



# COLORADO

## Front Range Waste Diversion Enterprise Board of Directors

Department of Public Health & Environment

**Meeting Minutes for:** November 1, 2023

**Location:** Zoom

### **Board Members in Attendance:**

Chair, Laurie Johnson, Circular Colorado  
John Cole, El Paso County Environmental Division  
Miranda Halverson, arc Thrift Stores  
Ben Huff, Douglas County Health Department  
Barrett Jensen, Waste Connections  
Suzanne (Zan) Jones, Eco-Cycle  
Anna Regan, OEDIT  
Rachel Roussel-Diamond, DEHS, CDPHE  
David Snapp, HWMMD, CDPHE  
Nina Waysdorf, City and County of Denver  
Emily Wilson, GreenSheen Paint

### **Staff participating:**

Deborah Nelson, DEHS, CDPHE, Board Administrator  
Kendra Appelman-Eastvedt, DEHS, CDPHE  
Rebecca (Becca) Fischer, AGO  
Erin Girard, DEHS, CDPHE  
Katie Romero, DEHS, CDPHE  
Jeff Stalter, DEHS, CDPHE  
Megan Vinet, DEHS, CDPHE

### **Excused Board Members:**

Vice-chair, Tyler Bandemer, City of Loveland

### **Call to order**

Board Chair Laurie Johnson called the November 1, 2023 Front Range Waste Diversion (FRWD) meeting to order at 9:01 a.m. with eleven board members in attendance.

### **Review of the October 19 minutes**

The board approved the October 19 minutes. The motion was made by David Snapp and seconded by Emily Wilson; the motion passed (11-0).

### **Review for Conflicts of Interest**

No conflicts of interest were presented by board members for this meeting.

### **Public comment**

No members of the public offered public comment.

### **Board members updates**

Rachel Roussel-Diamond shared that CDPHE held the first public stakeholder meeting for the legislative proposal to merge the Recycling Resources Economic Opportunity grant program into the existing FRWD enterprise and expanding it to have a statewide focus. Approximately 25 organizations, fee payors, and board members attended the virtual meeting. The Department received feedback and responded to questions. Question concerned ensuring support for non-Front Range counties, the makeup of the board, and the Consumer Price Index (CPI) fee escalator.

David Snapp shared that the Hazardous Waste and Materials Management Division (HWMMD) has posted a position for a Closed Landfill Specialist, who will oversee remediation of municipally managed landfills funded by House Bill 23-1194, which provides grant funding to complete this work. The bill specifies the development of an advisory committee created and approved by the Solid and Hazardous Waste Commission (SHWC) and will be comprised of two local government, two department, and one technical expert on closed landfill issues. The advisory committee will review grant applications and make recommendations to the department. Approximately \$15 million is appropriated over the next couple of years to provide those services to local governments.

Anna Regan shared that the Office of Economic Development and International Trade (OEDIT) has announced additional grant-funding opportunities on their website.

### **Discussion of Contribution Grants RFA and revised activities timeline- tabled from last meeting**

Kendra Appelman-Eastvedt, Waste Diversion Team (WDT) Manager, reminded the board of their direction from the last meeting to revise the contribution grant Request for Application (RFA) to mirror the RREO mini-grants as well as other feedback received from the board. This RFA is a pilot. It is a simplified RFA that is quick and easy for applicants, simple for staff to manage, and is low risk due because the purchase orders will be for under \$50,000, support projects with a six-month timeline, and only fund equipment or supplies. Four live Question and Answer sessions will be offered. Potential applicants must attend at

least one session to be eligible for funding. All sessions will be recorded and shared to answer as many possible questions. Kendra clarified that projects may have a bigger impact if applicants provide match, and that these projects may provide extra help for an organization to move forward with a larger project. Letters of commitment have been added to the RFA, and scoring criteria was revised to allow a scale of 0-5 for each category. Staff will complete the technical review, application review, and score each application, then will recommend a slate of projects to the board for final approval. Zan Jones remarked that the application is very well written and clear, and thanked staff for streamlining the application. Zan reminded members that there continues to be a gap in the grant opportunities approved by the board because there is no funding opportunity for projects under 1000 tons. Kendra explained that staff is best suited to understand which projects can be executed quickly. In response to board questions, Kendra confirmed that board members will not participate in the deliberation or complete reviews in Blackbaud but members will have the opportunity to review the applications when it assesses staff's recommendation, and that funds will only support equipment and supplies- not studies. Kendra asked members to assess the bonus points to be awarded for NextCycle finalists as doing so increased the likelihood of the project being successful and meaningful. Laurie and other board members agreed that more than one point was appropriate. Zan suggested a NextCycle bonus of 3 points for applicants that have completed NextCycle. The board approved increasing the bonus points specifically for NextCycle graduates to three bonus points. Other business accelerators would not receive bonus points. The motion was made by Zan Jones and seconded by Ben Huff. The motion passed (11-0).

Zan then noted that the Waste Diversion Team is anticipating they can ultimately support 10-12 projects for approximately \$500,000; Zan asked that the board and staff be open to supporting more than twelve projects if their proposals were strong. Kendra appreciated this point and indicated it will be important to assess how many projects can be managed by the team to ensure successful completion. Barrett Jensen reminded board members that this grant offering is a pilot opportunity. Prior to taking a final vote, Becca Fischer, legal counsel for the board, remarked that she has updated compliance language in RFA #9, and that it needs to be updated in the mini-grant contribution RFA #10. The board approved the pilot contribution mini-grant RFA #10 with the approved change to the NextCycle scoring and revisions to incorporate the Attorney General's language. The motion was made by John Cole and seconded by Nina Waysdorf. The motion passed (11-0).

### **Grant Program Progress Report**

The board reviews the grant projects with staff quarterly and as needed. Members can continuously review the project summary sheet and ask staff for additional information at any time. For this quarterly update, Kendra noted several projects that are experiencing delays or issues. She also reminded the board that staff is reviewing all contracts and amending as needed to clarify the due dates. The Compost Colorado contract, executed in June 2022, has a pending modification request that will be presented later in the agenda. Kendra then highlighted some specific elements of the progress summary report.

Jefferson County Tin Cup was funded over a year ago for \$1,065,000 dollars to build a Sustainable Lands and Safer Homes (SLASH) site near Rooney Road. The project has not progressed and no deliverables have been submitted. A contract amendment is in progress to include hard deadlines for the project.

The Waste Management project negotiation process is on hold while they wait for Denver Composts Request for Proposals (RFP); if a contract award is likely, the grantee plans to have conversations with corporate capital committee. The project is about to hit 90 days in contract negotiations, and staff plans to extend an additional 30 days to 120 days total since time of award. Board members asked Nina, City and County of Denver Department of Transportation and Infrastructure Solid Waste Management program manager, what the timeline is on the Denver Composts RFP. Nina explained that the RFP will post within the next week or so and they are waiting for city attorney approval. The RFP will be open for 4-5 weeks. The current processing contract was only extend to February 2024, so the provider will need to be selected in January. Part of the additional time requested by Waste Management is due to their plan to consider applying to this RFP. Laurie remarked that when projects get drawn out, a lot of staff time can be spent on a project that doesn't proceed. Zan inquired about the viability of the project, and if they will proceed should Waste Management apply, but is not awarded the hauling contract. Erin Girard has been working with Waste Management and she explained that Waste Management is hesitant to approach their capital committee until they have a more precise intake calculation. In the end, the project may not change. Waste Management's goal is to confirm the amount tonnage will increase before approaching their capital committee. Zan expressed concern that this project is not shovel ready as represented to the board. She noted the importance of being consistent across applicants as some proposals were declined for not being shovel

ready. Kendra clarified that Waste Management’s timeline for negotiations would be extended only an additional 30 days to total 120 days and that this extension was allowed in the board’s Memorandum of Understanding (MOU). If Waste Management is not prepared to move forward at that time, the award will be rescinded.

Denver International Airport’s contract negotiations have been delayed due to their attorney’s concerns that the Intergovernmental Agreement (IGA) contract language may conflict with Federal Aviation Administration requirements. Staff will allow an additional 30 days to complete contract negotiations, less the time needed for the board’s legal counsel to review. If the airport cannot move forward at that time, the award will be rescinded.

The City of Fort Collins’ contract negotiations have been delayed. Detailed vendor quotes were not included with the application and the city is now working to finalize contract exhibits that include the statement of work and budget. Staff will allow an additional 30 days to complete contract negotiations. If the city cannot move forward at that time, the award will be rescinded.

Waste Connections is declining their award which supported only a portion of their application. Waste Connections will reapply.

## **Standing Reports**

### **FRWD Ambassador updates**

Tay Dunklee, FRWD Ambassador, shared that the Ambassador team has met with potential applicants about grant projects over the course of 11 office hours; has sent five eblasts with an average open rate of 43% to 1,384 recipients; counted 1,310 unique visitors to the website, and noted an increase of 17 over last month to 300 LinkedIn followers. The Ambassador hosted a Question and Answer session on October 16 to introduce and address questions concerning RFA #9; 59 individuals registered for the session and 37 attended. The session was recorded and posted on YouTube, with 55 views to date. In regard to website marketing of RFA #9, edits have been completed, the previously mentioned eblasts have been sent, and a press release has been drafted and is currently being reviewed by the department’s communications. Additionally, numerous LinkedIn posts have been scheduled. Recent events include attendance at the Northern Colorado Manufacturing Trade show on October 11, presentation with Nina Waysdorf at Colorado Environmental Health Association (CEHA) annual conference on October 12 in Estes Park with 12-15 participants, and the Recycle Colorado annual meeting on October 20. Upcoming events include the CML/CCI summer conferences, of which the Ambassador is working on conference session proposals, and several other events this winter are planned.

### **Circular Economic Development Center (CEDC) updates**

Eric Heyboer, CEDC Assistant Director, shared that the CEDC hosted several stakeholder events, including Mountain Towns 2030 on October 19, and Northeast Colorado on October 27. Future events will take place during the Montrose Economic Development Corporation’s Business Showcase on November 2, and the Denver Metro stakeholder events on December 5. One recurring theme of these events is that transportation issues continues to be a barrier for creating end-markets in Colorado. The CEDC also hosted a state/federal funding workshop on October 25 in which there were 112 registrants and more than 50 attendees. Anna Perks from Perks Deconstruction attended as a guest speaker, and attendees had the opportunity to ask CDPHE staff questions following the presentation. The CEDC announced satellite offices in Grand Junction and Colorado Springs, and that Alicia Archibald has been hired to staff the Colorado Springs location. They have received general inquiries from numerous end market organizations. New projects and partners include Front Range Transload, ByFusion, Ports-to-Plains, and Plastics Manufacturing Venture.

### **Waste Diversion Team updates**

#### Technical Assistance Service Provider (TASP)

Kendra shared that the TASP contract modifications are in progress to include the Tier 3 project workplans. The Round 2 TASP timeline has been developed with the TASP team, and applications will close November 30. The slated projects will be presented at the February 15 FRWD board meeting for final approval, and projects are expected to begin in late spring or early summer 2024.

#### Compost Colorado Modification Request

Kendra then presented Compost Colorado’s project modification request and the staff’s recommendation. Kendra explained that the original award was for \$214,838 to build a Class III composting facility in Denver Metro. The

contract was executed in June 2022. To date little progress has been made. The grantee is proposing to change the project to a Conditionally Exempt Small Quantity designation to align with the proposed rules changes that will be considered by the Solid and Hazardous Waste Commission in early 2024. Kendra then communicated that the staff recommendation is to mutually terminate the project and forgive the \$10,951.13 already reimbursed. This recommendation is consistent with how the board has acted on other grantee requests to replace an approved project with an entirely new project after the board evaluated all of the proposals and issued an award. Laurie Johnson affirmed the board's practice on not substituting projects after the fact. Zan appreciated consistent treatment of grantees while appreciating the need for expanded organics processing capacity. Kendra confirmed that Compost Colorado can reapply for future grants. Barrett Jensen asked if staff would recommend loan forgiveness if the amount were higher. Deborah explained that when staff reviewed that component replicability was a consideration. Amount, harm to the grantee, circumstances that gave rise to the project termination are all factors to ensure good stewardships of the funds and sound business practices. The board approved staff recommendation to mutually terminate the awarded project and forgive the reimbursed amount of \$10,951.13. The motion encouraged Compost Colorado to apply again in the future. Zan Jones made the motion and David Snapp seconded. The motion passed (11-0).

#### **Administrator Updates**

Deborah announced that the fifth cohort of NextCycle was accepting applications and that a press release was published this morning. She also plans to cancel the November 16 meeting so long as there is no grant modification that needs board action.

#### **Meeting Adjourned**

The meeting adjourned at 10:24 a.m.