

MORGAN COUNTY PLANNING COMMISSION
August 21, 2017 MINUTES

The Morgan County Planning Commission met on Monday, August 21, 2017, at 7:00 p.m. in the Assembly Room of the Morgan County Administration Building. Answering roll call was: Joe Ewertz, Pete Krohn, Dave Musgrave, Robert Pennington, Mike Bailey, and Nathan Troutd. Also present were Pam Cherry, Planning Administrator; and Jody Meyer, Planning Assistant and Laurie Cromwell, Planning Assistant.

The meeting was called to order by Chairman Robert Pennington.

It was moved by Joe Ewertz and seconded by Pete Krohn to approve the agenda as presented. Motion carried 6-0.

Robert Pennington reviewed the hearing process for tonight's hearing.

NEW BUSINESS:

APPLICANT: Public Service Company of Colorado

LANDOWNER: Public Service Company of Colorado, James Hanson, Agent

This application is for an Amended Special Use Permit to modify the previously approved north Coal Combustion Residual (CCR) landfill and to construct a new east CCR landfill at the Pawnee Station in Morgan County. The property is 2,795 acres more or less and located in Section 19, Township 3N, Range 56W and the W½ of Section 20, Township 3N, Range 56W of the 6th P.M. Morgan County, Colorado. The property is also known as 14940 County Road 24, Brush, Colorado 80723. The property is zoned Heavy Industrial where landfills are Uses by Special Review. (Pam Cherry noted this landfill is not for public use; for Public Service Company use only.)

Jennifer McCarter, Environmental Analyst/Permitting, Xcel Energy, Denver, CO; Marie Vagher, Engineering Project Manager, Xcel Energy, Denver, CO; Richard Ferguson, Plant Environmental Analyst, Pawnee Station, 14940 Co Rd 24, Brush, CO 80723 were present to represent this application. Other representatives were Gerald Lyne, Station Director from Pawnee; Matt Rohr, Engineering Project Manager and Doug DeCesare, Project Engineer from HDR, Inc.

Pam Cherry, Planning Administrator, presented the file as follows:

The North CCR landfill is approximately 15 acres and was originally approved in 1976 as part of a Special Use Permit issued for the construction of the Pawnee Station. The Special Use Permit approved an overall landfill footprint of about 30 acres, which has been operated as distinct north and south cells. The landfill has been in operation since 1981 and was constructed by excavating the base to below the surrounding natural grade. The north landfill has been used primarily to dispose of fly ash and bottom ash. The south landfill cell has been used primarily to dispose of raw water treatment lime slurry, and brine concentrator sludge. The landfill is operated under a 2011 Engineering Design and Operations Plan (EDOP) that requires regular reporting to the Colorado Department of Public Health and Environment. In 2011, the EDOP

defined the final waste grade of the North landfill at an elevation of 4,370. From the mid-1990's until 2014, Pawnee Station was able to sell virtually all the ash generated for beneficial use primarily in concrete products. After additional air emission controls were constructed in 2014, the fly ash was rendered unsuitable for beneficial use. Since that time all ash generated at the station has been disposed of in the North CCR landfill. In 2016 improved plant processes led to the ability to utilize the lime slurry from the raw water treatment system into the scrubber system resulting in the cessation of disposal of lime slurry in the landfill. Pawnee plans to relocate the remaining lime solids from the southern cell for disposal in the north landfill and/or proposed east landfill.

The modification of the North CCR landfill is to increase the height with increased side slopes within its existing footprint and propose a revised final cover design. The landfill meets demands of the on-site waste streams. Increasing the elevation of the North landfill will increase capacity. Based upon the 2011 final design grades, there was approximately 600,000 cubic yards of capacity remaining at the north end of the landfill. In 2016, Public Service completed a review of the capacity used since 2011 and determined the remaining capacity was 298,600 cubic yards and would be consumed by October 2017. A survey in June 2017 updated the remaining capacity and confirmed that the 2011 final design grades would be reached in October 2017. The request is to increase the final elevation from 4,370 feet to 4,415 feet, an increase of 45 feet and increase side slopes from 4:1 to 3:1. The revision will increase the remaining capacity by 428,000 cubic yards for a total of 509,850 cubic yards, based on the 2017 survey. This will extend the landfill life until March of 2019 with disposal of only fly and bottom ash. If all of the remaining lime solids are relocated to the north landfill, it will reach capacity in April 2018.

There is a monitoring six-well network that was installed in December 2010 for the purpose of replacing wells install in the mid-1990's to develop a baseline dataset. In April 2014, CDPHE approved removing the original wells from the monitoring program and reducing the sampling frequency for the remaining wells from quarterly to semiannually. When the filling of the north CCR is complete there is a closure process required that will be monitored by the Colorado Department of Public Health and Environment.

Final closure of the North CCR will have a grade that promotes surface water run-off and minimizes erosion. The final slope of the cover will be no less that 5% and side slopes will be no greater that 33%. The top deck slope will be sufficient to convey any precipitation runoff from the top of the landfill to slope drain conveyance structures located at the perimeter of the landfill. The cover material is a synthetic turf and geomembrane system called ClosureTurf[®]. Documentation on the as-built closure conditions, including topography, will be certified by a professional engineer to be submitted to CDPHE within 180 days after closure.

During the first five years post closure of the North CCR landfill, semi-annual inspections will be conducted, and after five years the inspection frequency will be annual. Annual inspections will be required for a period of 30 years unless decreased frequency or duration is approved by CDPHE and local authorities.

The proposed East CCR landfill will be located on the southeastern portion of the site, east of Evaporation Pond D. It is to be constructed within the footprint of the former bottom ash storage pond that was constructed in 1980 and taken out of service in 2005. The pond accepted influent water that contained sluiced bottom ash from the boiler and cooling water blow down. Clean closure of the bottom ash pond was completed in 2017.

The new landfill will include two cells that will be constructed utilizing a base composite liner system consisting of (from the bottom up) a 12-inch compacted soil layer, a geosynthetic clay liner (GCL), a 60 mil HDPE geomembrane, and a 250 mil drainage geocomposite. The final cover system used will be the same ClosureTurf[®] material used at the north landfill, which is a composite synthetic turf and geomembrane system that utilizes a low density polyethylene in conjunction with two layers of woven geotextile and synthetic turf. A groundwater monitoring system will be implemented with an up-gradient well and three down-gradient wells to evaluate impacts from potential seepage. Prior to the construction of cell 2, in the future, additional monitoring wells will be constructed. The anticipated area for closure of the proposed East CCR landfill is 27 acres. Surface water controls are designed to control run-off from a 100-year 24 hour storm event.

During the first five years post closure of the East CCR landfill, semi-annual inspections will be conducted, and after five years the inspection frequency will be annual. Annual inspections will be required for a period of 30 years unless decreased frequency or duration is approved by CDPHE and local authorities.

There will be no additional impact to adjacent land uses or properties.

This use will not accept waste from off-site and the boundaries will not change. The project will be sensitive to the environment through continuous monitoring that will occur as part of the State permitting process. The land use is appropriate as the property is zoned Heavy Industrial, there will not be impacts on schools; Public Service will continue to provide employment opportunities for Morgan County.

Criteria for approval of a Use by Special Review:

The following criteria will be used by the Planning Commission and the Board of County Commissioners when reviewing an application for a Special Use Permit.

- (A) The use and its location as proposed are in conformance with the Morgan County Comprehensive Plan. Specifically:
 - 1.) The project will broaden employment opportunities for residents and further economic growth.
 - 2.) The use is compatible with existing land uses and access is established to public infrastructure.
 - 3.) The use is properly sited with due regard to environmental quality and minimal impact to surrounding uses and resources.
- (B) All the application documents are complete and present a clear picture of how uses are to be arranged on the site or within Morgan County.
- (C) The Site Plan conforms to the district design standards of these Regulations.

- (D) All on and off-site impacts have been satisfactorily mitigated either through agreement, public improvements, site plan requirements or other mitigation measures.
- (E) The special use proposed has been made compatible with the surrounding uses and adequately buffered as determined by the County.
- (F) The special use poses only the minimum amount of risk to the public health, safety and welfare as set by federal, state or county regulation, whichever is the strictest.
- (G) The special use proposed is not planned to be developed on a non-conforming parcel.
- (H) The applicant has adequately documented a public need for the project, all pertinent technical information and financial resources to implement it, and has paid all fees and review costs levied by the County for application processing and review.

Suggested conditions of approval:

1. Public Service Company of Colorado or future plant operators will remain in compliance with all agencies with regulatory authority.

Pam Cherry recommended granting the Use by Special Review application subject to the above condition.

Jennifer McCarter, Environmental Services Dept., and Richard Ferguson, Pawnee, handed out a booklet to Planning Commission members dealing with her corresponding slide presentation which included background information, site overviews, landfills, grades, ground cover options, and project schedule. Several of the representatives joined in this presentation. Stormwater and augmentation of ash water were discussed along with State regulations.

The applicants explained their final cover options such as Closure Turf or Geomembrane Capping System plus 18” soil. They passed around a sample of the Closure Turf for viewing.

OPEN PUBLIC COMMENT

Those in Favor: None
Those opposed: None

CLOSE PUBLIC COMMENT

Other discussion on dust control – use water trucks which run every 45 minutes or so.

It was moved by Joe Ewertz and seconded by Pete Krohn to approve this application from Public Service Company of Colorado for an Amended Special Use Permit to modify the previously approved north Coal Combustion Residual (CCR) landfill at the Pawnee Station in Morgan County to increase the final elevation from 4,370 feet to 4,415 feet, an increase of 45 feet and increase side slopes from 4:1 to 3:1 which is located in Section 19, Township 3N, Range 56W and the W¹/₂ of Section 20, Township 3N, Range 56W of the 6th P.M. Morgan County, Colorado also known as 14940 County Road 24, Brush,

Colorado 80723, and send it on to the Morgan County Board of Commissioners with the following condition:

- 1. Public Service Company of Colorado or future plant operators will remain in compliance with all agencies with regulatory authority.**

Motion carried 6-0.

It was moved by Pete Krohn and seconded by Joe Ewertz to approve this application from Public Service Company of Colorado for an Amended Special Use Permit to construct a new east CCR landfill at the Pawnee Station in Morgan County which is located in Section 19, Township 3N, Range 56W and the W¹/₂ of Section 20, Township 3N, Range 56W of the 6th P.M. Morgan County, Colorado also known as 14940 County Road 24, Brush, Colorado 80723, and send it on to the Morgan County Board of Commissioners with the following condition:

- 1. Public Service Company of Colorado or future plant operators will remain in compliance with all agencies with regulatory authority.**

Motion carried 6-0.

APPLICANT: Sterling Energy Investment

LANDOWNER: Wickstrom Land LLC

This application is for a Conditional Use Permit to construct a buried natural gas gathering pipeline. The pipeline will be placed in Sections 5, 6 and 7 of Township 5 N, Range 60 W of the 6th P.M. Morgan County, Colorado. The property is also known as 3305 County Road 3, Orchard, Colorado 80649. The property is zoned Agriculture Production. In this zone district Utility Service Facilities are conditional uses.

Dena Lund, Executive Vice President and Abby Rimel from Sterling Energy Investments LLC were present to represent this application.

Pam Cherry, Planning Administrator, presented the file as follows:

The pipeline will be approximately two miles in length, no greater than 12” in diameter and will be buried adjacent to another pipeline on the property. Section 4-495(F) requires that all production oil and/or gas be transported from the well head to the production facilities by buried pipeline or other approved method. Sterling Energy owns and operates a gas gathering system located in northeastern Colorado and Southwestern Nebraska that serves Weld, Morgan and Logan counties. Sterling Energy has contracted with gas producers to gather, treat and process gas produced from wells in the vicinity of the gathering system. Sterling Energy owns and manages three processing facilities on its gas gathering system to treat the gas in order to achieve a sales-quality product for marketing. This expansion will allow Sterling to provide the service to a new customer.

The pipeline will cross the 100-year floodplain in three locations, so Floodplain Development Permits will be required for those portions of the pipeline alignment. In addition, Sterling Energy will submit a Storm Water Management Plan to the Colorado Department of Public Health and

Environment, Water Quality Control Division and will adhere to it through construction. The disturbed ground will be returned to a natural condition in compliance with floodplain regulations and agreement with the property owner that intends to farm the area following construction.

Criteria for approval of Conditional Use:

- A. The application documents are complete and present a clear picture of how uses are to be arranged on the site.
- B. The Site Plan conforms to the design standard of these Regulations.
The Site Plan meets requirements. More detailed construction drawings will be submitted prior to construction.
- C. There are no off-site impacts imposed by the conditional use proposed that require additional infrastructure or upgrades by the County or Special Districts.
The alignment will be returned to its pre-construction condition and re-vegetated in compliance with floodplain regulations and Sterling's agreement with the property owner that plans to farm the disturbed areas.
- D. The use proposed is compatible with the surrounding uses and adequately buffered as necessary.
The property is located in Agriculture Production zone district. There will not be a visual impact to adjoining properties.
All referrals and notifications were distributed and there have been no comments received as of 8-10-17.

Suggested conditions of approval:

1. The pipeline will be constructed within two years of this approval or new application will be required.
2. Road crossings will require a permit from Morgan County Road and Bridge. Road cuts are not permitted on paved roads.
3. Easement agreements must be obtained from the property owner prior to commencing construction.

Pam Cherry recommended granting the Conditional Use application subject to the conditions stated.

Dena Lund and Abby Rimel gave a power point presentation and reviewed the background of oil and gas pipeline. The pipeline will be 12' or smaller and will have infrared leak detection. They talked about pipeline construction and safety issues and project timing. They hope this will be ready by late fall.

OPEN PUBLIC COMMENT

Those in Favor: None

Those opposed: None

CLOSE PUBLIC COMMENT

It was moved by Joe Ewertz and seconded by Nathan Troudt to approve this application for Sterling Energy Investments LLC as applicant and Wickstrom Land LLC as landowner for a Conditional Use Permit to construct a buried natural gas gathering pipeline located in Sections 5, 6 and 7 of Township 5 N, Range 60 W of the 6th P.M. Morgan County, Colorado, and send it on to the Board of Morgan County Commissioners with the following conditions:

- 1. The pipeline will be constructed within two years of this approval or new application will be required.**
- 2. Road crossings will require a permit from Morgan County Road and Bridge. Road cuts are not permitted on paved roads.**
- 3. Easement agreements must be obtained from the property owner prior to commencing construction.**

Motion carried 6-0.

OTHER DISCUSSION:

Amendments to Zoning and Subdivision Regulations

1. 3-650 Table 1 of Appendix B – Zone District Bulk Requirements and Special Design Standards Chart. There was discussion on the 80 acre Minimum Lot Size, Utility Height and Fence Height. Joe Ewertz thought the utility height would have to deal with poles in the right-of-way and not on private property. Pam Cherry said she would contact utility companies to see what is required. There was discussion on whether the Building Inspector should be checking the gas hookup. Or the State plumber should be doing that. The Inspector has no credentials or liability to back up that inspection. Discussion on acres over and under 20 acres relating to the 80 acre minimum lot size. In the end they agreed on having a 22' height limit utility lines and to leave the 80 acre Minimum Lot Size.
2. Briefly talked about Amendment to Exemption Process and Lot Coverage. No decisions.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jody Meyer, Planning Assistant