

CD and EDOP Modifications / Amendments Guidance and Content Overview



Solid Waste and Materials Management Program
(303) 692-3408

Colorado Department
of Public Health
and Environment

CERTIFICATE OF DESIGNATION APPLICATION AND ENGINEERING DESIGN AND OPERATION PLAN PREPARATION

This guidance is provided by the Colorado Department of Public Health and Environment's (CDPHE) Hazardous Materials and Waste Management Division (HMWMD) as based on the requirements of 6 CCR 1007-2, Part 1 (the "Regulations") pertaining to Solid Waste Sites and Facilities and is intended to assist with the development of certificate of designation (CD) applications and associated engineering design and operations plans (EDOPs) to reduce preparation and review time along with associated costs. Included herein:

- A) Discussion of who must apply;
- B) Discussion of the EDOP review process;
 - a. Completeness review process;
 - b. Technical review process;
 - c. Workload mitigation process/use of outside consultants for reviews;
- C) Discussion of public participation requirements;
- D) Discussion of applicable fees; and
- E) CDPHE contact information for further information.

The HMWMD is available should there be specific questions regarding this guidance or the preparation of an EDOP in conformance with current State of Colorado statute. Please also refer to current Regulations at:

<http://www.colorado.gov/cs/Satellite/CDPHE-Main/CBON/1251595089423>

Note that Sections 1 and 2 of the Regulations apply to all sites under the Regulations. Please refer to other Regulation sections as appropriate for your facility. Appendix A of the Regulations, along with Section 1.8, addresses financial assurance considerations. Financial assurance may or may not be required for your facility. If financial assurance is required for your facility this process is handled separately from the EDOP and should not be included as part of the EDOP document. Questions regarding financial assurance should be directed to an HMWMD financial assurance specialist or analyst. Appendix B of the Regulations addresses groundwater monitoring considerations and reporting requirements for the EDOP. If groundwater monitoring is required for your facility please review Appendix B.

In addition to the Regulations, all facilities shall comply with the health laws, standards, rules, and regulations of the Department including the HMWMD, Water Quality Control Commission, and the Air Quality Control Commission as stated in Section 2.1.1 of the Regulations.

Who Must Apply

Anyone operating a facility for solid waste disposal where processing, treatment or final disposal of solid waste is performed must obtain a CD. See **Appendix A of this guidance document** for a *CD application flow chart*. Exceptions include (**Section 1.4**):

- 1) Those sites and facilities at which any person, other than a governmental unit, disposes of his own solid wastes on his own property; provided the Department has determined, based upon review of an engineering design and operations report prepared and submitted by the operator in accordance with **Sections 3.1, 3.2, and 3.3** of the Regulations, that the disposal operation will comply with the Act and the applicable regulations of the Department.
- 2) Those facilities for solid waste disposal at which any person engaged in mining operations permitted by the Colorado Mined Land Reclamation Board, pursuant to the "Colorado Mined Land Reclamation Act," Title 34,

Article 32, Section 101, et seq., CRS 1973, as amended, and its regulations, performs solid waste disposal of mining or other solid wastes generated by such operations within the permitted area for such operations.

- 3) Any site and facility operated for the purpose of processing, reclaiming, or recycling recyclable materials shall not be considered a solid wastes disposal site and facility and shall not require a certificate of designation as a solid wastes disposal site and facility; however, a site or facility shall establish an initial accumulation period and shall maintain documentation that proves recyclable materials are being recycled at the site at a rate that approximately equals that rate at which recyclable materials are being collected. Regulations will specify what time periods and volumes of recyclable materials constitute operations that qualify for this exemption and define what materials shall be deemed recyclable materials. Recyclable materials shall not include materials that are likely to contaminate groundwater or create off-site odors as the result of processing, reclaiming, recycling, or storage prior to recycling.
- 4) Those sites where sludge is used beneficially as a fertilizer, soil conditioner, fuel, or livestock feed, provided the sludge is certified to have met all applicable regulations of the Department and the Department of Agriculture. In addition, the use of manure as a fertilizer or soil conditioner or the composting on the site of generation of manure with other compatible materials necessary for effective composting as part of standard agricultural practice shall not require a certificate of designation.
- 5) Those facilities for hazardous waste disposal that have been issued a certificate of designation pursuant to Title 25, Article 15, Parts 1, 2, and 3, CRS, as amended, and its regulations.
- 6) Transfer stations, which shall not be deemed to be a solid waste disposal site and facility, shall not require a certificate of designation and shall meet standards as set forth in **Section 7** of the Regulations.

Certificate of Designation Application and EDOP Review Process

Any person proposing to operate a solid waste disposal facility within the unincorporated portion of any county is required to apply to the commissioners of the county in which the site is to be located for a CD and any person proposing to operate a solid waste disposal facility within the corporate boundaries of a municipality shall apply to the governing body of that municipality for a CD. The CD application will be accompanied by a nonrefundable fee established by the governing body having jurisdiction.

The CD application review and approval processes shall require the submittal of an EDOP with a minimum of two (2) copies and one electronic copy. The requirement for the number of CD application copies may be modified by the local governing body. See **Appendix B of this guidance document** for a recommended *Engineering Design and Operations Plans Content Checklist and Suggest Table of Contents Outline*.

Upon receipt of a CD application the governing body having jurisdiction shall forward one (1) hard copy and one (1) electronic copy of the CD application and EDOP to the CDPHE for review along with a request for recommendation of approval or disapproval. Recommendations on the CD application and EDOP are based upon compliance with the Regulations (discussed in the guidance document).

Completeness Review (30-days)

Upon receipt of the CD application and EDOP from the governing body having jurisdiction the CDPHE will conduct a completeness review followed by a technical review. The completeness review is a high level cursory review of the CD application and EDOP to determine if the contents of the CD application and EDOP appear complete as submitted. The CDPHE has thirty (30) days of the receipt of the CD application and EDOP to finish this completeness review.

The CDPHE will notify both the governing body having jurisdiction and the applicant in writing of the decision of the completeness review. Incomplete CD applications and EDOPs will be returned. Complete CD applications and EDOP notifications will be accompanied by a **30 Hour Billable Time Notification Waiver/Cease Work Notice** to be signed and returned by the applicant to the CDPHE. This initial decision from the CDPHE concerning the completeness of the application will be based only on the completeness of the CD application and EDOP and will not imply nor indicate

anything about the outcome of subsequent technical reviews. An affirmative decision concerning completeness may not prevent the CDPHE from asking that the applicant provide additional information or clarifications of the information contained in the CD application or EDOP as submitted.

Technical Review (180-days)

Once a CD application and EDOP have been determined to be acceptable with regard to completeness they will then undergo a comprehensive technical evaluation to determine whether the site and facility, as proposed and documented in the submitted information, can meet the requirements of the Regulations. This comprehensive technical review is the basis for the recommendations of the CDPHE to the local governing body having jurisdiction concerning approval or disapproval of the proposed site and facility. Any technical conditions of approval made by the CDPHE will be incorporated in the CD application and EDOP. The goal of the CDPHE is to complete the comprehensive technical review of each CD application and EDOP within one hundred and fifty (150) days after the completeness review period specified above.

Upon completing the initial technical review the CDPHE will notify the governing body having jurisdiction and the applicant in writing of the decision for approval, disapproval, or request for additional information and clarification as based upon the technical review. Should the CDPHE request additional clarification or information to the CD application and EDOP in the technical review notification it is the responsibility of the applicant to respond and provide such information. The date of the initial technical notification status by the CDPHE, regardless of approval status, constitutes the date the one hundred and fifty (150) day timeframe ends.

If the CDPHE Workload Prevents Technical Reviews within 150 days

In the event the CDPHE determines that the workload prohibits a comprehensive technical review of the CD application and EDOP within one hundred and fifty (150) days the CDPHE will select a contractor from a list of qualified contractors to participate in the review process. Upon selection for participation in the comprehensive technical review of a CD application and EDOP the contractor selected will receive from the CDPHE copies of all documents submitted and will provide to the CDPHE within seven (7) days of selection:

- 1) A written statement verifying that no conflict of interest exists with regard to contractor's previous or current activities with respect to the site or applicant;
- 2) A work plan identifying the personnel and schedule for the technical review of the specific application and technical documents submitted as part of that application; and,
- 3) An estimate of the cost for that review based on the contractor's current hourly rates and estimates of work required to participate in the technical evaluation of the application.

Upon receipt of the information identified above from the contractor, the applicant will be notified of the selected contractor and will have two (2) working days to notify the CDPHE in writing of the applicant's decision to accept or reject the contractor. If no such decision is received within two (2) working days, the selected contractor will be assigned the work. If the first contractor is rejected by the applicant, a second and final contractor will be selected from the list of qualified contractors and the process described above will be repeated. If neither of the two contractors proposed is accepted, the applicant will be deemed to have waived the one hundred fifty (150) day review period and the CDPHE will review the application as quickly as the existing workload allows. An applicant may request that the CDPHE conduct the technical review of an application rather than submit it for review to a contractor. In this case the one hundred fifty (150) day time frame for the technical review is deemed to have been waived and the CDPHE will complete the review as quickly as the existing workload allows.

Public Participation

As part of the CD application review process, the local governing body must provide at least 30 days for public review and comment of the CD application. In addition, a public hearing is required to be held by the governing body having jurisdiction prior to the issuance of a CD. A public notice must be published in local newspapers at least 10 days but no more than 30 days prior to the hearing. The public notice also must be posted in at least one conspicuous location at the offices of the governing body having jurisdiction and in at least one location at the proposed site. These notices must be posted at least 30 days prior to the public hearing and continuing through the day of the hearing.

CD Application and EDOP Review Fees

The CDPHE is authorized to bill for its review of technical submittals pursuant to Section 1.7 of the Regulations Pertaining to Solid Waste Sites and Facilities (6 CCR 1007-2). An invoice for the CDPHE's review will be transmitted under separate cover. Department fees and billing ceilings may be viewed online at <http://www.cdphe.state.co.us/regulations/solidwaste/100702part1SWRegs.pdf>.

Division Contact

Customer Technical Assistance
Telephone 303-692-3320
Toll-free 1-888-569-1831 ext 3320
Fax 303-759-5355

Email: comments.hmwm@state.co.us

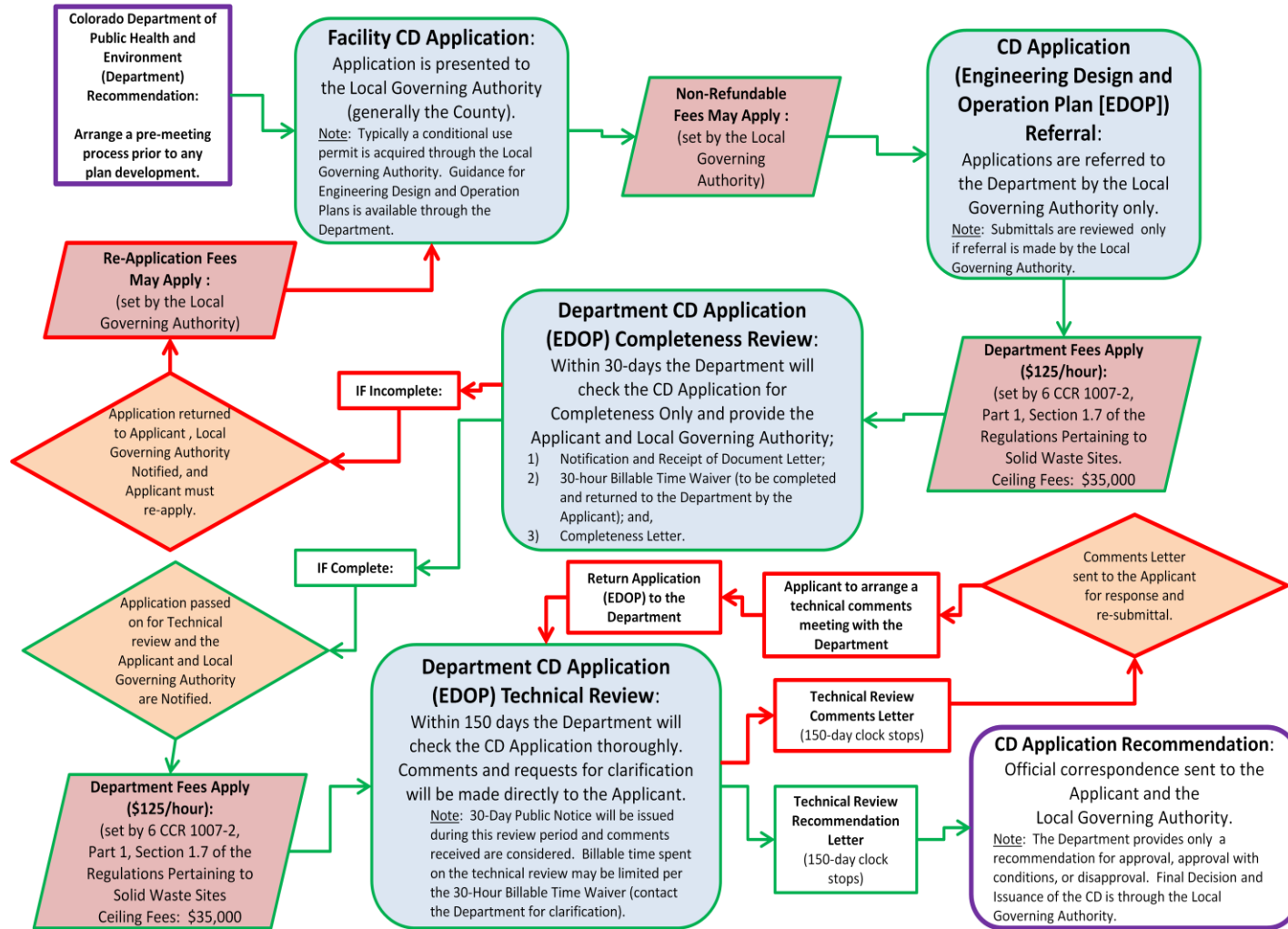
Web: www.cdphe.state.co.us/hm/

Appendix A

Certificate of Designation Application Flow Chart

(Reference: CRS 30-20-103, Part 1, Waste Disposal Sites and Facilities)

Certificate of Designation (CD) Process Flow Chart



Appendix B

Engineering Design and Operations Plans Content Checklist and Suggested Table of Contents Outline

(Reference: 6 CCR 1007-2, Part 1, the Regulations pertaining to Solid Waste Sites and Facilities)

LANDFILL GUIDANCE DOCUMENT
Engineering Design and Operations Plans
Content Checklist and Suggested Table of Contents Outline
(This guidance document is not intended as an application.)

SECTION 1: INTRODUCTION

✓	Regulation Section	Information	Page, Plate, Appendix, or N/A
	Reg. 3.3.2(A)	Responsible party information (qualifications, names, and addresses).	
	Reg. 3.3.1	Facility information (mailing address(es), county, legal description, section, township, range, quarter section, and acreage).	
	Reg. 3.3.1(C) and 3.3.2(C)	Landfill description (waste types, volumes, service areas, and transportation corridors).	
	Reg. 3.3.2(B)	Hours of operation.	
	Reg. 3.3.2(D) and 3.3.2(E)	Number, classification, and job descriptions of projected personnel and the number, description, and uses of all equipment.	

SECTION 2: LOCATION RESTRICTIONS

✓	Regulation Section	Information	Page, Plate, Appendix, or N/A
	Reg. 2.4.2(A) and 3.1	Location restriction demonstrations.	
	Reg. 3.1.1	Describe and map any airports within five (5)-miles.	
	Reg. 3.1.6	Describe topography and demonstrate the topography maximizes protection from prevailing winds and minimizes precipitation catchment impacts.	
	Reg. 2.1.17 and 3.1.9	Demonstrate that no wastes will be placed into groundwater or surface water.	
	Reg. 3.3.2(M)	Demonstrate water sources to control fires, nuisances, construction, and personnel use.	
	Reg. 3.1.4	If seismic areas are identified (see Regional and Local Geologic Conditions) prepare an engineering plan to address how the facility will resist the maximum horizontal acceleration.	

SECTION 3: GEOLOGIC AND HYDROGEOLOGIC CONDITIONS

Regional and Local Geologic Conditions (Section 3)

✓	Regulation Section	Information	Page, Plate, Appendix, or N/A
	Reg. 3.2.1(A) and 3.2.1(B)	Formation types and regional thicknesses of unconsolidated soils and consolidated formations (bedrock lithologies).	
	Reg. 3.2.1(C) and 3.2.1(D)	Morphology information (structure, formation strike/dip, evidence of folding and fracture patterns).	
	Reg. 3.1.3 and 3.2.1(D)	Hazards including slope stability analyses (slope stability) faulting, (Holocene epoch and any major faults), and rock fall, landslide, and erosion potential.	

Regional and Local Hydrogeologic Conditions (Section 3)

✓	Regulation Section	Information	Page, Plate, Appendix, or N/A
	Reg. 3.2.2(A)	Identify lakes, streams, springs, and/or bogs within two (2) miles	
	Reg. 3.2.2(B)	Depth and thickness of any perched and/or the uppermost aquifer.	
	Reg. 3.2.2(C)	Groundwater well information within one (1) mile (well construction details, identify aquifers tapped, depth/elevation of water table(s), and well yields).	
	Reg. 3.2.5(11)	Define the distance groundwater will travel throughout the facility's estimated operating life and post-closure period combined.	
	Reg. 3.2.2(D)	Hydrogeologic properties of the perched and/or uppermost aquifer (porosity groundwater flow direction, flow rate(s), coefficient of storage, permeability, and potentiometric surface).	
	Reg. 3.1.2, 3.1.7, and 3.2.2(E)	Discuss and show the facility's relation to wetlands, floodplains, and/or drainages.	
	Reg. 3.2.2(F)	Evaluate potential impacts to groundwater and surface water.	
	Reg. 3.2.2(G)	Evaluate existing (pre-operational) groundwater quality (chemical composition, total dissolved solids, turbidity, specific conductance, pH, and temperature.	

SECTION 4: DESIGN REQUIREMENTS

✓	Regulation Section	Information	Page, Plate, Appendix, or N/A
	Reg. 3.2.3(1)	Demonstrate the type, quantity, and locations of materials to be used as daily and intermediate cover over the life of the facility.	
	Reg. 3.2.3(2)	Demonstrate the type and quantity of material that will be required for us as a liner material. Specifications include compaction density, moisture content, and design permeability at a minimum.	
	Reg. 3.2.3(3)	Complete all mapping and plan requirements outlined by section 3.2.3(3) subsections (a) through (l).	
	Reg. 3.2.4	Provide details for all constructed or proposed monitoring points for surface water, groundwater, and/or explosive gases.	
	Reg. 3.2.5(A) and 2.1.15	Provide all liner and design components in compliance with section 2.1.15 of the regulations as outlined by section 3.2.5(A) subsections (1) through (11).	
	Reg. 3.2.5(C)	Identify and provide approved designs for a barrier layer that meet the requirements outlined by subsections 3.2.5(C) subsection 1 through 4.	
	Reg. 3.2.5(B) and 3.2.5(D)	Provide all leachate collection and removal design components that meet the requirements of section 3.2.5(D) subsections 1 and 2.	
	Reg. 2.1.6 and 3.2.6	Provide all storm water and surface water control system designs in accordance with regulatory standards to meet 25-year, 24-hour storm volumes.	

SECTION 5: OPERATIONS

Operational Standards (Section 5):

✓	Regulation Section	Information	Page, Plate, Appendix, or N/A
	Reg. 2.2, 2.3 and Appendix B	Describe the minimal recordkeeping and reporting processes and procedures required as per regulation and the groundwater sampling and analysis plan.	
	Reg. 3.1.8	Demonstrate that the facility will isolate wastes from the general public.	
	Reg. 3.3.2(F)	Specify the size and type of disposal cells.	
	Reg. 2.1.10, 3.3.5, and 3.3.2(G)	Demonstrate the source of adequate cover sources and frequencies for cover.	
	Reg. 2.1.7, 2.1.8, and 3.3.2(H)	Demonstrate all fencing and security measures to be used.	
	Reg. 2.1.3, 3.3.5, and 3.3.2(I)	Demonstrate nuisance prevention techniques (litter control, odors, vectors, noise control, and dust control).	
	Reg. 2.1.9 and 3.3.2(J)	Demonstrate fire protection provisions and identify incineration prohibition.	
	Reg. 2.1.11 and 3.3.2(K)	Demonstrate windblown debris controls and procedures to be followed.	
	Reg. 2.1.12, 2.1.13, and 2.1.14	Specify that the facility shall not accept raw sludges from wastewater, and treatment plants, septic tanks, chemical toilet wastes, or any liquid wastes, or wastes with free liquid.	
	Reg. 3.1.5	If any unstable conditions are identified (see Regional and Local Geologic Conditions) demonstrate the engineering measures to be taken to assure stability.	

Operational Records (Section 5):

✓	Regulation Section	Information	Page, Plate, Appendix, or N/A
	Reg. 2.4.2(B)	Inspection records and training procedures.	
	Reg. 2.4.2(C) and 2.3	Explosive gas monitoring results and any monitoring associated with remedial plans in place.	
	Reg. 2.4.2(D)	Design documentation for controlling leachate or gas condensate.	
	Reg. 2.4.2(E)	Any demonstrations, certifications, findings, data or documents required by section 2.2.	
	Reg. 2.4.2(F)	Any closure and post-closure care plans, along with monitoring, testing, or analytical data required by section 2.5 and 2.6.	
	Reg. 2.4.2(H)	Cost estimates and financial assurance documentation required by section 1.8.	
	Reg. 2.4.2(I)	Information demonstrating compliance with waivers required by section 1.5.	
	Reg. 2.1.2	Waste Characterization Plans.	

Operational Records (continued) (Section 5):

✓	Regulation Section	Information	Page, Plate, Appendix, or N/A
	Reg. 2.1.4, 2.1.5, 2.1.15, 2.1.18, 3.1.2(L), and Appendix B (subsection B3)	Information and field records obtained as required by the groundwater sampling and analysis plan, and, at a minimum, specify that the HMWMD and the local governing body will be notified of any changes to the groundwater sampling and analysis plan.	

Reports and Plans (Section 5):

✓	Regulation Section	Information	Page, Plate, Appendix, or N/A
	Reg. 2.1.4, 2.1.5, 2.1.15, 2.1.18, 2.2, 3.3.2(L), and Appendix B	Prepare a groundwater sampling and analysis plan.	
	Reg. 2.3, 3.2.3(H), 3.2.4, and 3.4	Prepare an explosive gas monitoring plan.	
	Reg. 2.1.4, 2.1.5, and 3.3.2(L)	Prepare a groundwater and surface water impact contingency plan.	
	Reg. 2.1.2	Prepare a waste characterization plan that addresses how testing and detection of hazardous wastes will be conducted.	
	Reg. 3.2.7, 3.3.3, and 3.5.8	Construction quality assurance plans (required for approval prior to any construction activities) and after action construction quality assurance reports (required after any construction activity describing as-built conditions).	
	Reg. 2.1.6, 2.5.7, and 3.2.6	Prepare a storm water management plan to address how the facility will assure run-on and run-off control.	

SECTION 6: CLOSURE PLAN REQUIREMENTS

✓	Regulation Section	Information	Page, Plate, Appendix, or N/A
	Reg. 3.4.1 and 3.5.8	Specific requirements for closure records as per the regulations.	
	Reg. 3.5	The owner/operator shall develop a closure plan to be approved by the HMWMD.	
	Reg. 3.5.1	Specify the and provide a design for the final facility cover in accordance with sections 3.5.2 and 3.5.3, estimate the largest area requiring final cover, and provide a schedule covering all activities required to satisfy closure criteria.	
	Reg. 3.5.2	Describe the final cover slopes to be constructed (5% (20:1) to 25% (4:1) are generally accepted guidelines for final cover slopes).	
	Reg. 3.5.3	Specify the final cover permeability and provide a design that meets the requirements outlined by section 3.5.3 subsection (A) through (C).	
	Reg. 3.5.4	Demonstrate that the final cover design will assure landfill gases will not adversely affect the cover performance.	

SECTION 6 CLOSURE PLAN REQUIREMENTS (continued)

✓	Regulation Section	Information	Page, Plate, Appendix, or N/A
	Reg. 3.5.5	Specify that HMWMD will be notified of intent to close any phase or cell of the facility in advance of closure.	
	Reg. 3.5.6	Specify that closure activities must begin within thirty (30) days after final refuse grades are reached in any phase or cell.	
	Reg. 3.5.7	Specify that closure activities must be complete within one hundred eighty (180) days following the beginning of closure of any phase or cell.	
	Reg. 2.1.16	Specify that the facility where final disposal is performed shall, upon being closed, be left in a condition of orderliness and good aesthetic appearance capable of blending with the natural surroundings.	

SECTION 7: POST-CLOSURE PLAN REQUIREMENTS

✓	Regulation Section	Information	Page, Plate, Appendix, or N/A
	Reg. 3.6.2	Specific post-closure notifications requirements per the regulations.	
	Reg. 3.6	The owner/operator shall develop a post-closure plan to be approved by the HMWMD.	
	Reg. 3.6.1(A)	Specify in the post-closure plan how all elements of section 3.6.1(A) subsections (1) through (7) will be maintained over the post-closure period.	
	Reg. 3.6.1(B)	Clarify if discrete units will be placed into post-closure monitoring while other units may be active during the life of the facility.	
	Reg. 3.6.3	Specify in the EDOP that post-closure care will be maintained for a minimum of thirty (30) years.	

SECTION 8: FINAL ENGINEERING AND HYDROGEOLOGIC APPROVALS

✓	Regulation Section	Information	Page, Plate, Appendix, or N/A
	Reg. 3.2, 3.2.7, 3.5.8 and 3.6.3	Assure that all portions of the facility design, associated plates and figures, all site investigations, the EDOP document, and closure and post-closure plans have been reviewed and sealed by a Colorado professional engineer or reviewed by a professional geologist (as appropriate per profession).	

APPENDIX TITLES

- A: Groundwater Sampling and Analysis Plan
- B: Explosive Gas Monitoring Plan
- C: Groundwater, Surface Water, and Explosive Gas Contingency Plan
- D: Waste Characterization Plan
- E: Storm Water Management Plan
- F: Construction Quality Assurance Plan
- G: Waiver Requests and Supporting Information

OTHER APPENDICIES (e.g. site investigation supporting information and reports, permits, etc.):

- H: _____
- I: _____
- J: _____
- K: _____
- L: _____
- M: _____
- N: _____
- O: _____
- P: _____

FIGURES, DRAWINGS, and ENGINEERING PLATES

Page, Plate,
Appendix, or N/A

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TABLES

Page, Plate
Appendix, or N/A

Appendix C

EDOP Amendments and Modifications Cover Sheet

EDOP Amendments and Modifications Cover Sheet

(submit along with requested changes)
 (6 CCR 1007-2 Section 3)



Colorado Department
 of Public Health
 and Environment

Solid Waste and Materials Management Program
 (303) 692-3408

Sec. I – DOCUMENT INFORMATION			
Document Name			
Document Type	<input type="checkbox"/> EDOP <input type="checkbox"/> CQA Plan <input type="checkbox"/> Env. Monitoring Plan <input type="checkbox"/> Other: _____		
Current Document Approval Information	Approval Date: _____ Approved by (Department Representative Name): _____ Division Letter _____ Division e-mail _____ Other: _____		
Sec. II – FACILITY INFORMATION			
Facility Name		Date Operation Began	
Location Address with City & Zip		County	
Operating/ Active?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Facility Type			
Sec. III – CONTACT INFORMATION			
Local Governing Authority Contact	<input type="checkbox"/> Primary Contact <input type="checkbox"/> Other: _____		
Full Name		Phone #	
Title		Cell #	
Organization Name		Fax #	
Mailing Address			
Email Address			
Owner Contact			
Owner Contact	<input type="checkbox"/> Primary Contact <input type="checkbox"/> Other: _____		
Full Name		Phone #	
Title		Cell #	
Organization Name		Fax #	
Mailing Address			
Email Address			
Consultant Contact			
Consultant Contact	<input type="checkbox"/> Primary Contact <input type="checkbox"/> Other: _____		
Full Name		Phone #	
Title		Cell #	
Organization Name		Fax #	
Mailing Address			
Email Address			

EDOP Amendments and Modifications Cover Sheet Tracking Page

Type of Change: Amendment Modification Revision

Provide Complete Description of Change(s) Presented	Section # of Change	DEPARTMENT USE ONLY	
		Date Approval	Approval Document