

September 20, 2023

Mr. Marlin Mullet, Chief Executive Officer  
Twin Enviro Services, Inc.  
20650 County Road 205  
Steamboat Springs, CO 80487

CERTIFIED MAIL # 7016 3010 0000 5881 0161  
Return Receipt Requested

Mr. Greg Underwood, Compliance Officer  
Twin Enviro Services, Inc.  
20650 County Road 205  
Steamboat Springs, CO 80487

CERTIFIED MAIL # 7016 3010 0000 5881 0154  
Return Receipt Requested

Re: **Compliance Advisory for the Milner Landfill:**  
20650 County Road 205  
Steamboat Springs, CO 80487

File: RTT16 CDPHERM HAZ SW - Compliance/Enforcement

Dear Messrs. Mullet and Underwood:

This Compliance Advisory provides notice related to information gained during an inspection conducted by the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (the "Department") at the Milner Landfill (the "Facility") in Steamboat Springs, Colorado on May 25, 2023. The purpose of the inspection was to determine the Facility's compliance status with respect to the Solid Wastes Disposal Sites and Facilities Act, CRS 30-20-100.5 *et. seq.*, the Regulations Pertaining to Solid Waste Sites and Facilities (6 CCR 1007-2, Part 1; the Regulations), and the Facility's approved Engineering, Design, and Operations Plan (EDOP). The Department advises you that information gained during the inspection indicates that Twin Enviro Services, Inc. (Twin) may have violated Colorado's solid waste laws. Department personnel will review the facts established and this notice may be revised to include additions or clarifications as a result of that review.

Please be aware that you are responsible for complying with the State solid waste regulations and that there are civil penalties for failing to do so. The issuance of this Compliance Advisory does not limit or preclude the Department from pursuing its enforcement options concerning this inspection including issuance of a Compliance Order and/or seeking an assessment of civil penalties. Also, this Compliance Advisory does not constitute a bar to enforcement action for conditions that are not addressed in this Compliance Advisory, or conditions found during future file reviews or inspections of the facility. The Department will take into consideration your response to the requested actions listed below for each cited deficiency in its consideration of enforcement options.

**Deficiency 1:** There was a substantial amount of litter present on the ground surface to the west and south sides of the material recovery facility (MRF), in apparent violation of Section 4.7.1 "Litter Control" of the Facility's EDOP, Section 2.1.3 of the Solid Waste Regulations and CRS § 30-20-110.

**Requested Action 1:** Within fifteen (15) days of your receipt of this Compliance Advisory, the Department requests that Twin clean up the area surrounding the material recovery facility (MRF). The Department additionally requests that Twin provide a short “letter report”, including photographs, documenting that the areas surrounding the MRF have been cleaned up.

**Deficiency 2:** There was a substantial amount of material (mixed compost, feedstock, and woodchips) pushed over the perimeter berm on the south, west and east sides of the composting area, in apparent violation of Section 1.3.2 “Run-on/Runoff Control” of the Facility’s Composting Design and Operations Plan (Appendix H to the Facility’s EDOP), Section 14.4.3(B) of the Solid Waste Regulations, and CRS § 30-20-110.

**Requested Action 2:** The Department requests that Twin take immediate action to stop material from being pushed over the berms surrounding the composting area of the Facility. Additionally, within thirty (30) days of your receipt of this Compliance Advisory, the Department requests that Twin clean up any material that has previously been pushed out of the compost area (especially around the south, west, and east sides of the composting area) and either return this material to the composting pad for appropriate processing as compost, or to the working face of the landfill for disposal. The Department also requests that Twin provide a short “letter report”, including photographs, documenting that the areas surrounding the composting area have been cleaned up.

**Deficiency 3:** At the time of the inspection, no records were available for inspection related to the composting operations at the Facility, in apparent violation of Section 1.5 Recordkeeping and Reporting of the Facility’s Composting Design and Operations Plan (Appendix H to the Facility’s EDOP), Section 14.4.6 of the Solid Waste Regulations, and CRS § 30-20-110. Specifically requested records that were not available included time and temperature holding logs and analytical results from pathogen testing.

**Requested Action 3:** Within thirty (30) days of your receipt of this Compliance Advisory, the Department requests that Twin provide records for the Facility’s composting area, including all time and temperature logs and analytical testing analysis results for 2023 to the Department for review.

**Deficiency 4:** Records reviewed during and after the inspection event indicate that leachate levels in the MOD 1 sump are consistently higher than permitted by the Solid Waste Regulations and Facility’s EDOP, in apparent violation of Section 4.0 “Leachate Storage and Disposal” of Appendix G “Leachate Management Plan” of the Facility’s EDOP, Section 3.2.5(D) of the Solid Waste Regulations, and CRS § 30-20-110.

**Requested Action 4:** Within ninety (90) days of your receipt of this Compliance Advisory, the Department requests that Twin provide an addendum to Appendix G, “*Leachate Management Plan*”, of the Facility’s EDOP that provides additional details on how Twin will manage leachate at the Facility to maintain less than one (1) foot of head on the liner system at all times. Since the procedures outlined in Appendix G have apparently been ineffective in keeping less than one foot of head on the liner system, the submittal should include additional detail than what is found in Appendix G to the EDOP, and should outline new

Messrs. Mullet and Underwood  
September 20, 2023

and/or alternative work practices, equipment, and/or processes for the management of leachate at the Facility. The Department requests that a monthly leachate reporting form, including leachate level measurements, be included in the addendum to be submitted to the Department for review on a monthly basis.

**Deficiency 5:** The five-year cost estimate update to the Facility's financial assurance was due in September of 2022. Twin Enviro submitted the five-year update, but has so far not responded to comments on the financial assurance update provided by the Department in a letter dated October 19, 2022. The five-year update is now overdue since Twin Enviro has not addressed the Department's comments and the update has not been finalized, in apparent violation of Section 6.7 "Financial Assurance" of the Facility's EDOP, Section 4.5 of the Solid Waste Regulations, and CRS § 30-20-104.5.

**Requested Action 5:** Within thirty (30) days of your receipt of this Compliance Advisory, the Department requests that Twin provide a revised five-year cost update to the Facility's financial assurance.

**Deficiency 6:** Appendix C to the Facility's EDOP, Liquid Waste Transfer Unit Design and Operations Plan, requires the submission of an annual report by February 28<sup>th</sup> for the preceding year. At the time of the inspection the Department had not received the Liquid Waste Transfer Unit Annual Report for 2022, in apparent violation of the Facility's Liquid Waste Transfer Unit Design and Operations Plan (Appendix C to the Facility's EDOP), Section 2.4 of the Solid Waste Regulations, and CRS § 30-20-110.

**Requested Action 6:** The Liquid Waste Transfer Unit Annual Report for 2022 was received in our office on September 14, 2023. The Department requests that Twin provide the Liquid Waste Transfer Unit Annual Report for the preceding year by February 28<sup>th</sup> in the future.

To facilitate resolution of the issues identified in this Compliance Advisory, we encourage you complete the requested actions, including any required submittals, in the timeframes requested, and to document your return to compliance by submitting correspondence back to the Department. Also, please contact this office at the number listed below by October 20, 2023 to schedule a meeting (compliance conference):

- A. To discuss the Compliance Advisory and answer any questions that you may have;
- B. To develop a schedule for correcting the deficiencies noted above; or
- C. To submit information necessary to show that the deficiencies are not a violation of Colorado's solid waste laws.

A Copy of the inspection report is enclosed with this Compliance Advisory.

You may contact Brian Long at (303) 691-4033 or Ed Smith at (303) 692-3386 concerning the deficiencies detailed under this Compliance Advisory and/or to set a meeting to discuss this Compliance Advisory.

Sincerely,

Messrs. Mullet and Underwood  
September 20, 2023

Brian T. Long  
Environmental Protection Specialist  
Solid Waste Compliance Assurance Unit  
Solid and Hazardous Waste Program

Enclosure

cc: Jill Parisi, CDPHE HMWMD  
Ed Smith, CDPHE HMWMD  
Scott Cowman, Routt County  
Jason King, CO AGO

Sarah Foreman, CDPHE HMWMD  
Randy Perila, CDPHE HMWMD  
Alan Goldich, Routt County

SW Tracking





## SOLID WASTE INSPECTION WORKSHEET

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

Date: May 25, 2023 Times: 9:00 AM - 3:00 PM

Site: Milner Landfill (the Facility)  
Twin Enviro Services  
20650 County Road 205  
Steamboat Springs, CO 80487

Inspectors: Brian Long, CDPHE HMWMD  
Sarah Foreman, CDPHE HMWMD

Inspection: Routine Compliance Inspection

Site Representatives: Greg Underwood, Compliance Officer, Twin Enviro  
Tony Matt, Operations Manager, Twin Enviro

Other Participants: Scott Cowman, Routt County Environmental Health

Weather Conditions: Mostly sunny, no precipitation

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On May 25, 2023, staff from the Colorado Department of Public Health and Environment (the Department), conducted an inspection of the above-referenced property located near Milner, Colorado. The purpose of the site visit and inspection was to gather first hand observations concerning the site, and to evaluate the compliance of the Facility with the requirements set forth in the Solid Wastes Disposal Sites and Facilities Act ("the Act"), CRS 30-20-100.5 *et seq.*, the Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2 ("the Regulations"), and the Facility's approved Engineering, Design, and Operations Plan.

### --Site History--

The Milner Landfill is located off of County Road 205 approximately one mile west of Milner, Colorado and approximately twelve miles west of Steamboat Springs, Colorado on U.S. Highway 40. The Landfill is located within the area of abandoned strip mining pits historically used for coal mining operations. According to the Facility's EDOP, prepared by KRW Consulting, Inc. and revised and updated by Golder Associates, Inc., the mining operations likely concluded in the 1960's. On or around January 9, 1976, Routt County began landfilling at Milner Landfill. In 1983 Downhill Pick-Up leased the site and assumed control of the landfilling activities. On June 11, 1984, Routt County issued a certificate of designation (CD) to Downhill Pick-Up. On December 18, 1984, Routt County approved a transfer of the CD to Twin Landfill Corporation dba Twin Enviro Services (Twin Enviro. Twin Enviro is the current owner and operator of the Facility. The property is approximately 162.5 acres in total.

## **--Records Review--**

Records review was conducted as a part of this inspection. Records were reviewed both offsite prior to the inspection, onsite during the inspection event, and offsite after the inspection event took place. Records reviewed included the Facility's approved revised EDOP, the Certificate of Designation (CD), the Facility's Special Use Permit (SUP) issued by Routt County, records of random load inspections, personnel training records, leachate monitoring and testing records, groundwater monitoring records, explosive gas monitoring records, liquid waste management records, and the financial assurance for the Facility.

The Facility's five year cost update to its financial assurance was due in September of 2022. Twin Enviro submitted the cost estimate update, but has not responded to Department comments that were provided in a letter dated October 19, 2022. Twin Enviro should work with the appropriate Department personnel to address the comments that were provided and finalize the five year cost estimate update in a timely manner.

The Department requested records related to the composting operations (time and temperature holding logs and laboratory analysis results) at the Facility for review during the inspection event. However, Twin Enviro Services personnel said that the person in charge of the composting operations, Mark Berkley, was traveling internationally and that they had no access to any of the composting operations records, and that the records would not be available until July 11, 2023.

The Department additionally requested records pertaining to the management of leachate at the Facility during the inspection. Upon review it was ascertained that a majority of the records for leachate management at the Facility (leachate measurement levels in sumps) showed that more leachate was present on the liner than allowed by the Solid Waste Regulations (i.e., greater than 12 inches of head on the liner). Specifically, records showed that 9 out of 12 measurements showed greater than five feet of leachate in the sump system. When asked about this observation, Twin Enviro Compliance Manager Greg Underwood said that it was very hard to manage leachate at the Facility, especially during the winter when it can be challenging to even get to the sump riser locations to measure the leachate. Department personnel informed Mr. Underwood that the levels observed in the leachate management records were very concerning because the maximum allowable amount of leachate is established to protect the integrity of the liner system, and that if these levels are exceeded (as they were in the majority of recorded readings) damage to the liner system could occur. Department representatives also informed Mr. Underwood that the required maximum allowable leachate levels must be adhered to regardless of the season or difficulty in accessing the sump risers, and that if necessary new technology or work practices should be implemented to ensure that leachate is maintained at permissible levels at all times.

Additional leachate management data was provided by the Facility in the "2023 First Semi-Annual Leachate Management Report", dated July 18, 2023. This report re-confirmed that Twin Enviro is consistently allowing too much leachate to accumulate within the liner system. Specifically, of the data points provided, 17 out of 26 measurements of the MOD 1 sump showed greater than five feet of leachate in the sump system.

## --Site Inspection--

Access to the Facility is made through a gate located off of County Road 205. Signage noting the landfill hours of operation and prohibited waste items was observed near the turn-off from US Hwy. 40 to County Road 205 and at the entrance gate to the landfill.

Department personnel Brian Long and Sarah Foreman arrived onsite at Milner Landfill at approximately 9:00 AM. Upon arrival, Department personnel checked in with Twin Enviro staff in the main office at the Milner Landfill. Department staff met with Greg Underwood, Compliance Officer for Twin Enviro Services and with Tony Matt, Operations Manager for Milner Landfill.

After introductions were made, the first destination of the inspection group was the Facility's Material Recovery Facility (MRF) located just to the south of the main office building. The group observed all sides of the Facility and noted that there was a substantial amount of material waiting to be processed on the floor of the MRF, but that the bulk material awaiting processing was largely contained to the interior of the building. However, when the group observed the areas surrounding the MRF building it was noted that there was a significant amount of litter present on the ground surface on the south and west sides of the building (see photos 1-4). Litter from glass storage was also noted to be present outside of the glass containment walls. This had been noted during previous inspection events, but the litter appeared to be more widespread and prolific than was noted during previous inspection events. Another observation on the west side of the MRF was that the stormwater management channel (serving as the perimeter stormwater management channel for the Pit 5 area) was not in a well-maintained state. The channel did not appear to be able to convey stormwater as per its design (see photos 1, 5, and 6). The stormwater channel did not appear to be adequately maintained to prevent the ponding of water in this location (see photo 6).

The group then proceeded south from the MRF along the eastern side of the Pit 5 area. A feature that was observed in this area that had been previously observed was the large amount of processed, but not screened, compost that is stored over the majority of the Pit 5 area. Prior to the inspection event, through discussions with Twin Enviro personnel and submittals from Twin Enviro, the Department learned that some of the compost stored in this area had failed final pathogen testing. After subsequent discussions a document titled "Agronomic Application Rate Determination and Request to Apply Stockpiled Compost Within the CD Boundary at the Milner Landfill" was submitted by Twin Enviro and received by the Department on May 4, 2023. After some clarifications, the Department approved this document in a letter dated May 15, 2023. According to this request, the stored compost may be used as a soil amendment within the CD boundary of Milner Landfill, but none of the stored compost is to be utilized outside the CD boundary and no stored compost would be utilized offsite, sold, or given to outside entities.

As the inspection group moved south, the "Doug's Drainage" feature was observed. The drainage was not being actively de-watered during the inspection event and there was water in the bottom of the drainage. Twin Enviro personnel indicated that the water present was due mainly to snow melt (the area around the landfill and Routt County had received above average snowfall during the winter season of 2022/2023). It remains unclear as to whether de-watering operations will be able to successfully dry out this area as ponded water was observed during previous inspection events in this area even during active de-watering operations. It was noted that the topsoil from above Doug's Drainage had been almost fully removed. This area will be utilized during future expansion at the Facility and substantial leveling will be required prior to the initiation of

expansion in this area. Additional material removal will likely require blasting of rock in this area according to Twin Enviro personnel.

The group proceeded further south and observed areas where new perimeter fencing was being installed and the MOD 8 expansion area (see photo 7). Twin Enviro personnel said that the new perimeter fencing would help them patrol windblown litter better and keep any windblown litter within the landfill property. The inspection group continued to the south and observed the area where there had formerly been a cattle stock pond present on the adjacent property (Camiletti property). The stock pond had been relocated at some point prior to this inspection event. During previous inspection events groundwater seeping into the Module 8 (MOD 8) expansion area had been observed. There was still substantial water flowing into the MOD 8 area from the property to the east of the Facility (see photos 8-10). At the time of the inspection, it was not possible to determine if all of the water flowing into the Mod 8 area was due to previous snow melt, or if some of the water could be attributed to groundwater daylighting in this area. Twin Enviro installed several new piezometers in the area in 2022, and it is hoped that additional data from the new piezometers will further inform the source of water infiltrating the Mod 8 area. Another indicator that there was subsurface water present in this area was the presence of several depressions in the ground surface that appeared to have sunk (see photos 11-12). As the inspection group moved further to the south it was noted that there was not a berm present on the south end of the MOD 8 excavation area to prevent run-on of stormwater into this portion of the site (see photo 13). Additionally, the presence of uncovered solid waste was noted at the south end of the MOD 8 area and south of the fill area that was being utilized at the time of the inspection (see photos 13-15).

The inspection group then proceeded to the working face of the landfill. Just to the south of the working face, the inspection group stopped to observe the tarp system that Milner Landfill has been using as alternative daily cover (see photo 16). The tarp appeared to be in good condition, and Twin Enviro personnel said it has made the application of daily cover much easier. The working face of the landfill was observed, and no prohibited waste streams were observed by Department inspectors (see photos 17-18). The working face appeared to be adequately sized to the expected amount of waste volume accepted by Milner Landfill in a given day. The area of the working face also gave another opportunity to observe the MOD 8 excavation area, and again it was noted that there was a significant drainage channel present through this area (see photo 19). The top deck of the intermediately closed portions of MODs 4 and 5 was accessed. Department inspectors noted that there was some visible solid waste protruding through the soil cover in this area and requested that additional soil cover be applied to any areas where solid waste was visible.

The inspection tour then proceeded back to the south and around the intermediately closed MOD 5 area. The outer slopes of the intermediately closed portions of the landfill along the western side of the Facility were observed as the group made their way north along the western perimeter haul road. A few seeps were noted to be present on this western facing slope at the time of the inspection (see photos 20-22). The inspection group passed an area where storage of shredded tires was located along the western edge of the Facility. Department inspectors had observed this storage during the last couple of inspection events and remarked that Twin Enviro should take care that these stored tire shreds do not migrate down the slope in this area. Twin Enviro personnel were again reminded that these tire shreds should be managed in such a way to prevent them from further spreading down the western slope of the Facility.

The asbestos waste disposal area was the next stop for the inspection group. The asbestos waste disposal area was fenced and secured at the time of the inspection. No visible asbestos waste or

packaging was observed on the ground surface in this area. However, a couple pieces of metal debris were noted on the ground surface within the asbestos waste disposal area. Department personnel informed Twin Enviro personnel that no solid waste should be visible on the ground surface within this area, and that any solid waste should be appropriately covered since any waste within the asbestos waste disposal area may be considered to be asbestos waste. Twin Enviro personnel indicated that the asbestos waste disposal area would be receiving new fencing in the near future. Department inspector Long reminded Twin Enviro personnel that signage should be on all sides of the asbestos waste disposal area at an interval of at least one sign per 300 linear feet, and that asbestos warning signs should be replaced when they become damaged or worn out. Another feature that was commented on (and has been commented on during previous inspection events) was the lack of stormwater management features surrounding the asbestos waste disposal area. From visual observations it appears that any stormwater in this area would simply sheet flow into Doug's Drainage. This could be potentially problematic if Twin Enviro is attempting to fully de-water the drainage prior to future construction/expansion in this area. Department personnel also reminded Twin Enviro personnel that the spill response kit near the entrance of the asbestos waste disposal area should be maintained as required by the Facility's EDOP.

The inspection group stopped to view a concrete storage area that was located south of the shop and liquids transfer area of the Facility. Department inspector Long noted the presence of black sealant on several of the pieces of concrete being stored in this location awaiting recycling (see photos 23-24). Department Inspector Long urged caution with this material as it is a material that is suspected of containing asbestos. Department personnel informed Twin Enviro personnel that the concrete with adhered sealant (or other materials suspected of containing asbestos) should not be recycled because of the potential for these materials to create inhalation hazards. The suspect asbestos containing materials must either be assumed to be asbestos containing or sampled to confirm if the materials contain asbestos. Additionally observed in this area was the liquid waste transfer area of the Facility. No visual evidence of large spills was noted during the inspection event.

The inspection group then proceeded north to the Facility's composting area. Milner Landfill runs a class III composting operation and accepts biosolids for processing. On the way to the composting area it was noted that material from the western side of the composting area appeared to have been pushed over the berm and down the hillside along the western slope adjacent to the composting area (see photo 25). As the group approached the composting area the landfill leachate collection pond to the southeast of the composting area was observed. The landfill leachate collection pond was noted to be adequately fenced and no issues were noted in this location (see photo 26).

The group then headed to the compost work pad. There were several piles/windrows of in-process compost and feedstocks (biosolids) present at the time of the inspection (see photos 30-32). It was interesting to see that one of the in-process compost windrows appeared to be set up to use the Facility's aeration system as this had not been seen during the last several inspection events. It did not appear as though the blowers were hooked up at the time of the inspection, but they were in place under one of the compost windrows. It was again noted that material from the compost pad appeared to have been pushed over the berm on the south side of the pad (see photos 27-28). Department personnel remarked that it was very important to keep all unfinished compost and composting feedstocks (especially biosolids) on the composting work pad. Twin Enviro personnel that were participating in the inspection indicated that they had little information on how the composting operation was being run as all operations related to composting were being managed

by Les Liman and Mark Berkley, and that no one else was privy to the operations at this part of the Facility. The composting work pad was also observed and was noted to have several low spots and did not appear to be contoured to drain to the composting leachate collection pond located just to the north of the composting work pad as required in the Facility's EDOP (see photo 29). Twin Enviro personnel remarked that this was likely due to the heavy snow and associated snow removal operations that the Facility dealt with during the winter season. As a component of snow removal operations, Twin Enviro personnel had used machinery to push snow over the edge of the composting area on several sides (see photos 25, 27-28, and 35-37). This material was noted to be a mixture of dirt, snowmelt, compost, wood chips, and feedstock. This was most concerning in locations where the material had been scraped and pushed over the berms adjacent to the compost work pad due to there being unfinished compost and unprocessed feedstocks staged in these locations (including biosolids). Department personnel notified Twin Enviro personnel that the material pushed out of the composting area was problematic because of the materials located here and because the materials in question are required to remain on the compost pad until the composting process is finished and holding times and temperatures have been met (as well as any applicable analytical testing requirements). Twin Enviro personnel Greg Underwood and Tony Matt said they did not know why the materials in question had been pushed out of the composting area. Department personnel reiterated that snowmelt must be managed in such a way as to prevent the migration of unfinished compost or feedstocks off of the compost pad and to keep the pad graded to drain to the compost leachate pond.

Department personnel noted the presence of a significant breach in the perimeter berm around the northwest section of the composting area (near northwest corner) (see photo 34). It appeared as though Twin Enviro has been utilizing this breach of the berm to allow snowmelt and stormwater runoff to exit the compost area in this location and run down the hill into the surface water feature below. The presence of this feature has been noted during previous inspection events. It is unclear as to why this crack in the berm at this location has not been remedied, but the presence of irrigation piping terminating at the crack location points to this being utilized as a makeshift stormwater discharge point. It is important that Twin Enviro either makes repairs to this damaged portion of the berm, or updates the Facility's Stormwater Management Plan to reflect current conditions at the site.

The composting leachate collection pond was observed and was noted to have a minor amount of windblown litter present (see photo 33). Additionally, the pond appeared to be fuller than has been noted during previous inspection events. When asked by Department staff, Twin Enviro personnel did not know when the last time that the composting leachate collection pond had been dewatered. Department staff also inquired as to how Twin Enviro personnel measured the remaining freeboard in the compost leachate collection pond, and was told that a stick was used and that the measurements were more of a guestimate than an exact measurement. Department staff reminded Twin Enviro personnel that the amount of freeboard required to be maintained in the pond by the Facility's EDOP (two feet) should be maintained at all times, and that the pond should be de-watered within 30 days of a storm event.

The inspection group proceeded further north after leaving the compost area and observed the leachate collection tank on the way back to the main office building at Milner Landfill. The leachate collection tank was observed from an elevated position from the road above and no issues were identified at the time of the inspection (see photo 38). Department personnel reminded the Twin Enviro representatives to make sure that adequate headroom was left in the tank, especially when temperatures are below freezing at the Facility.

The group proceeded to the Milner Mall area of the Facility. The only prohibited item that was noted to be present at this portion of the Facility was a used and damaged lead-acid battery that was on the ground surface at the time of the inspection (see photo 39). Twin Enviro personnel said that it was likely that an external customer placed this battery here without permission. Department staff requested that this item be moved to a more secure location and be stored off of the ground surface. Twin Enviro personnel said that they would get the battery moved on the day of the inspection and make sure it was processed for appropriate recycling. It is important that Twin Enviro makes sure that prohibited items do not make their way into the Milner Mall and that the Facility's waste acceptance plan is being implemented appropriately.

### **--Inspection Closeout--**

At the conclusion of field activities, the inspection group returned to the office at the Facility. Records including random load inspection, leachate monitoring logs, required reporting, and personnel training records were reviewed. After records were reviewed, a brief inspection closeout meeting between Department staff and Twin Enviro Compliance Officer Greg Underwood took place. Department staff provided a summary of their observations and indicated that final determinations from the inspection would be forthcoming at a future date.

### **--Findings--**

The Facility was found to be out of compliance with the Act, the Regulations, and the Facility's EDOP on the day of inspection, and the Facility will be receiving a Compliance Advisory.

**Deficiency 1:** There was a substantial amount of litter present on the ground surface to the west and south sides of the material recovery facility (MRF), in apparent violation of Section 4.7.1 "Litter Control" of the Facility's EDOP, Section 2.1.3 of the Solid Waste Regulations and CRS § 30-20-110.

**Deficiency 2:** There was a substantial amount of material (mixed compost, feedstock, and woodchips) pushed over the perimeter berm on the south, west and east sides of the composting area, in apparent violation of Section 1.3.2 "Run-on/Runoff Control" of the Facility's Composting Design and Operations Plan (Appendix H to the Facility's EDOP), Section 14.4.3(B) of the Solid Waste Regulations, and CRS § 30-20-110.

**Deficiency 3:** At the time of the inspection, no records were available for inspection related to the composting operations at the Facility, in apparent violation of Section 1.5 Recordkeeping and Reporting of the Facility's Composting Design and Operations Plan (Appendix H to the Facility's EDOP), Section 14.4.6 of the Solid Waste Regulations, and CRS § 30-20-110. Specifically requested records that were not available included time and temperature holding logs and analytical results from pathogen testing.

**Deficiency 4:** Records reviewed during and after the inspection event indicate that leachate levels in the MOD 1 sump are consistently higher than permitted by the Solid Waste Regulations and Facility's EDOP in apparent violation of Section 4.0 "Leachate Storage and Disposal" of Appendix G "Leachate Management Plan" of the Facility's EDOP, Section 3.2.5(D) of the Solid Waste Regulations, and CRS § 30-20-110.



**Deficiency 5:** The five-year cost estimate update to the Facility's financial assurance was due in September of 2022. Twin Enviro submitted the five-year update, but has so far not responded to comments on the financial assurance update provided by the Department in a letter dated October 19, 2022. The five-year update is now overdue since Twin Enviro has not addressed the Department's comments and the update has not been finalized in apparent violation of Section 6.7 "Financial Assurance" of the Facility's EDOP, Section 4.5 of the Solid Waste Regulations, and CRS § 30-20-104.5.

**Deficiency 6:** Appendix C to the Facility's EDOP, Liquid Waste Transfer Unit Design and Operations Plan, requires the submission of an annual report by February 28<sup>th</sup> for the preceding year. To date the Department has not received the Liquid Waste Transfer Unit Annual Report for 2022 in apparent violation of the Facility's Liquid Waste Transfer Unit Design and Operations Plan (Appendix C to the Facility's EDOP), Section 2.4 of the Solid Waste Regulations, and CRS § 30-20-110.

### **Compliance Assistance Items:**

**Compliance Assistance Item 1:** PREVIOUS DEFICIENCY, BUT MOVED TO COMPLIANCE ASSISTANCE: The stormwater management channel along the eastern side of the Pit 6 area of the Facility has not been constructed as per the approved design in the Facility's EDOP, in apparent violation of CRS § 30-20-110 and Section 1.3.9 of the Regulations. This apparent deficiency was noted during the 2019 inspection event and listed as a deficiency on the Compliance Advisory dated January 17, 2020. This requirement will need to be addressed during future permitting for the Facility.

**Compliance Assistance Item 2:** The stormwater management channel at the perimeter of the Pit 5 area adjacent to the MRF was noted to be mostly filled in and not sloped to drain to the rest of the stormwater management system. This should be addressed so the stormwater is appropriately conveyed to the rest of the stormwater management system. Additionally, this temporary stormwater management structure will need to be replaced with a permanent stormwater management conveyance constructed in accordance with the approved EDOP and the Solid Waste Regulations in the future. Appropriate Construction Quality Assurance (CQA) reporting for this feature will need to be submitted to the Solid Waste Permitting Unit of the Department once this permanent feature is constructed.

**Compliance Assistance Item 3:** The tire shreds stored along the western edge of the Facility should be used or moved to a better location within the Facility so that they do not continue to migrate down the western slope of the Facility.

**Compliance Assistance Item 4:** As previously noted during the 2019 inspection event, it was again noted during the 2022 and 2023 inspections of the asbestos waste disposal area that there are no stormwater control or erosion prevention features present in this location, and that stormwater likely sheet flows into Doug's Drainage from this area. This is not a designed stormwater discharge point in the Facility's stormwater management plan. It was noted during the inspection that a berm or ditch installed near the toe of the asbestos waste management area could convey stormwater from this area into the existing portions of the Facility's stormwater management system. The Facility should work with their consultant to explore this possibility. Additionally, Twin Enviro should make sure that any and all waste in the asbestos waste disposal area is fully

covered with the required amount of cover materials so that no waste is visible and will not become visible after storm events.

**Compliance Assistance Item 5:** Areas of exposed solid waste were noted to be present in various areas around the MOD 6 and 7 areas as well as on the top deck of the landfill. Additional cover should be added to any area where solid waste is visible at the ground surface. An appropriate amount of daily or interim cover should be placed over any waste materials to prevent this occurrence in the future.

**Compliance Assistance Item 6:** Care should be taken to ensure that runoff from stored biosolids material does not contaminate in-process compost downgradient from the stored biosolids. Twin Enviro should also ensure that biosolids, and any runoff from this material, should also be contained to the composting pad. Additionally, Twin Enviro should ensure that the required 2 feet of freeboard be maintained in the compost runoff collection pond and that the pond is dewatered within 30 days of storm events causing runoff.

**Compliance Assistance Item 7:** A crack on the slope near the northwest corner of the composting area was noted to be present. This should be repaired so that runoff from any composting feedstocks or compost cannot make its way to the surface water below this area.

**Compliance Assistance Item 8:** Visual evidence of slope stability issues in two separate areas of the Facility were noted during the 2019 inspection. The first area was a tension crack noted in the southwest corner of the Facility (near the stormwater conveyance line installed in this area), and the second was tension cracks along the western side of the Facility (along the western side of the Facility above the surface water bodies on the west side of the Facility; near the composting portion of the Facility). The Facility should work with their consulting engineers to evaluate these areas and take steps to prevent potentially damaging slides in these locations.

**Compliance Assistance Item 9:** An area of concrete storage was also observed, and was noted during Routt County's August 2022 inspection, near the wood waste storage area (see photo 24). It is fine for the Facility to process concrete for recycling, but care should be taken to ensure only "clean" concrete is accepted for recycling. Materials adhered to concrete (sealants, tars, caulking, adhesives, paints, flashing, flooring materials, etc.) may contain asbestos and would therefore require inspection by a Colorado Certified Asbestos Building Inspector prior to acceptance at the Facility. During the 2023 inspection, concrete with adhered sealant was noted to be present in the piles staged for recycling. Any material suspected to contain asbestos must either be assumed to contain asbestos and managed accordingly, or sampled to determine asbestos content. **Concrete with adhered materials that have not been sampled to determine asbestos content should not be recycled.**

Prepared by: Brian T. Long

Brian T. Long  
Environmental Protection Specialist  
Compliance Assurance Unit  
Solid Waste and Materials Management Program  
Colorado Department of Public Health and Environment

**Attachments:**

Attachment 1 Photo Log - Photos Taken by the Department

Attachment 2 Inspection Documentation - Notice of Inspection Form, Checklists, Post  
Inspection Process Letter

File: RTT16 CDPHERM HAZ SW - Inspection



# Attachment 1 - Photo Log

## Photos Taken by the Department



Figure 1: Debris on ground surface outside of Materials Recovery Facility (MRF)



Photo 2: Significant amount of debris on ground surface outside of MRF





Photo 3: Debris on ground surface around glass storage area



Photo 4: Debris on ground surface outside of MRF





Photo 5: Drainage channel south of MRF



Photo 6: Area west of MRF (note debris on ground and lack of drainage (this drainage is continuous from drainage channel shown in Photo 5))





Photo 7: View of the MOD 8 excavation area



Photo 8: Water running from adjacent property to the east of Twin Enviro property





Photo 9: Closer view of water running onto Twin Enviro



Photo 10: Run off from adjacent property to the east of Milner Landfill





Photo 11: Sunken area attributed to saturated conditions



Photo 12: Collapsing ground surface presumably due to saturated conditions





Photo 13: Area to the south of the MOD 8 excavation area (note no berm was present in this area to prevent run-on into the MOD 8 excavation area)



Photo 14: Visible solid waste with insufficient cover south of the working face area





Photo 15: Insufficient cover noted south of the working face area



Photo 16: Tarp system used for alternative daily cover at the working face of the landfill





Photo 17: Working face of the landfill looking northeast/east



Photo 18: Working face of the landfill looking north/northeast





Photo 19: Excavation area for Module (MOD) 8 expansion area (note channel dug to convey runoff from area above and seepage area)



Photo 20: Western slope of landfill (note dark areas indicating seeps)





Photo 21: Small seep on side slope of landfill (western slope)



Photo 22: Seep on side slope of landfill (western slope)





Photo 23: Concrete staged for recycling (note presence of sealant on concrete)



Photo 24: Additional concrete staged for recycling (note sealant present)





Photo 25: View of western slope at western side of compost pad (note material has been pushed down the slope)



Photo 26: Fenced leachate pond





Photo 27: Berm along southern edge of compost pad (note material has been pushed over the berm to the south)



Photo 28: View looking east / northeast showing material pushed from compost pad over southern berm





Photo 29: Compost work pad (note grading does not slope north to compost leachate collection pond)



Photo 30: In-process compost on compost work pad





Photo 31: Aeration system along western side of compost work pad (blowers did not appear to be connected at time of inspection)



Photo 32: In-process compost windrow/pile





Photo 33: Compost leachate collection pond



Photo 34: Drainage channel at northwest corner of compost area





Photo 35: View looking east / northeast showing compost material had been pushed down the slope on eastern side of compost area



Photo 36: Additional view of material that was pushed off compost work pad onto slope on east side of compost area





Photo 37: View showing material from compost work pad pushed down slope at southeast corner of compost work pad



Photo 38: Leachate holding tank and surrounding containment





Photo 39: Lead acid battery stored on ground surface outside Milner Mall

# Attachment 2

Inspection Documentation - Notice of Inspection Form, Checklists,  
Post Inspection Process Letter



## Solid Waste and Materials Management Program Notice of Inspection

Facility name Milner Landfill			Facility ID RTT16	Date 5/25/2023
Facility street address 20650 County Road 205			Inspection announced? <input checked="" type="radio"/> Yes <input type="radio"/> No	Time in 9:00 am
City Steamboat Sprin	County Routt	Zip 80487	Enter by: <input checked="" type="radio"/> Consent <input type="radio"/> Warrant <input type="radio"/> Open fields	Time out 3:00 pm
Facility representatives Greg Underwood, Tony Matt			Phone	Email gunderwood@twinenviro.com
Local government representatives Scott Cowman - Routt County Env. Hlth.			Phone	Email scowman@co.routt.co.us

### Inspection result:

- ☐ No violations observed
- ☐ Minor violations noted below
- ☐ Minor violations, compliance advisory issued
- ☒ Major violations identified

### Compliance assistance delivered:

- ☒ Yes ☐ No; If yes, describe:  
See Inspection Report

### Apparent violations and requested corrective actions:

See Inspection Report and associated Compliance Advisory

### Inspection type:

- |  |  |
|--|--|
| <input type="radio"/> Complaint                                | <input type="radio"/> Environmental covenant |
| <input checked="" type="radio"/> Routine compliance inspection | <input type="radio"/> File/records review    |
| <input type="radio"/> Compliance assistance visit              | <input type="radio"/> Sampling               |
| <input type="radio"/> Enforcement follow-up                    |  |

Signature of facility representative receiving form:	Lead CDPHE inspector: B. Long
Name of facility official receiving form:	Assisting inspectors: S. Foreman

**COLORADO****Hazardous Materials  
& Waste Management Division**

Department of Public Health &amp; Environment

Inspection date: 5/25/2023Time in: 9:00 amTime out: 3:00 pm**Landfill Inspection Checklist**Facility: Milner Landfill Inspector(s): B. Long; S. Foreman**Landfill**

Functional category	Requirement description	Citation	Violation N/Y/P/NA/NI	Note reference
<b>Record review</b>				
Certificate of Designation	Have a Certificate of Designation (CD) (or approved EDOP for one's own waste)	1.3.3	N	
D and O plan	Closure plan submission	2.5.8	N	
	Closure plan content	3.5.1, 3.5.2, 3.5, 3.5.4	N	
	Operating in accordance with approved design and operation plan	1.3.9, 3.3.2	Y	1
	Post-closure plan submission and content	2.6.1, 3.6	N	
Duty to comply	Compliance with CD conditions	1.3.5	N	
Fees	Solid waste user or annual fees	1.7.3, 1.7.4	N	
Financial assurance	Establish adequate financial assurance	4.6.1	N	
	Annually adjust financial assurance	4.5.1	N	
	5 year revised cost estimate	4.5.3	Y	1
General provisions	Compliance with department issued compliance order	1.9.2	N	
	Compliance with other department rules or local ordinances	2.1.1	N	
	Update waste characterization plans for required disposal prohibitions	16.6	N	
Operating requirements	Compliance with approved waiver conditions	1.5	N	
Personnel training	Develop and implement a training program	2.1.2(B)(3), 3.3.8	N	
Recordkeeping	Maintain operating record with all required elements	2.4, 3.4, 2.1.18(B)	Y	1
Reporting	Submitted construction/quality assurance report	3.2.7, 3.3.3	N	
Waste analysis	Exclude hazardous waste	2.1.2(A)	N	
	Have and follow waste characterization plan	2.1.2(C)(2)	N	
<b>Site review</b>				
Certificate of Designation	Illegal disposal	1.3.3, 30-20-102	N	
Cover	Place adequate cover	2.1.10, 3.3.4	N	
Explosive gas monitoring	Conduct explosive gas monitoring	2.3	N	
General provisions	Motorized and electronic equipment disposal	16	N	
Groundwater monitoring	Compliance with groundwater protection standards	2.1.15	N	
	Implementation of a groundwater monitoring program	2.2	N	
Nuisance conditions control	Adequately fence site and prevent debris from escaping and accumulating	2.1.7	N	
	Control nuisance conditions	2.1.3	Y	1
	No unauthorized burning	2.1.9	N	

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Facility: Milner Landfill Inspector(s): B. Long; S. Foreman

Landfill cont.

Operating requirements	Co-disposal of sludge at the working face	2.1.13	N	
	Ensure adequate cover is available throughout site life	3.3.5	N	
	Ensure adequate water	3.3.6	N	
	Operate leachate collection and removal system, including monitoring for leachate depth on liner	3.2.5(D)	Y	1
	Place waste in most dense volume via compaction or other approved method	2.1.10 (A)	N	
	Restricted unloading area, waste in smallest area, working face size	2.1.10 (B)	N	
	Wind speed monitoring to cease operation during high wind warning	2.1.11	N	
Reporting	Notify the reporting department of a release	2.1.18(A)	N	
Security	Control access and provide site security	2.1.8	N	
Surface water control	Maintain stormwater run-on and run-off control system	2.1.6, 3.2.6	N	
	Prevent ponding of water	2.1.10 (C)	N	
Waste acceptance	Disposal of liquid waste	2.1.14	N	
	Wastewater treatment sludge	2.1.12	N	
	Septic tank pumpings	2.1.12	N	
	Chemical toilets	2.1.12	N	
Water protection	No disposal of waste below or into surface water or groundwater	2.1.17	N	
	Prevent water pollution at or beyond the point of compliance	2.1.4, 2.15	N	

Site-specific Engineering Design and Operations requirements:

Comments and deficiency requests

Note/regulation reference #, request date

1) See Inspection Report and associated Compliance Advisory for apparent deficiencies and compliance assistance items.



## Class III Composting Checklist

Facility: Milner Landfill Inspector(s): B. Long; S. Foreman

Functional category	Requirement description	Citation	Violation N/Y/P/NA/NI	Note reference
<b>Record review</b>				
Certificate of designation	Certificate of designation and records	14.1.1, 14.4.2(C)	N	
	Illegal disposal	1.3.3, 30-20-102	N	
Closure/post-closure	Closure Plan	14.4.7(A)	N	
Construction quality assurance	Construction QA_QC Plan implementation	14.4.4(D)(1)	N	
	Construction QA_QC Report	14.4.4(D)(3)	N	
	No operation prior to department approval	14.4.4(D)(4)	N	
D and O Plan	D and O Plan change	1.3.9	N	
	D and O Plan submission	14.4.2(A)	N	
Duty to comply	Duty to comply	1.3.5, 14.1.5	N	
Fees	Solid waste annual fee	1.7.3	N	
Recordkeeping	Recordkeeping	14.4.6	Y	1
Reporting	Annual reporting	14.4.6(B)	N	
Operating requirements	Approved waivers	1.5	N	
Preparedness and prevention	Contingency Plan	14.4.5(H)	N	
	Fire Protection Plan	14.4.5(I)	N	
	Odor Management Plan	14.4.5(J)	N	
<b>Site review</b>				
Operating requirements	Financial assurance	4.0, 14.4.5(B)	Y	1
	Waste Characterization Plan	14.4.5(C), 2.1.2(C)	N	
	Surface water containment	14.4.4(C)	P	1
	Surface water control	2.1.6, 2.1.10, 14.4.5(D)	P	1
	Access control, perimeter barriers	2.1.8, 14.4.5(E)	N	
	Signage	14.4.5(F)	N	
	Nuisance conditions	2.1.3, 14.4.5(G)	Y	1
	Odor control	14.4.5(J)	N	
	Training	14.4.5(K)	N	
	Processing time and temperature	14.4.5(L)	P	1
	Groundwater monitoring	14.4.5(M), 2.2	N	
	Compost sampling and testing	14.4.5(N)	P	
	Feedstock processing area	14.4.4(B), 14.4.5(O)	Y	1
Waste analysis	Waste analysis and acceptance	2.1.2, 14.1.2	N	
Sampling compost	Sampling finished compost	14.6	N	
Closure	Closure requirements	14.4.7	N	
Post-closure	Post-closure care and maintenance	2.6.1, 14.4.8	N	

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**Site-specific Engineering Design and Operations Plan requirements:**

**Comments and deficiency requests:**

Note/regulation reference #, request date

1) See Inspection Report and associated Compliance Advisory for apparent deficiencies and compliance assistance items.





## Asbestos Waste Disposal and Storage Areas Checklist

Facility: Milner Landfill Inspector(s): B. Long; S. Foreman

Functional category	Requirement description	Citation	Violation N/Y/P/NA/NI	Note reference
<b>General provisions</b>				
Duty to comply	Comply with SW regs Sections 1-3, 5 and WQCD, APCD, and local rules	5.1.1; 5.1.2	N	
Operating requirements	No visible emissions	5.1.3	N	
	Approved waivers	1.5; 5.3.2	N	
<b>Non-friable asbestos waste disposal areas</b>				
Operating requirements	Cover within 24 hours (9" soil or 18" non-asbestos cover); minimize potential for release; no direct compaction	5.2.1	N	
	Waste management with no change in friability	5.2.2	N	
<b>Friable asbestos waste disposal areas</b>				
Records review	Facility approved for disposal	5.3.1	N	
	Recordkeeping	5.3.10	N	
Operating requirements	No disposal within 100 feet of property boundary	5.3.3	N	
	Warning signs posted and fencing installed	5.3.4	N	
	Container and labeling requirements	5.3.5	N	
	Operations to minimize container rupture and prevent emissions	5.3.6	N	
	Cover within 24 hours (9" soil or 18" non-asbestos cover); minimize potential for release; no direct compaction	5.3.7	P	1
	Cover for rigid containers within 72 hours	5.3.8	N	
	Non-rigid container disposal requirements	5.3.9	N	
<b>Storage of asbestos waste</b>				
Operating requirements	Storage in rigid containers and segregated locations	5.4.1	N	
	On-site storage for no more than 20 days	5.4.2	N	
	Warning signs posted	5.4.3	N	

Site-specific Plan/SOP requirements:

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**Comments and deficiency requests:**

Note/regulation reference #, request date

1) See Inspection Report and associated Compliance Advisory for apparent deficiencies and compliance assistance items.



## COLORADO

Hazardous Materials  
& Waste Management Division

Department of Public Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

### POST-INSPECTION PROCESS EXPLANATION

Dated: 5/25/23

The purpose of this attachment to the Compliance Advisory is to explain the post-inspection process used by the Hazardous Materials and Waste Management Division (HMWMD). The Compliance Advisory was issued to you because the HMWMD inspector believes you are in violation of the Colorado Solid Wastes Disposal Sites and Facilities Act, sections 30-20-100.5 through 123, C.R.S. (the Act) or the Act's implementing regulations found at 6 CCR 1007-2.

The HMWMD encourages you to schedule a meeting to discuss the findings listed in the Compliance Advisory. The HMWMD calls these meetings "Compliance Conferences." A Compliance Conference is an opportunity for you to present information to the HMWMD regarding the violations discovered during the inspection of your facility. Without meaning to limit the scope of the Compliance Conference, examples of some topics you might wish to discuss include correction of erroneous or incomplete information supplied to the inspector, evidence or regulatory interpretations arguing that conditions observed by the inspector do not constitute violations, and information regarding progress made by the facility to correct the noted violations. While we encourage you to schedule a Compliance Conference with us, doing so is entirely optional.

The Compliance Conference is also an opportunity for the HMWMD to inform you of any revisions to the Compliance Advisory it may be considering. This might include, for example, adding violations to those already included in the Compliance Advisory, sampling results if any, or subsequent determinations that items noted in the Compliance Advisory are not violations.

If the inspector has not noted a compliance schedule in the Compliance Advisory, the HMWMD may also work with your facility during the Compliance Conference to finalize a schedule to correct any noted violations not already corrected.

Just as the Compliance Advisory and inspection report are part of HMWMD's administrative record of enforcement activities against your facility, the information you supply during the Compliance Conference will be considered as part of the administrative record. In order to preserve information exchanged during the Compliance Conference for the record, an audio recording will be made of the conference. Audio recording also serves the purpose of being a reference regarding commitments made during the Compliance Conference by any party, if needed at a later date. A copy of the audio recording will be provided to you if you so request. If the meeting includes settlement discussions, the HMWMD may decide to stop audio recording, as settlement negotiations are not part of the administrative record.



The HMWMD may determine that a Compliance Order is necessary to resolve the violations noted in the Compliance Advisory, especially where the HMWMD concludes that a penalty is appropriate and/or corrective action (environmental remediation) is necessary. Significant and/or numerous violations are usually resolved in this manner. Although the HMWMD has the authority to issue unilateral orders with penalties, we would prefer to reach agreement with you as to the terms of the order and penalty amount. Negotiating a Compliance Order on Consent, as the agreed-upon orders are called, often takes several months from the time of the Compliance Conference and involves one or more additional meeting(s) depending on the scope of work and complexity of the violations.

The HMWMD is typically represented at the Compliance Conference by the Colorado Attorney General's office, and will be so represented if an Order of any kind is deemed necessary. You may wish to retain an attorney, especially if this enforcement action progresses beyond the Compliance Advisory to an Order. However, you are not required to retain an attorney if you do not wish to do so.

Should you decide to schedule a Compliance Conference or if you have any further questions regarding the Compliance Advisory, please call the inspector named below within 30-days. If you retain legal counsel, he or she may call the Attorney General's Office at (720) 508-6550.

Compliance Officer: Brian Long

Hazardous Materials and Waste Management Division  
Colorado Department of Public Health and Environment  
HMWMD-CP-B2  
4300 Cherry Creek Drive South  
Denver, CO 80246-1530

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