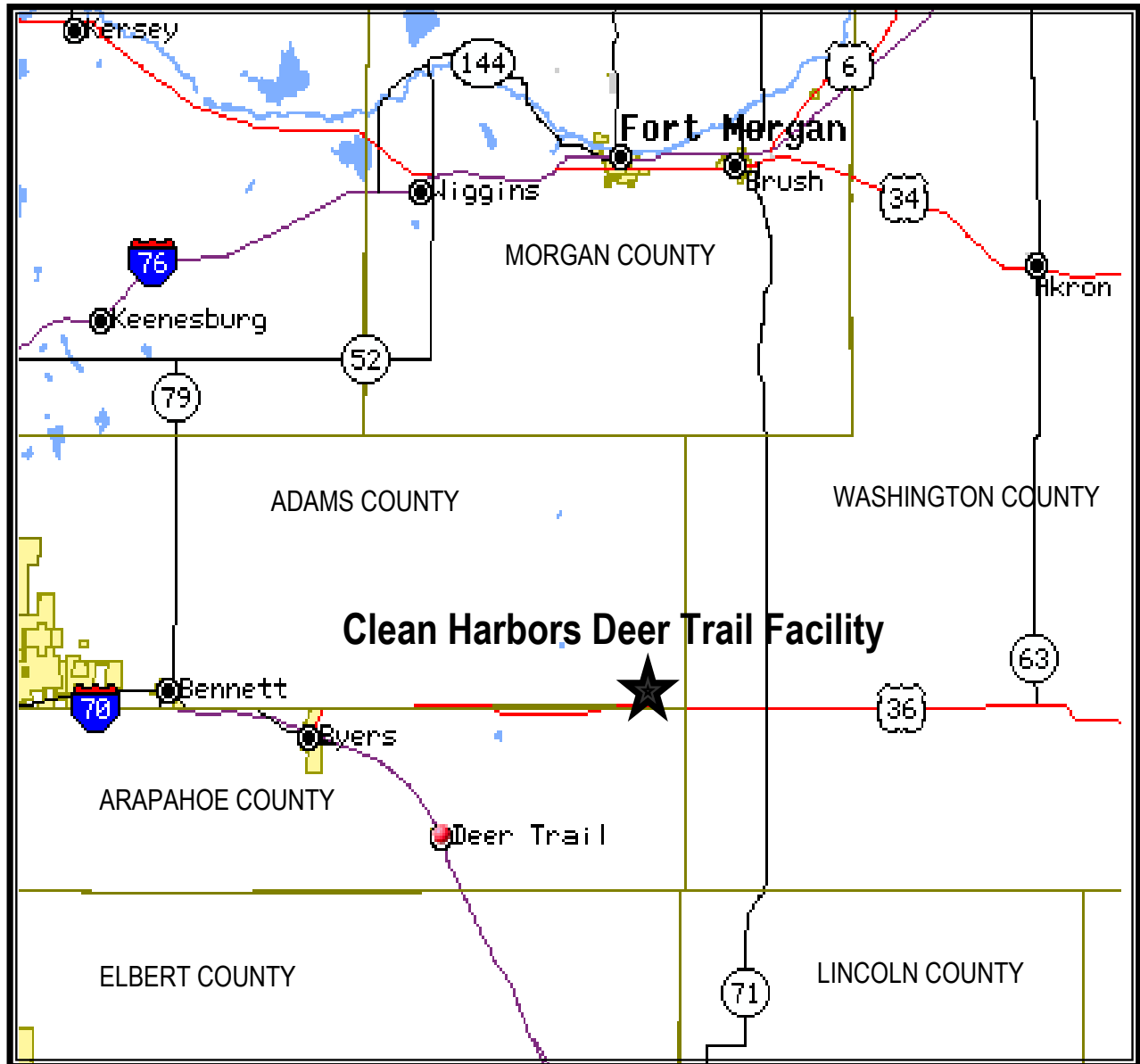
The Deer Trail facility area is characterized by broadly rolling topography. Nearby small creeks are in relatively wide flat areas. The facility is drained by a tributary to Beaver Creek to the east and Wetzel Creek to the west. The facility is well drained with little rainfall run-on. The surface slope of the facility ranges from flat to about 6%.

Climate

The climate of the eastern plains of Colorado is classified as continental steppe, characterized by cold winters, hot summer days and cool nights, abundant sunshine, and low but variable precipitation. The annual average rainfall at Deer Trail is 14 inches and the evaporation rate is 58 inches per year.

100 Year Flood Plain

A flood plain analysis was performed for the confluence of the Beaver and Wetzel Creek drainages. Results of that study, based on a 100-year flood depth of 22 feet above the average stream elevation at the confluence, indicate that the lowest part of the facility is at least 93 feet above the predicted floodplain elevation.



Map: Location of Clean Harbors Deer Trail, Inc. (Last Chance) Facility

Recent Permit Changes

In 2005, Clean Harbors proposed to accept wastes that historically have not been accepted for disposal at this facility. They propose to accept bulk poly chlorinated biphenyls (PCB) in remediation wastes at greater than 50 ppm (parts per million). The previous permit allowed PCBs less than 50 ppm; in August 2005, the state health department approved a Class 2 permit modification to change this permit condition.

Also in 2005, Clean Harbors Deer Trail Facility proposed to dispose of waste contaminated with limited concentrations of radioactive materials in addition to the hazardous wastes they have been accepting. The types of wastes they take are:

1. Contaminated soils and debris containing naturally occurring radioactive materials (NORM) from clean up projects, and
2. Industrial by-products that contain technologically enhanced naturally occurring radioactive materials (TENORM).

Clean Harbors has not requested authorization to dispose man-made radionuclides such as those used in research, medicine, weapons or nuclear power plants. Wastes containing TENORM are generally large-volume, low specific activity by-products of industrial processes. One of the most common types of these wastes is residual material from municipal drinking water treatment plants.

Clean Harbors has committed to limiting the annual radiation exposure to the workers from these materials to 100 millirem per year (mR/year). Additionally, the Colorado Regulations require Clean Harbors to keep the annual radiation exposure to the public to less than 25 mR/year. This is less than the approximately 350 mR/year of background exposure that each of us receives from the natural radioactivity that is in our environment.

Historic Community Involvement

Community involvement at the Deer Trail facility has largely involved required activities, including the quarterly Highway 36 Monitoring Committee meetings that began in June 1984.

The Highway 36 Monitoring Committee meetings have evolved into an effective and expected mechanism for the directly effected and interested community to stay updated on the operations of the Deer Trail hazardous waste facility. The meetings include correspondence logs mailed to committee members prior to meetings, member lists and meeting minutes, and waste receipts summary for the previous quarter.

Community Concerns

The primary concerns reported by the community around the Clean Harbors Deer Trail facility are:

- Groundwater, both the potential for contaminating it and the perceived impact the facility has on groundwater recharge.
- Clean Harbors Deer Trail handling naturally occurring radioactive materials (NORM) and technologically enhanced naturally occurring radioactive materials (TENORM).
- Concern that the company had made no effort to become part of the community.
- Communities outside a roughly 40 mile radius are less interested in the day to day activities of the facility, but express some concern about traffic on the roadways and what kind of waste will be taken to the facility.
- The suggestion that the community have a third party technical consultant that could help with the more complicated and science-driven decisions being made at the facility was made by several interviewees.
- Interviews with several county commissioners yielded concern, and some support, for an environmental covenant. The environmental covenant is needed, many community members believe, to prevent the possibility of the Clean Harbors Deer Trail facility from taking more dangerous classifications of radioactive material, or at a minimum to address the political aversion to the facility taking this material.

Objectives of the Community Involvement Plan

The Community Involvement Plan is an ongoing process of keeping the community aware and informed of Clean Harbors Deer Trail operations. The state health department, with input from the community, has developed this comprehensive plan to address issues of community concern regarding Clean Harbors Deer Trail operations. The goal of the Clean Harbors Deer Trail Plan is to open a channel of effective communication between community and the surrounding area, Clean Harbors and the state health department. Through a variety of involvement techniques such as community interviews, comment forms and open houses, the community is provided with the opportunity to voice concerns about environmental issues and facility operations as operations proceed.

The objectives for the Clean Harbors Deer Trail Community Involvement Plan are to:

- Ensure that the public understands that their concerns are important to the Colorado Department of Public Health and Environment and Clean Harbors.
- Keep local residents informed of regulatory activities and facility operations.

- Provide local community residents and elected officials an opportunity to review and comment on regulatory activities being conducted.
- Keep Clean Harbors informed and sensitive to changes in community concerns, attitudes, information needs, and activities.
- Effectively serve the public's information needs and address citizen's inquiries through newsletters, fact sheets, and other information dissemination techniques.
- Effectively respond to the needs of the media by providing timely responses to inquiries and requests for interviews and briefings. This quick response to the media helps ensure fair and accurate reporting of the findings and recommendations resulting from the environmental studies.
- Create and maintain, through an active Community Involvement Plan, a climate of understanding and trust aimed at providing information and opportunities for comments and discussion.
- Provide a unified channel for dissemination of information about the progress of the studies and other environmental issues.
- Identify issues and potential areas of concern to avoid and/or resolve conflict.

PUBLIC INVOLVEMENT ACTIVITIES

The Colorado Department of Public Health and Environment is fully committed to the development of the best plan for keeping the community and elected officials informed and advised of regulatory activities at Clean Harbors Deer Trail facility. The state health department will work together with Clean Harbors to select and implement the tools and techniques for achieving these objectives:

Public Meetings

The quarterly meetings, referred to as the Highway 36 Monitoring meetings, will continue as they have since nearly the inception of the Clean Harbors Deer Trail facility. The meetings will be hosted by the facility because it is closest to the most effected and interested community. The facility will be responsible for creating an agenda for each meeting, as well as meeting minutes.

Public meetings either required by the regulatory process or as needed for information purposes, or to be sensitive to needs of the community, will be conducted near the facility, and at Woodlin School whenever possible.

Information Repositories

The community interviews were nearly unanimous in suggesting Woodlin School as the best location for an Information Repository. Information Repositories are a collection of documents currently appropriate to the operations and activities of the facility. Every effort will be made to establish the

information repository at Woodlin School, and it will be Clean Harbors responsibility, in consultation with the state health department, to ensure that the appropriate documents are included.

Mailing List

The state health department, in consultation with Clean Harbors, will maintain an updated mailing list. The mailing list will be updated by ongoing mailings and communications with the post office. In addition, the state health department will update the mailing list with sign-in sheets from the various meetings.

Public Notices

A public notice is an advertisement published in major local newspapers or sent as individual mailings to announce agency decisions, major project milestones, public meetings, or to solicit public comment on planned actions. Appendix D specifies which entity is responsible for placing the public notices for which regulatory milestone. Notices must be published in a timely manner. In the case of public comment periods, notices must be published by the day of the beginning of the comment period. Notices about public meetings should be published at least two weeks in advance of the meetings, whenever possible. Public hearing notices must be advertised no less than 30 days in advance. Notices will, at a minimum, be published in the regional newspaper of record, the Fort Morgan Times.

Fact Sheets

Fact sheets are an excellent way to let the community know what is happening at the Clean Harbors Deer Trail Facility. They are to contain technical information in a clear, non-technical and understandable format. Fact sheets are written to address environmental issues and questions frequently asked by the public. In addition, fact sheets can solicit comments from the public, document the public's contribution to the permitting process, announce the next public involvement activity, and provide a timeline for upcoming activities and studies. Fact sheets can also summarize studies and final reports on the project. Fact sheets are beneficial because they can reach the audience at their convenience. The public can also keep fact sheets for future reference about meetings or topics of interest. Contact information for representatives at Clean Harbors and the State Health Department is included on all public information material.

Web Site

Because of the rural nature of this community, and the prevalence of Internet accessibility, the Colorado Department of Public Health and Environment has established and will maintain a web site providing on-line access to information about the regulatory activities at Clean Harbors Deer Trail. The web site will contain and information repository of current documents for the facility, as well as other documents and links to web sites related to the project. The web site is:

<http://www.cdphe.state.co.us/hm/hwy36.htm>

Additional Tools and Techniques

Correspondence logs are a good way to keep the most effected and interested community apprised of ongoing activities at Clean Harbors Deer Trail. Clean Harbors, in consultation with the State Health Department, will investigate the possibility of providing this information to the Concerned Citizen's of Eastern Colorado a minimum of one week prior to each quarterly meeting.

Additional tools and techniques may be utilized in the future to actively involve the public. News releases can inform citizens of the progress of the activities and ways to learn more about and get involved in the project. However, due to the localized audience and remote nature of the area, the use of media releases might not be the most effective tool.

Other techniques for informing and educating the public about Clean Harbors Deer Trail include developing education packets, posting information at the Woodlin School and providing fliers to be sent home with the students.

Appendix A Site Contacts

Clean Harbors Deer Trail Facility

108555 East Highway 36

Deer Trail, CO 80105

1-970-386-2293

Jack Kehoe, Facility General Manager

Email: kehoe.john@cleanharbors.com

Colorado Department of Public Health and Environment Hazardous Materials and Waste Management Division

Tanell Roberts, PE

Environmental Protection Specialist

Permit Project Manager

Denver Metro: 303-692-3355

Toll Free: 1-888-569-1831, extension 3355

Email: Tanell.Roberts@state.co.us

Phillip Peterson, Environmental Protection Specialist

License Project Manager

Denver Metro: 303-692-3402

Toll Free: 1-888-569-1831, extension 3402

Email: phillip.peterson@state.co.us

Appendix B Elected Officials

The following are the current names and addresses of the Adams County Commissioners, the U.S. Representatives and Senators, the Colorado Representatives and Senators.

Adams County Commissioners

450 South 4th Ave.
Brighton, CO 80601

W.R. "Skip" Fischer
Alice J. Nichol
Erik Hansen

U.S. Senators

Senator Michael Bennet
Denver Office
2300 15th St., Suite 450
Denver, Colorado 80202
Phone: 303-455-7600
Toll-free: 866-455-9866
Fax: 303-455-8851

Senator Mark Udall
Denver Office
999 Eighteenth Street
Suite N1525
Denver, CO 80202
Phone: 303-650-7820
Fax: 303-650-7827

U.S. Representative for Deer Trail

Mike Coffman
Colorado-6th, Republican
1508 Longworth HOB
Washington, DC 20515-0606
Phone: (202) 225-7882
Representative

Colorado State Senators

200 E. Colfax
Denver, CO 80203

* This list consists of state senators that have
Adams County in their district.

Mary Hodge
District 25
Phone: 303-866-4855
E-Mail: mary.hodge.senate@state.co.us

Shawn Mitchell
District 23
Phone: 303-866-4876
E-Mail: shawn.mitchell.senate@state.co.us

Michael Johnston
District 33
303-866-4864
E-Mail: mike.johnston.senate@state.co.us

Lois Tochtrop
District 24
303-866-4863
E-mail: lotochtrop@aol.com

Pat Steadman
District 31
Phone: (303) 866-4861
E-Mail: pat.steadman.senate@state.co.us

Irene Aguilar
District 32
Phone: (303) 866-4852
E-mail: irene.aguilar.senate@state.co.us

Colorado State Representatives

200 E. Colfax
Denver, CO 80203

Kevin Priola
District 30
Phone: 303-866-2912
E-mail: kpriola@gmail.com

Judy Solano
District 31
Phone: 303-866-2918
E-mail: judy.solano.house@state.co.us

Jon Becker
District 63
Phone: (303)866-2906
E-Mail: jon.becker.house@state.co.us

Cherylin Peniston
District 35
Phone: (303)866-2843
E-Mail: cherylin.peniston.house@state.co.us

John Soper
District 34
Phone: 303-866-2931
E-mail: john.soper.house@state.co.us

Appendix C Local Media

Newspapers

Fort Morgan Times

329 Main Street
Fort Morgan, CO 80701
970-867-5651 - Fax: 970-867-7448

Denver Post

101 West Colfax Ave Ste 600
Denver CO 80202
303-954-1722

Deer Trail

Tri-Country Tribune
PO Box 220
625 Second Ave
Deer Trail CO 80105-0220
303-769-4646
Rbell357@aol.com

Commerce City Gateway News

Sunset at 104th & Hwy 2,
Commerce City, CO,
<http://www.gatewaynews.org/>

Commerce City Sentinel Express

Mail: 139 N. Main St.
Brighton, CO 80601
Office: 303-659-2522
www.metrowestfyi.com/sentinelexpress/

Strasburg Eastern Colorado News

PO Box 555
1522 Main St
Strasburg CO 80136
303-955-4417
dclaussen@i-70scout.com
www.i-70scout.com

Radio Stations

KTMG

Deer Trail, CO 80105
- -
- -

Television Stations

KWGN - CW Channel 2
6160 S Wabash Way
Greenwood Village, CO 80111
303-740-2222

KRMA PBS Channel 6
1089 Bannock St.
Denver, CO 80204
303-892-6666

KUSA Chanel 9
500 Speer Blvd.
Denver, CO 80203
303-871-9999

KTVD Channel 20
500 Speer Boulevard
Denver, CO 80203
303-792-2020

KCNC Channel 4
1044 Lincoln Street
Denver, CO 80203
303-830-6464

KMGH Channel 7
123 E Speer Blvd
Denver, CO 80203
303-830-7777

KBDI Channel 12
2900 Welton Street, 1st Floor
Denver, CO80205
303-296-1212
Toll-Free: 1-800-727-8812

KDVR Channel 31
100 E Speer Blvd
Denver, CO 80203
303-595-3131

Appendix D**Resource Conservation and Recovery Act
Public Participation Requirements in Permitting Activities**

The following pages are borrowed from the United States Environmental Protection Agency's Resource Conservation and Recovery Act Public Participation Manual, September 1996. The pages summarize public participation activities required in the regulations governing hazardous materials and waste management at permitted facilities.

It is EPA's expectation that the required activities represent a minimum effort in a public participation program. An effective public participation program will be sensitive to the needs of the community, regulator and permitted facility thus providing a dynamic, responsive communication network among all concerned about the permitted activity. This goal can be achieved by using more of the many tools offered in the Manual, including Public Participation Interviews and Plans.

Public Participation Requirements for Class 1, 2, and 3 Permit Modifications**Class 1**

Type of Changes - Routine and administrative changes

Required Activities

Within 90 days of implementing a change, facility must notify all parties on mailing list.

Class 2

Type of Changes - Improvements in technology and management techniques

Required Activities

Day 1: Regulatory agency receives modification request.

Day 7: Facility publishes newspaper notice, notifies mailing list, and places copy of permit modification request and supporting documents in accessible location.

Days 15-45: Facility holds public meeting.

Day 60: Written public comments due to regulatory agency.

Day 90: Regulatory agency response to modification request due, including response to written comments. Deadline may be extended 30 days.

Day 120: If regulatory agency has not responded, requested activity may begin for 180 days under an automatic authorization.

Day 250: If regulatory agency still has not responded, facility notifies public that authorization will become permanent unless regulatory agency responds within 50 days.

Day 300: If regulatory agency has not responded activity is permanently authorized.

Regulatory agency must notify mailing list within 10 days of any decision to grant or deny modification request, or after an automatic authorization goes into effect.

Class 3

Type of Changes - Major changes to a facility and its operations

Required Activities

Day 1: Regulatory agency receives modification request.

Day 7: Facility publishes newspaper notice, notifies mailing list, and places copy of the permit modification request and supporting documents in an accessible location.

Days 15-45: Facility holds public meeting.

Day 60: Written public comments due to regulatory agency.

After the conclusion of the 60-day comment period, the regulatory agency must grant or deny the permit modification request according to the permit modification procedures of 40 CFR Part 124. These include:

- . Issuing public notice of the draft permit modification or intent to deny the modification;
- . Preparing a fact sheet or statement of basis;
- . Announcing a 45-day public comment period;
- . Holding a public hearing, if requested, with a 30-day advance notice;
- . Considering and responding to all significant written and oral comments received during the 45-day comment period; and
- . Issuing notice of the final permit modification.

In addition, the regulatory agency must consider and respond to all significant written comments received during the 60-day comment period.

Chapter Summary

Some permitting situations will call for public participation that goes beyond the regulatory requirements

The "RCRA Expanded Public Participation" rule (60 FR 63417, December 11, 1995), provides for earlier public participation in the permitting process, expands public notice for significant events, and enhances the exchange of permitting information

EPA strongly encourages permitting agencies and facilities to ensure equal access to permitting information and provide an equal opportunity for all citizens to be involved in the RCRA permitting process

The permit decision process and the required public participation activities can be divided into four key steps:

1. The Pre-Application Stage

- Facility gives public notice and holds an informal public meeting
- Agency develops a mailing list

- Additional activities that may apply include: community assessments, public participation plans, information repositories, and fact sheets

2. Application Submittal, Notice, and Review

- Agency issues a notice to the facility mailing list and state and local governments
- Agency makes application available for public review
- Additional activities that may apply include: observation decks, facility tours, community tours, workshops, and news conferences.

3. Preparation of Draft Permit, Public Comment Period, and the Public Hearing

- Agency issues public notice of draft permit (or intent to deny)
- Agency prepares a fact sheet or statement of basis
- Agency announces a 45-day public comment period
- Hold a public hearing, if requested or at the agency's discretion, with 30-day advance notice
- Additional activities that may apply include: information sessions, workshops, news releases, and fact sheets.

4. Response to Public Comments and the Final Permit Decision

- Agency responds to all significant comments raised during the public comment period, or during any hearing
- Agency issues notice of final permit decision

The regulatory agency can initiate a permit modification under 40 CFR 270.41 following the full permitting procedures of 40 CFR Part 124. A facility may also initiate a Class 1, 2, or 3 permit modification under 40 CFR 270.42. For facility-initiated modifications, public participation activities are required of both the facility and the regulatory agency, as described below:

1. Class 1

Facility Requirements:

Notify mailing list within 90 days

2. Class 2

Facility Requirements:

- Notify mailing list and public newspaper notice
- Announce 60-day public comment period
- Place modification request and supporting documentation in an accessible location in the vicinity of the facility

- Hold public meeting
- If the regulatory agency does not act within 250 days of the modification request, notify mailing list that automatic authorization will become permanent in 50 days

Regulatory Agency Requirements:

- Allow 60 days for public comment on the modification request
- Consider all written comments and respond in writing to all significant comments
- Issue notice to the mailing list within 10 days of any decision to grant or deny a modification request
- Issue notice to the mailing list within 10 days after an automatic authorization goes into effect

3. Class 3

Facility Requirements:

- Notify mailing list and publish newspaper notice
- Announce 60-day public comment period
- Place modification request and supporting documentation in an accessible location in the vicinity of the facility
- Hold public meeting

Regulatory Agency Requirements:

- Allow 60 days for public comment on the modification request
- Issue public notice
- Prepare a fact sheet or statement of basis
- Announce a 45-day public comment period on draft permit decision
- Hold a public hearing, if requested, with 30-day advance notice
- Issue or deny the modification request
- Respond to written and oral comments from the 45-day comment period
- Consider and respond to all significant written comments received during the 60-day comment period

For Class 2 or 3 modifications, the permitting agency may grant a facility temporary authorization to perform certain activities for up to 180 days. The facility must notify the public within seven days of making the request. The agency may grant a temporary authorization without prior public notice and comment.

For facilities seeking permits, the public has the opportunity to comment on closure and post-closure plans and any amendments to the plans as part of the permitting process and permit modification procedures. The public can also comment and request hearings on closure and post-closure plans submitted by interim status facilities. The permitting agency can initiate, and the facility can request, modifications to interim status plans; these requests are also subject to public comment.