

Arvada Neighbors Fighting Planned RV Park on Former Landfill

CATIE CHESHIRE JULY 8, 2022

Sharon McCarthy lives in the **Forest Springs neighborhood** of northwest Arvada. Last December, she and her neighbors, as well as residents of the nearby **Geos** and **West Woods Mesa** neighborhoods, received notices from the **City of Arvada** that a developer would be putting an RV park at 6800 Kilmer Street, the nearby site of a former landfill that backs up to Ralston Creek.

According to the notice, there would be no public hearing on the project because the developer, Brad Penwell of Carlson Land, had already met all the requirements for approval.

“We became alarmed as a community, but we really didn't know where to go from there,” McCarthy recalls. “It was December 17, seven days before Christmas. A lot of people celebrated the holiday, and the timing was not good. Initially, the reaction from people was disappointment that the city chose this particular time to introduce this idea to the community.”

McCarthy definitely didn't love the idea of an RV park in the area; she was concerned that RVs would disrupt the views from trails and disturb the birds, beavers and coyotes she'd seen along the creek. And as she dug into the project and realized it would be on a former landfill, she also worried that if the ground were disturbed, hazardous chemicals or waste could have consequences for the environment.

McCarthy's homeowners' association didn't want to get involved because not all Forest Springs residents were opposed to the project, so she began talking to people in nearby areas who'd fought other projects.

Last year, Arvada residents had formed the **Ralston Valley Coalition** to oppose a proposal for a **giant Amazon development**, which the Arvada City Council **eventually rejected**. Some of the people involved in that campaign, along with neighbors in Forest Springs, Geos and West Woods Mesa, joined with McCarthy to form the nonprofit **Friends of Ralston Creek Neighborhoods** to get the information they want before the project goes live.

“We don't know what's really below the surface,” McCarthy says. “We really don't know what chemicals are there.”

The nearly fourteen-acre site includes a former landfill, which likely closed in the 1970s. According to a **1991 report** by Ogden Environmental and Energy Services Company, there was evidence of waste material under a portion of the property that made it unstable for development. The report also noted that there were underground tanks buried on the property and that waste had leaked into the soil.

But as McCarthy learned, waste sites only had to be cleaned to the standards that existed at the time they were closed.

The EPA's **Resource Conservation and Recovery Act** wasn't passed until 1976; it was amended in 1984 and made even stricter in the 1990s. Colorado's Voluntary Cleanup and Redevelopment Program, which makes sure sites comply with RCRA guidelines, was adopted in 1994 and is housed in the hazardous materials and waste management division of the **Colorado Department of Public Health and Environment**. “If a site is eligible, and EPA agrees that the site should be cleaned up under the Voluntary Cleanup and Redevelopment Program, we use a risk-based cleanup approach, based on the anticipated future land uses, to determine the remediation objectives and ensure the cleanup aligns with applicable statutes, regulations, and best practices,” explains the CDPHE in a statement.

The CDPHE has a list of 244 former landfills that includes the Ralston Creek site. Although the CDPHE says that the property is not subject to federal or state regulatory authority because it closed before the Voluntary Cleanup and Redevelopment Program started, the department did review the Carlson Land site application. “We evaluated the available soil, groundwater and surface-water data collected in 2007 and 2017, and recently requested additional groundwater and surface water sampling to include in the application for our review,” says a CDPHE spokesperson.

The **2007 report** by environmental consultants at **Terracon** concluded that the area would “require considerable modification prior to development,” adding that the soil was not stable enough to support a deep foundation system and that waste from the landfill could still be found at soil depths of seven and a half to sixteen feet.

When residents asked the CDPHE for more current research, the department agreed to require the developer to conduct water sampling both upstream and downstream of the landfill site. The group also worked with **Colorado River Watch** to conduct independent testing; those results are pending.

Once all the results are in, members of Friends of Ralston Creek Neighborhood hope to talk with the developer; their last contact was in March. According to McCarthy, Penwell seems reasonable and might consider putting a lower-impact project in the area. "It would be nice to keep it the way it is, but we have to be realistic," she says. "If there's some way that we could keep some part of it more amenable to wildlife so that we could still keep the coyotes and the raptors and the beavers and the bobcats...[and] at the same time, you know, have it be profitable for the developer."

Penwell says that the company will decide whether the project is viable by the end of July, but declines to offer further comment.

The last project proposal from Carlson Land on file with the City of Arvada dates back to March 2021. While the city did not respond to a request for comment, notes made by **city staffers on the proposal** indicate that they're concerned with the drainage plan as well as stream-bank stability, citing the dangers of possible flooding.

"If this was in the middle of the desert, we wouldn't be asking the same questions," notes McCarthy. "But because this is so close to Ralston Creek...we don't know what's underneath that surface and how it could possibly affect the creek."

Source: **CATIE CHESHIRE** is a staff writer at *Westword*. After getting her undergraduate degree at Regis University, she went to Arizona State University for a master's degree.

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