
Twin Milner SUP and CD Amendment 2023

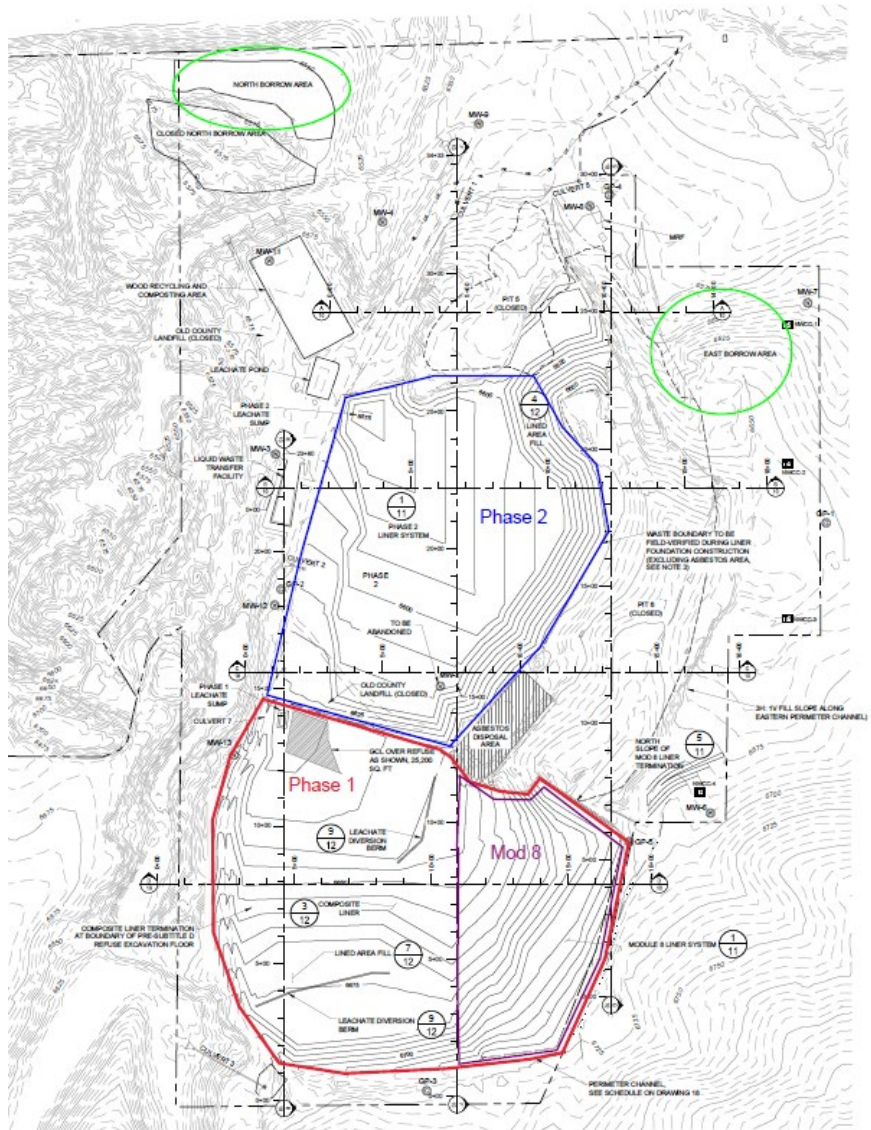
ACTIVITY #:	PL20230104
DECISION DATE:	Planning Commission - April 04, 2024 at 6:00 pm Board of County Commissioners - April 23, 2024 at 9:35 am
PETITIONER:	TWIN LANDFILL CORPORATION
PETITION:	Amendment to the Special Use Permit and Certificate of Designation to account for the addition of Module 8 to the facility Engineering Design and Operations Plan (EDOP)
LEGAL DESCRIPTION:	SW4SE4, TRS IN NE4SW4, NW4SE4, NE4SE4, SE4SW4, SE4SE4, SEC 16-6-86; TRS IN NE4NW4, NW4NE4, NE4NE4, SE4NW4, SW4NE4 SEC 21-6-86. TOTAL: 171.91 AC
LOCATION:	20650 COUNTY ROAD 205, ROUTT, CO 80487 at the end of CR 205, approximately 1 mile southwest of Milner
ZONE DISTRICT:	AF
AREA:	171.90
STAFF CONTACT:	Alan Goldich, agoldich@co.routt.co.us
ATTACHMENTS:	<ul style="list-style-type: none">• Narrative and supplement• Site plan• Final cover plans• Viewshed renderings

Project Description:

The purpose of this application is to permit Module 8 in the southeast portion of the site. Trash is currently being deposited in Modules 6B and 7B, adjacent and immediately west of Module 8. Permitting at this point in time will allow Twin enough time to construct Module 8 so that once room in Modules 6B and 7B is exhausted, they will be able to place trash in Module 8.

The EDOP also contemplates several areas for soil extraction to satisfy the soil requirements for the construction of Module 8 and for general landfill purposes. These are located in the central, northern, and eastern portions of the property.

The landfill is approximately 170 acres. This area includes past, active and future trash deposition areas, the compost facility, liquid waste collection tanks, recycling, vehicle and equipment storage, gravel/clay extraction areas, Milner Mall, and structures associated with the operation of the landfill. A previously developed material extraction area is located in the far northwest portion of the site. Deposition of waste is currently taking place in the southern area of the site in Modules 6B and 7B. Module 8 is immediately to the east of this area.



Under state statute (Solid Waste Act, 30-20-100.5, et seq. C.R.S.), the siting, permitting and regulation of solid waste disposal sites and facilities is an area of **dual jurisdiction**; that is, both the Colorado Department of Health and Environment's (CDPHE) Hazardous Materials and Waste Management Division (HMWMD) and Routt County have assigned roles and responsibilities. The HMWMD Permitting Unit reviews all permit applications for solid waste sites to determine if the proposed facility complies with the regulations pertaining to Solid Waste Sites and Facilities (6 CCR 1007-2, Part 1) and is protective of human health and the environment. It also works with local governing bodies, such as counties, to permit solid waste facilities. The HMWMD Compliance Assurance Unit conducts compliance inspections (site visits and document reviews) at facilities that

manage, treat, recycle, reuse and/or dispose of solid wastes. This unit also investigates complaints alleging mismanagement of solid waste.

The Routt County Department of Environmental Health (RCDEH), and specifically the RCDEH Director, serves as the designated landfill regulator for the County and works closely with the HMWMD to help ensure compliance with the landfill's Engineering, Design, and Operations Plan (EDOP). (Please see the Staff Comments section below for an explanation of the EDOP). Environmental Health oversight responsibility is provided in accordance with state regulations (6 CCR 1014-7) for Core Environmental Health Services promulgated through the Colorado State Board of Health. The County plays a very important oversight role in the regulation of the landfill because the closest inspector for CDPHE is in Denver. The County can respond much more quickly and frequently to ensure that operational issues do not rise to the same level that have been experienced in the past.

Routt County issues a **Certificate of Designation (CD)** authorizing use of land for a solid waste disposal site or facility. The CD contains approved landfill uses within a specific boundary and can only be issued by the County once the State has determined that the minimum standards per State regulations can be met. Upon approval of the Board of County Commissioners, Routt County issues a **Special Use Permit (SUP)**, with conditions, that allows a landfill to utilize a parcel of land for waste disposal. RCDEH and the County Planning Department work closely to ensure compliance with conditions of the SUP. Both the CD and SUP include approved boundaries for which landfill activities may take place.

History:

The Milner Landfill has been used as a landfill since 1970. Prior to that, the public disposed of waste in pits that were left following pre-law surface mining (before reclamation requirements for surface mines went into effect). The first CD was issued by Routt County in 1977. Routt County hired contractors to operate the landfill before eventually turning over operations and ownership to Les Liman who continues to own and operate the facility. He also owns and operates a trash and single stream recyclables hauling operation (Twin Environmental or Twin). The first SUP was issued in 1984 with amendments to the permit throughout the years.

In the spring of 2016, the HMWMD, along with County officials, conducted an inspection of the site. Multiple violations of state statute, HMWMD regulations, and the EDOP were documented. The inspection resulted in a Compliance Advisory and then a Consent Order (Order) from the state that contained deadlines to address the deficiencies and violations. In the spring on 2017 another inspection by representatives of the State was conducted and additional violations were identified. A Compliance Advisory was issued based on this inspection as well. Twin worked with CDPHE to revise and update their EDOP, which was approved by HMWMD in December 2020. The County participated in the review of this document.

The current SUP allows for the below listed uses. Please see condition of approval #10 for a comprehensive and complete list of uses approved for the site.

- Landfill Uses
- Recycling Uses
- Waste Transport
- Special Events Uses
- Multiple Structures

Compliance Issues:

Staff conducts quarterly inspections in addition to the State's annual inspections. Staff's inspections usually reveal minor issues that are quickly remedied. Unfortunately staff was not able to conduct an inspection prior to the publishing of this report. A site visit will occur prior to the hearing and an update will be provided then.

Compliance Advisories

As part of the application submittal, staff required that all outstanding Compliance Advisories and Consent Orders issue by the state be provided. A Compliance Advisory was issued on September 20, 2023 following an inspection that occurred on May 25, 2023. There are currently no Consent Orders. Deficiencies identified in the Compliance Advisory relate to:

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). **Staff comment: This is a persistent issue. Photos submitted by Twin on September 28, 2023 shows the area had been cleaned up and was confirmed by staff during our October 6, 2023 inspection.**
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. **Staff comment: This issue was observed to be remedied during staff's inspection on October 6, 2023.**
3. At the time of the inspection, no records were available for inspection related to the composting operations at the Facility. **Staff comment: Records were not submitted to Routt County within the timeframe detailed in the Compliance Advisory. This information has been submitted to the State. As part of this review, staff ensured that all required reports and/or records had been submitted.**
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. **Staff comment: Twin has proposed actions to prevent this situation from occurring, and this is an item that will be addressed by CDPHE through their review of the amended EDOP. Additional information relating to this was submitted to CDPHE on March 22, 2024.**
5. The five-year cost estimate update to the Facility's financial assurance was due in September of 2022. The five-year update is now overdue. **Staff comment: This was submitted on January 17, 2024.**
6. The Department had not received the Liquid Waste Transfer Unit Annual Report for 2022. **Staff comment: This was submitted on September 14, 2023. The report for 2023 is due February 28, 2024 and was submitted on that date.**

Staff Comments:

1. An EDOP is required for all landfill operations. It specifies how the landfill will be operated and how it will be closed. This document is reviewed by CDPHE HMWMD for compliance with state laws and regulations. The State has not finished their review of this application, however the applicant wanted to get in front of the decision makers to find out if the proposed final height of the landfill is acceptable. Staff is requesting that Planning Commission provide feedback on the proposal but table the application pending the State's comments. Staff has not identified any issues and, pending a positive recommendation from the State, will be recommending approval, however state statute prevents the County from approving an application until it has been reviewed by the State. A recommended motion has been provided at the bottom of page 10.
2. The most recent CD obtained by Twin was in 2022. CDPHE recommends that whenever any type of landfill expansion occurs, either vertically or horizontally, that a new CD be approved and issued.

3. Most of the documents associated with this operation, including the EDOP and the State's Compliance Advisory, are quite extensive. All documents in their full form are available on the County's [permit portal](#).
4. In June of 2021, the County, along with all of the municipalities, adopted the Routt County Climate Action Plan (CAP). This plan is the framework for achieving sustainability goals in the County. It states, *"Rather than setting a lofty goal and working backwards to identify strategies needed to meet the goal, this CAP identifies attainable strategies, actions, and tactics accessible to various stakeholders and partners, that together create a clear roadmap for reducing emissions from different sectors (e.g., energy, transportation, waste, etc.)."* There are several tasks within the CAP that can be accomplished through land use reviews. Review of the landfill against these actions is especially important due to the emphasis the CAP puts on waste reduction and diversion. Please see the CAP section in the body of the report for those policies that are applicable to this application.
5. Although the Master Plan has been updated since this use was last approved, the policies did not change to a degree that would preclude this use. As such, this application has not been reviewed against the new policies in the Master Plan. Staff's review of this application is limited to the following:
 - a. Compliance with the current SUP, which includes any Compliance Advisories
 - b. Existing issues
 - c. Impacts created by the vertical and lateral expansion of the landfill, as well as associated activities

Staff Recommendation

Staff recommends that feedback on the proposed final height of the landfill be provided and that the application be **TABLED** until the State has provided a recommendation on compliance with state solid waste regulations, but allow the application to move onto the Board of County Commissioner for review and comment.

*****Issues for Discussion*****

1. Based on the information submitted and through staff's review of the application, it has been determined that the vertical expansion of the landfill will be seen from Milner and the Highway 40 viewshed and will protrude above the ridge that backdrops the landfill. Does Planning Commission have concerns with the vertical expansion?
2. Condition of approval #26 has been included to mitigate any visual impacts of ongoing operations that are visible from Milner and the Highway 40 viewshed. Does Planning Commission want to see a berm constructed on the north/northeast side of Module 8 to further protect views from Highway 40 and Milner?
3. Construction drawings for the development of the borrow areas have not been submitted. Is Planning Commission comfortable with not seeing construction drawings for the development of these areas prior to making a decision on the application and relying on staff to ensure the development plans comply with the applicable standards?

Compliance with the Routt County Master Plan, Sub Area Plans and Zoning Resolution

The Routt County Master Plan, Sub Area plans and Zoning Regulations contain dozens of policies and regulations regarding land use. Section 5 of the Regulations are designed to limit or eliminate conditions that could negatively impact the environment and/or use of surrounding properties, and

shall apply in all Zone Districts and to all land uses unless otherwise noted. Section 6 Regulations apply to all Minor, Administrative, Conditional or Special Uses allowed by permit only, PUD plans, Site plans, and Subdivisions.

The following checklist was developed by Planning Staff to highlight the policies and regulations most directly applicable to this petition. The checklist is divided into seven (7) major categories:

1. Climate Action Plan
2. Mining and Related Uses Regulations and Standards
3. Community Character and Visual Impacts/Roads
4. Natural Environment

Interested parties are encouraged to review the Master Plan, Sub Area plans and Zoning Regulations to determine if there are other policies and regulations that may be applicable to the review of this petition.

Staff Comments are included at the end of each section, highlighting items about which the public, referral agencies, or planning staff have expressed questions and/or comments regarding the proposal. **Staff comments regarding compliance with regulations and policies are noted in bold below.**

1. Climate Action Plan

- WS1 A2 Develop or expand community-wide organics recycling programs, infrastructure and facilities. Work towards making composting equally accessible throughout the community.
- WS1 A3 Incentivize and encourage local government and businesses to develop, adopt and implement waste management plans that increase waste diversion.
- WS1 A5 Develop a county-wide approach to waste management, data collection, and reporting.
T1 Conduct a county-wide study to determine material volume and fate
T2 Develop a county-wide solid waste management plan based on data from the study to increase waste diversion and efficiencies
- WS1 A6 Develop or participate in a regional coalition that enhances the community's ability to address waste management targets.
- WS1 A7 Develop a construction and demolition diversion program.
- WS2 A2 Ensure that residents, businesses, and organizations have access to affordable recycling in order to reduce their waste footprint.
- WS2 A3 Perform a comprehensive recycling study and develop specific plans for community recycling.
T3 Audit waste streams to identify and track contamination and volume of recyclable materials

Staff comments: Compilation of data is a critical step in order to determine what types of actions need to be taken to reduce and divert waste from going into the landfill. Staff has suggested several conditions that would require the landfill to report on the amount and make up of waste that is being placed in the landfill and what is being diverted from it. There are other elements of the CAP that, although not specifically addressable through the review of this permit, will require cooperation between the County and Twin to implement the the actions necessary to achieve the goals.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

2. Mining and Related Uses Regulations and Standards

Applicable Regulations – Routt County Zoning Resolution

- 9.2.A Shall be compatible with surrounding agricultural, residential, and recreational land uses by selection of location and/or mitigation.
- 9.2.B The proposed operation will be located a sufficient distance from other mining operations so as not to create cumulative impacts to roads, air and water quality, or other resources and amenities. The Planning Commission and the Board of Commissioners will determine sufficiency of distance.
- 9.2.C Equipment used for the operation will not be visible from adjacent or surrounding residences, or will be mitigated to the extent possible to reduce visual impacts. Planning Commission and/or the Board of County Commissioners will determine sufficiency of mitigation.
- 9.2.D Shall be operated such that noise generated by the use does not exceed State of Colorado residential noise standards within 150 feet of any residence.
- 9.2.F Truck traffic will not access the mining operation through residential or commercial areas, or such traffic will be mitigated. Planning Commission and/or the Board of County Commissioners will determine sufficiency of mitigation.
- 9.2.H Unless all disturbance created by the mining operation is covered by a reclamation bond under jurisdiction of the Colorado Division of Minerals and Geology, or by the federal government on federally owned lands, a bond or other acceptable financial performance guarantee shall be submitted in favor of Routt County in an amount of at least 150 percent of the cost of restoration of the site and access roads. The required amount of such financial performance guarantees may be increased at the discretion of the Planning Director to account for inflation. A bid for site restoration acceptable to the permittee and Routt County shall be submitted to the Planning Department as evidence of the cost of reclamation for bond setting purposes.

Staff comments: The above standards are those that are applicable to this operation. There are several borrow areas that have been approved in the past and several that are contemplated to be used in the future (east borrow area and north borrow area). Because of the previous approval of an extraction operation and the nature of a landfill, mining of material for use on site is compatible with surrounding land uses. There are no other extraction operations in the area and since the material is for on-site use only, the impacts of this operation would be less than if material were to be brought in from off-site. Staff will provide an update at the hearing on whether the east borrow area will be visible from Highway 40 or Milner. There are no residential uses in the area so no noise or traffic impacts are anticipated from the mining operation. Construction drawings for the mining of this material have not been submitted. Staff does not have any concerns with the extraction of material, however visual impacts and environmental concerns cannot be fully evaluated until those drawings are submitted. Condition of approval #36 requires the landfill to submit drawings prior to the development of that area to ensure there are no significant negative impacts that cannot be mitigated.

***Is the application in compliance with the Policies and Regulation outlined above? Yes or No*

3. Community Character and Visual Concerns

Applicable Regulations – Routt County Zoning Resolution

6.1.7.G Visual Amenities and Scenic Qualities.

Applicable Policies – Routt County Master Plan

5.3.F Routt County will continue to consider the impacts of development and uses on view corridors, water, wetland, and air.

Applicable Regulations – Routt County Zoning Resolution

6.9 Applicable Regulations – Routt County Zoning Resolution

- D. Plan reclamation to create an aesthetically pleasing site or reclaimed area that will blend with or improve upon the surrounding areas through careful grading and the use of appropriate native species for revegetation.
- E.4 Proposed landscaping, screening, fencing and other visual impact mitigation shall be approved by the Planning Director, Planning Commission or Board of County Commissioners prior to operation.
- E.5 Plan reclamation to create an aesthetically pleasing site or reclaimed area that will blend with or improve upon the surrounding areas through careful grading and the use of appropriate native species for revegetation.
- E.6 Berms must be contoured to a slope conducive to establishing vegetative cover.

Staff comments: The vertical and lateral expansion of the landfill will create visual impacts. The currently approved final landfill elevation will be visible from Milner and Highway 40, however it will not protrude above ridgelines to the south. The proposed expansion will increase the height of the landfill and will protrude above the ridges that backdrop it to the south. The final look of the landfill, once completed, will be a vegetated hill which will blend in with the surrounding landscape and will not look out of place on the landscape. While trash is being deposited there will be some impacts. Condition of approval #26 is included to mitigate this issue. It requires the landfill, once the working face reaches an elevation that is visible from Milner and Highway 40, to start depositing trash in the northern portion of the module and work towards the south, thereby blocking views of the working face from Milner and Highway 40. They will also be placing 6" of interim soil cover on the outer slopes and then seeding them to reduce impacts. Previous approvals have required the landfill to construct a 10'-12' berm on the north/northeast end of the of each lift and deposit trash behind this berm.

Although some visual impacts will be created from the increase in height, they will not be significantly more than what has already been approved. The alternative would be to require the proposed final grades of the landfill to be lowered to reduce the visual impact. Although this is an option, it is not one that is supported by staff. Reducing the final height of the landfill will result in less air space to deposit trash resulting in the need to permit and construct a new landfill sooner than if the proposed elevations are approved. Staff is

supporting the proposed final elevation since the final appearance will look like a vegetated hillside, and it will postpone the need to construct a new landfill.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

4. Natural Environment

Applicable Regulations – Routt County Zoning Resolution

6.1.7.E Water Quality and Quantity

6.1.7.F Air Quality.

6.1.7.Q Noxious Weeds.

Staff comments: The County has consistently identified issues with the stormwater management on the site that could impact water quality. The landfill possesses a stormwater discharge permit from the State which requires testing of discharged water. Staff is unaware of any issues concerning compliance with this permit. The landfill has come a long way since the stormwater issues were identified in 2016. Continuing oversight, which involves quarterly inspections, will help to keep these issues to a minimum.

As long as the landfill complies with the conditions of their air quality permit, there should not be impacts to air quality. A condition requiring annual reporting of the inventory of weeds on site and the control measures employed is currently required and is suggested to remain.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

5. Roads, Transportation, and Site Design

Applicable Zoning Regulations

6.1.4 Public Road Use Performance Standards: The proposal shall comply with the Public Road Use Performance Standards in Section 6.2 of these Regulations.

6.1 General Approval Standards

7.A Public Roads, Services and Infrastructure

7.B Road Capacity, traffic, and traffic safety

6.2 Public Road Use Performance Standards

4.B Projects shall mitigate their impacts to public roads such that all public roads used for access to a project or development will remain in as good as or better than existing condition.

4.D Payment of impact fees, ton-mile fees, up-front road improvement fees, or other fees may be required by the Board of County Commissioners for projects to offset costs for public road improvements and maintenance due to the proposed uses.

4.E Requirements for repairs, upgrades, development, and maintenance of public roads may be included as a condition of any Land Use Approval. Such roadwork will be at the proponent's expense, unless otherwise determined by the Board of County Commissioners.

- 4.H Routt County has the authority to close any county road for up to 60 days and/or establish weight limits at its discretion if such road surface is in poor condition and would be further damaged by additional use.
- 4.T Routt County roads shall not be completely blocked at any time. Traffic shall be directed by use of adequate signage and flaggers if necessary, according to standards of the Manual on Uniform Traffic Control Devices.

Staff comments: The landfill currently pays a tipping fee that helps offset maintenance costs of CR 205 and the bridge over the river. R&B responded that they don't have any concerns with the application and that the conditions of approval are adequate to protect the county road.

PLANNING COMMISSION / BOARD OF COUNTY COMMISSIONERS OPTIONS:

1. **Approve the Special Use Permit request without conditions** if it is determined that the petition will not adversely affect the public health, safety, and welfare and the proposed use is compatible with the immediately adjacent and nearby neighborhood properties and uses and the proposal is in compliance with the Routt County Zoning Regulations and complies with the guidelines of the Routt County Master Plan.
2. **Deny the Special Use Permit request** if it is determined that the petition will adversely affect the public health, safety, and welfare and/or the proposed use is not compatible with the immediately adjacent and nearby neighborhood properties and uses and/or the proposed use is not in compliance with the Routt County Zoning Regulations and/or the Routt County Master Plan. Make specific findings of fact, citing specific regulations or policies by number from the Routt County Master Plan and the Routt County Zoning Regulations.
3. **Table the Special Use Permit request** if additional information is required to fully evaluate the petition. Give specific direction to the petitioner and staff.
4. **Approve the Special Use Permit request with conditions and/or performance standards** if it is determined that certain conditions and/or performance standards are necessary to ensure public, health, safety, and welfare and/or make the use compatible with immediately adjacent and neighborhood properties and uses and/or bring the proposal into compliance with the Routt County Zoning Regulations and Routt County Master Plan.

Recommended Motion:

I move to table Twin Landfill Corporation's application to amend Special Use Permit PL20210002 and the Certificate of Designation until the Colorado Department of Health and Environment's Hazardous Materials and Waste Management Division has provided a recommendation on whether the proposed Engineer, Design, and Operations Plan complies with State regulations and requirements.

FINDINGS OF FACT that may be appropriate if the Special Use Permit is approved:

1. The proposal, with the following conditions, meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, 6 and 9 of the Routt County Zoning Regulations.

CONDITIONS that may be appropriate may include the following. New conditions or language is bolded. Conditions or language proposed to be removed has a ~~strike~~ through it.

General Conditions:

1. The Special Use Permit (SUP) is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 4, 5, 6, and 9.
2. Any complaints or concerns that may arise from this operation may be cause for review of the SUP, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
3. In the event that Routt County commences an action to enforce or interpret this SUP, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
4. Fuel, flammable materials, and any other materials classified as hazardous shall be stored in a safe and secure area in accordance with federal and state requirements.
5. Prior to the issuance of the permit, the Permittee shall provide evidence of liability insurance in compliance with the County's Insurance and Surety Requirements policy, then in effect. The certificate of insurance shall include all permit numbers associated with the activity and Routt County shall be named as an additional insured. Permittee shall notify the Routt County Planning Department of any claims made against the policy.
6. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director following internal review, without public notice.
7. Transfer of this SUP may occur only after a statement has been filed with the Planning Director by the transferee guaranteeing that they will comply with the terms and conditions of the permit. If transferee is not the landowner of the permitted area, transferee shall submit written consent for the transfer by the landowner. Failure to receive approval for the transfer shall constitute sufficient cause for revocation of the permit if the subject property is transferred. Bonds, insurance certificates or other security required in the permit shall also be filed with the Planning Director by the transferee to assure the work will be completed as specified. Any proposal to change the terms and conditions of a permit shall require a new permit.
8. The Permittee shall prevent the spread of weeds to surrounding lands and comply with the most current version of the Colorado Noxious Weed Act and Routt County regulations for noxious weeds. A Noxious Weed Control Plan shall be developed by the Permittee and reviewed and approved by the County Weed Supervisor prior to issuance of the Special Use Permit.

Specific Conditions:

9. The SUP is valid for five years. If no major issues have been identified in the three inspections preceding the expiration of this permit and there are no substantial changes to the EDOP or uses, this permit may be administratively renewed according to Section 3.2.1 of the Zoning Regulations for an additional 5 years.

10. The SUP is limited to uses and facilities presented in the approved project plan, including the uses and structures listed below. Any additional uses or facilities that are not considered accessory to a landfill and waste hauling business, recycling, waste transport, or special event supply must be applied for in a new or amended application. Facilities and uses shown or described in narrative (August 9, 2021) or on site uses and sup boundary map (September 2021) or within EDOP (December 2020).

Landfill Uses:

- Solid waste disposal (does not include hazardous waste)
- Liquid waste storage and transfer (does not include hazardous waste)
- Exploration and Production waste (solid waste disposal and liquid waste storage and transfer)
- Friable and non-friable asbestos disposal
- Clay, topsoil, and gravel extraction for onsite landfill use only
- Leachate management, including existing evaporation pond
- Fuel storage and fueling operations for onsite vehicles and equipment
- Storage of topsoil
- Onsite equipment and vehicle use, repair and storage
- Tire shred usage for drainage

Recycling Uses:

- Composting operations:
 - food waste storage and processing
 - bio-solid storage and processing
 - finished compost storage
- Storage and sale of reusable construction and demolition (C&D) waste (Milner Mall)
- Material Recovery Facility (MRF) recycling operations
- Electronics storage and transport
- Steel & building material storage
- Scrap metal storage
- Waste tire storage in accordance with state regulations; tire shred storage and use
- Organics storage and processing area (green waste)

Waste Transport

- Waste hauling and associated maintenance and vehicle storage
- Waste and recycling container storage and maintenance
- Fuel storage and fueling operations for on-road vehicles

Special Events Uses:

- Portable Toilets
- Tents & event equipment
- Waste and Recycling Containers

Structures

- Office and scale house
- Material Recovery Facility (MRF/recycling facility)
- Container repair shop next to MRF
- Reusable C&D materials storage sheds (Home Resource Center/Milner Mall)

- Leachate holding tank
 - Liquid waste storage tanks
 - Shop (adjacent to liquid waste storage area)
11. This permit is contingent upon the acquisition of and compliance with all applicable permits. The operation shall comply with all federal, state, and local laws, including the Regulations Pertaining to Solid Waste Disposal Sites and Facilities set forth by the Colorado Department of Public Health and Environment. Any upset condition that is reportable to a permitting agency shall require notification to the Routt County Planning Department.
 12. The Engineering, Design, and Operation Plan (EDOP) dated December 4, 2020, as amended is hereby incorporated into this SUP. Operation of the landfill shall proceed in accordance with this plan.
 13. The Permittee shall communicate any contemplated amendments to the EDOP to County staff. EDOP and SUP amendments will be reviewed by Routt County Environmental Health and Planning Department staff to determine if a formal review will be required. Such review by staff will consider the scope of changes and impact to surrounding lands.
 14. The operation will be reviewed annually by Routt County Planning or Environmental Health Department staff to ensure compliance with permit conditions, with recommendations to Planning Commission and Board of County Commissioners, as appropriate. Inspections may be conducted quarterly without notice to the Permittee. Inspections may include observation of all aspects of the operation.
 15. Routt County Environmental Health officials may take split-samples from the wells during the spring or fall sampling events or surface water based on the agreed upon protocol:
 - a. Compliance Manager or designee of Twin shall be notified 24-hours in advance and be present at time of sampling.
 - b. Location of sample shall be identified by Routt County Environmental Health (RCEH).

Roads

16. Permittee shall be responsible for any additional winter maintenance and other regular road maintenance above and beyond that normally conducted by the Public Works Department on County Road 205 during the life of the operations and shall obtain applicable Grading and Excavating, Work in the Right of Way, and Snow Removal permits. Routt County shall meet with the permittee periodically to assess necessary maintenance resulting from use of the road. Additional maintenance shall be determined by the Routt County Public Works Department in its sole discretion and at permittee's expense. Maintenance may include, but is not limited to, grading and graveling of roadways, restoration of roadway crown, sweeping or cleaning access points, soft spot/damage repair and application of a dust palliative as approved by the Routt County Public Works Director

17. Routt County has the authority to close any county road at its sole discretion if damage to the road may occur by its use. To the extent that a road closure may affect permittee's operations, Routt County will cooperate with Permittee to allow operation to be continued in a safe and practical manner, with reasonable advance notice to the Permittee.

Reporting

18. All annual submittals shall be submitted to the Routt County designee at annualreports@co.routt.co.us.
19. All regular reports required by a permitting agency shall be submitted to the Routt County designee. Such reports include:
- Annual Liquid Waste Transfer Unit Report
 - Annual WQCD Report
 - Annual Biosolids Report
 - Annual Compost Report
 - Annual Recycling Report (recycle volumes)
 - Semi-annual Air Quality (Title 5) Permit Report(s) which contains
 - Annual Emission Calculation
 - Annual Non-Methane Organic Carbon
 - Annual Greenhouse Gas Calculation
 - Tier 2 Report(s)
 - Semi-annual Groundwater Monitoring Reports
 - Semi-annual Leachate Management Reports
 - Quarterly Gas Monitoring Reports
 - Quarterly Volume/tons Report
20. The landfill shall provide quarterly reporting on types and volumes of diverted waste including construction and demolition waste, plastics, glass, cardboard, paper, metal/steel, bio-solids (and other compostable waste), and liquid waste. Separated waste (contamination) of single stream recyclables shall be included in the disposal fee calculations. Reports shall be submitted at the same time as the disposal fee calculations.
21. The landfill shall provide yearly reports on the volume of E&P waste that is accepted with the quarterly disposal fee calculations that are provided.
22. Permittee shall submit an annual report prior to December 31 of each year to document all weed control measures undertaken, including herbicides used, rates of application, and total gallons of mixed herbicide solution applied.
23. Permittee shall conduct an annual inventory of weeds on site each spring including but not limited to species identification and map locations. Inventory shall be submitted to Routt County Weed Program (RCWP) supervisor within 30 days of conducting the survey.
24. Data shall be submitted annually that calculates landfill air space consumed during the previous 12 months. All data shall be submitted to the Routt County Environmental Health Department by October 31st.

25. Permittee shall allow the County to conduct aerial surveys to calculate the amount of air space that was consumed. The County shall provide the permittee with 2 weeks advanced notice of such survey.

Visual Mitigation

26. **Twin shall operate in a manner to mitigate visual impact of Mod 8 as much as feasibly and operationally possible. Once the elevation reaches a point that is visible from Highway 40, deposition of refuse shall begin at the northern end and proceed south. Interim cover shall be placed on external slopes as soon as practicable to limit exposed refuse on the northern slopes facing Highway 40. Twin shall seed and revegetate areas of visible interim cover that are left unused for longer than six months.**
27. A screening plan shall be developed **and employed** by the Permittee to shield the portable toilet storage area. Such screening plan shall be approved by the Planning Director.
28. Lighting shall be downcast and opaquely shielded. All exterior lighting shall be turned off between 8:00 p.m., or when the maintenance building is not in use, whichever is earlier, and 7:00 a.m. Necessary motion-sensitive, safety, and/or security lighting is excluded.
29. There shall be no exterior lighting at the above ground leachate holding tank except necessary, motion-sensitive, safety and/or security lighting.
30. All new structures shall be painted a neutral color.

Miscellaneous

31. At the Material Recovery Facility, all loose materials salvaged for recycling shall be contained within the recycling building. Recycled materials may be stored outdoors if baled, stored in bins, or other designated storage areas. Glass shall be contained within a cement block enclosure or similar containment area.
32. Public access to the Milner Mall shall only occur during daylight hours. The hours of operation of other landfill activities shall be in accordance with the EDOP.
33. ~~Prior to issuance, an Acknowledgement of Merger of Title shall be recorded merging parcel 938211002 with parcel 938164001.~~
34. ~~The septic vaults at the shop and office building shall be brought into conformance with Routt County regulations by October 30, 2022.~~
35. Any clay, gravel, or similar construction materials used in the operation of the landfill brought onsite from another parcel **(including the parcel owned by Les Liman immediately to the west)** shall be from a County approved source (if under the jurisdiction of Routt County), within the SUP boundary, or through the acceptance of solid waste. If obtained from within the SUP boundary, applicant will communicate with the County the planned operations.
36. **At least 30 days prior to start of mining the borrow areas, Twin shall submit acceptable drawings depicting the planned borrow areas for obtaining earthen materials for use in construction of the landfill. The drawings shall show existing and proposed final grading contours, stormwater control measures and**

mitigation plans. If impacts that cannot be mitigated are identified, modification of the mine plan will be required

37. Phase 2 design revisions shall be submitted to CDPHE and Routt County for review and approval at least five years in advance of planned initiation of liner construction in Phase 2.



December 11, 2023

Alan Goldich
Routt County Planning Department

REF: Revised Milner Landfill EDOP, Special Use Permit and Certificate of Designation Amendment

Alan,

Twin Enviro is hereby submitting the attached revision to Milner Landfill's EDOP, which was last revised and approved in December of 2020. This revision includes the engineering for Mod 8, which Mike Pretti has previously delivered to the Colorado Department of Public Health and Environment (CDPHE). The EDOP file is being transmitted on the attached thumb drive, due to the file size exceeding email capacity.

As you are aware, Twin is keenly interested in getting Mod 8 permitted and we hope that issue can be addressed as a priority. The excavation work on Mod 8 is complete, and we will have time in the spring to address any design changes and then proceed to construction. I intend to request construction documents from Mike after we receive your comments. If I work backwards on a timeline it would look as follows:

August 2024 – Begin laying fluff layer on Mod 8
July - 2024 – Lay synthetic liner
June 1, 2024 - Lay clay liner
May 2024 - Modifications to cell design
Feb – March - Permitting of Mod 8

As indicated in my letter of August 24, 2023 to CDPHE that you were copied on, the above schedule provides one year of cushion at Milner landfill before air space is jeopardized.

We ask that you also forward this to the CDPHE as part of the SUP and CD amendment process, in a timely fashion to meet the above intended construction schedule.



Please reach out to discuss any comments you may have.

Marlin Mullet

CC: Sarah Foreman, CDPHE
Mike Petti, SMA
Rebecca Lindeman, PE, Jardon Engineering & Inspections



February 29, 2024

Alan Goldich
Scott Cowman
Routt County Planning & Environmental Health
Transmitted via email

RE: Response to Comments: Planning Review Comments, Twin Milner SUP and CD Amendment 2023 at 20650
County Road 205, Routt, CO 80487

Dear Scott,

Twin Enviro Services (Twin) is transmitting these responses to comments for the Special Use Permit amendment related to the addition of Modula8 to the facility Engineering Design and Operations Plan (EDOP, draft 2023) at the Milner landfill. Comments were received from the County on January 23 and a follow up meeting was held on February 14, 2024. Twin has prepared this RTC document based on our discussions during and outcomes from our meeting. City comments are presented first, followed by our responses in *italics*.

Planning & Environmental Health Review (Reviewed By: Alan Goldich and Scott Cowman)

1. There are several reports that Routt County does not have a record of. These include the annual compost report, the semi-annual groundwater monitoring reports for 2023, report of measures taken to control weeds, the semi-annual leachate management report for the second half of 2023, and the annual liquid waste transfer unit report for 2024. The County understands that the deadline to submit the leachate report is January 30, 2024 and the liquid waste transfer unit report is due February 28, 2024. Please submit all of the outstanding reports and be sure to submit the upcoming reports on time.
The requested documents have been provided within the regulatory deadlines.
2. The submitted Appendices A or X did not have any tracked changes. Is this accurate?
The CQAP in Appendix A is a new document, therefore a redline was not provided as the previous version was not utilized. Appendix X is the facility HASP, which remains unchanged. Contract(s) performing cell construction or capping activities will provide their own HASP specific to those activities.
3. In the past there have been issues with the amount of room necessary to effectively manage the compost operation. This was evident when compost that had not met testing requirements had been moved off site and material on the compost pad had been pushed over the containment berm as noted in the Compliance Advisory dated September 28, 2023. The revised Appendix H states that there will be a 50% increase in the amount of in process material on the pad (from 10,000 cubic yards to 15,000 cubic yards). With the space issues that have occurred in the past, how does the landfill justify being able to

increase the amount stored on the pad by 50%?

The total volume of biosolids received and the volume of compost generated remains unchanged for Twin moving forward. The updated volume reflects in-process material only, which is stored on the designated compost pad. The cited compliance advisory was satisfactorily resolved with CDPHE, with the incident related to snowplowing as opposed to pad storage capacity.

During our meeting, Twin described that the volume listed in the updated EDOP was an estimate, based on visual evaluation of the operations, not based on throughput. Staff requested that Twin provide capacity of the pad for in-process materials. Using conservative estimates for pile dimensions and spacing, the pad capacity appears to be closer to 13,000 CY for in-process materials. Twin will modify the EDOP to reflect 10,000-13,000 CY of in process material. Note that Twin only processes in total approximately 400 to 500 dry metric tons of biosolids per year. The pad capacity is sufficient to manage proper processing and sampling of in process materials.

4. Appendix S contains a summary of the drainage calculations. The EDOP mentions changes to some of those calculations. Do these changes warrant a revision to the calculations contained in Appendix S?

Appendix S contains the miscellaneous calculations, including airspace, which were updated with the 2023 EDOP. Appendix E contains the stormwater calculations, which were also updated for Mod 8. The additional calculations for Mod 8 start on page 361 of the EDOP pdf document.

5. In section 4.3 (Soil Requirements and Availability) there is a statement that "Mr. Liman has granted permission for soil on this parcel to be used for site operations." This is not an approved use. Either this statement needs to be removed from the EDOP, or a statement needs to be added that soil on this parcel is only available after all required permits have been applied for and obtained.

This language has been stricken from the referenced EDOP section.

6. Section 4.7.9 (Visual Impact Control) is woefully inadequate and not accurate. A full revision to this section that explains the visual impacts that the current and proposed operations have must be completed.

Twin did not intend to be remiss relative to the carry-over wording from the 2020 EDOP. Since the visual assessment was provided to the county concurrent with the revised EDOP, Twin was awaiting comments from the County on visual impact. See response to #7 below.

7. Staff does not have concerns with the visual impact that the lateral and vertical expansion will create as long as it is operated in a specific manner. The County will require that once the elevation of Mod 8 reaches a point that it is visible from Highway 40 and/or Milner that deposition of trash start at the northern end and proceed south. A condition of approval has previously been placed on the landfill that addresses this specific issue (although it has been removed because it was no longer warranted. This condition reads, "Landfill dumping area/working face and associated equipment shall be substantially screened from Highway 40. Screening berms will be constructed by placing a narrow, 10- to 12-foot high refuse lift at the north end of a given waste lift and perpendicular to the line of sight being screened. Interim cover will be placed on the berm as the berm is constructed so that the exposed refuse is minimal. The refuse lift will then be constructed behind the berm with the working face typically facing south away from visual corridors. Screening berms, interim slopes, and final slopes visible from Highway 40 shall be revegetated as soon as possible. If revegetation does not adequately mitigate visual impacts after six months, the Planning Director may require additional seeding and/or the use of temporary irrigation." Staff would like to discuss the specific wording of this condition so that agreeable language can be sent to the decision makers.

Twin will operate in a manner with the intent to mitigate visual impact of Mod 8 as much as feasibly and

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Milner Landfill • 20650 RCR 205 • Steamboat Springs, CO • 80487

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operationally possible. Beginning in 2023 Twin implemented a tarp system as an alternative daily cover. The tarp and the condition of a minimum of 6-inches of soil applied around the outside areas has proven to eliminate visibility of refuse on the active working landfill area outside of operating hours. Twin plans to continue using the effective system. Once the elevation reaches a point that is visible from Highway 40, deposition of refuse will operate beginning from the northern end and proceed south. Interim cover will be placed on external slopes as soon as practicable to limit exposed refuse on the northern slopes facing Highway 40. Twin will seed and revegetate areas of northern, visible interim cover that are left unused for an extended period of time when reasonably possible. Revegetation of northern, visible slopes may include but is not limited to the incorporation or addition of a growth medium or amended soil into the interim cover.

8. Please provide a timeline for when the different borrow areas will be developed to satisfy the soil needs for liner construction and ongoing operations. Please provide an estimate on the amount of soil and/or gravel that will need to be imported and a timeline for when that will occur. Also, there are conflicting references to the northern borrow area. Some references state that it is active and others say it is closed. Please clarify the status and use of the northern borrow area.

Mod 8 is the next phase of work that will require mining of the onsite borrow area(s). Twin has previously completed extensive borrow area studies onsite of the east and north borrow areas as well as the current borrow area just south of the Horseshoe (Doug's Drainage). It is Twin's intent to borrow clay from onsite sources for construction of the Mod 8 liner system. The attached Figure provides approximate clay soil availability from the East and North borrow areas. Calculations of available clay are based off of Golder's borrow studies and test pits completed by NWCC. There should be no additional truck traffic to the landfill for the clay material.

9. It appears that the east borrow area will be developed soon. Please provide plans for how that area will be mined, including plans to mitigate views and how the stormwater will be managed. *Grading plans with stormwater controls are prepared with construction drawings. The Permit Drawings are design drawings and do not contain the stormwater control nor borrow area development. Mod 8 will be the next set of construction drawings; Twin will provide the county with a copy of the borrow area grading and stormwater plan once developed.*

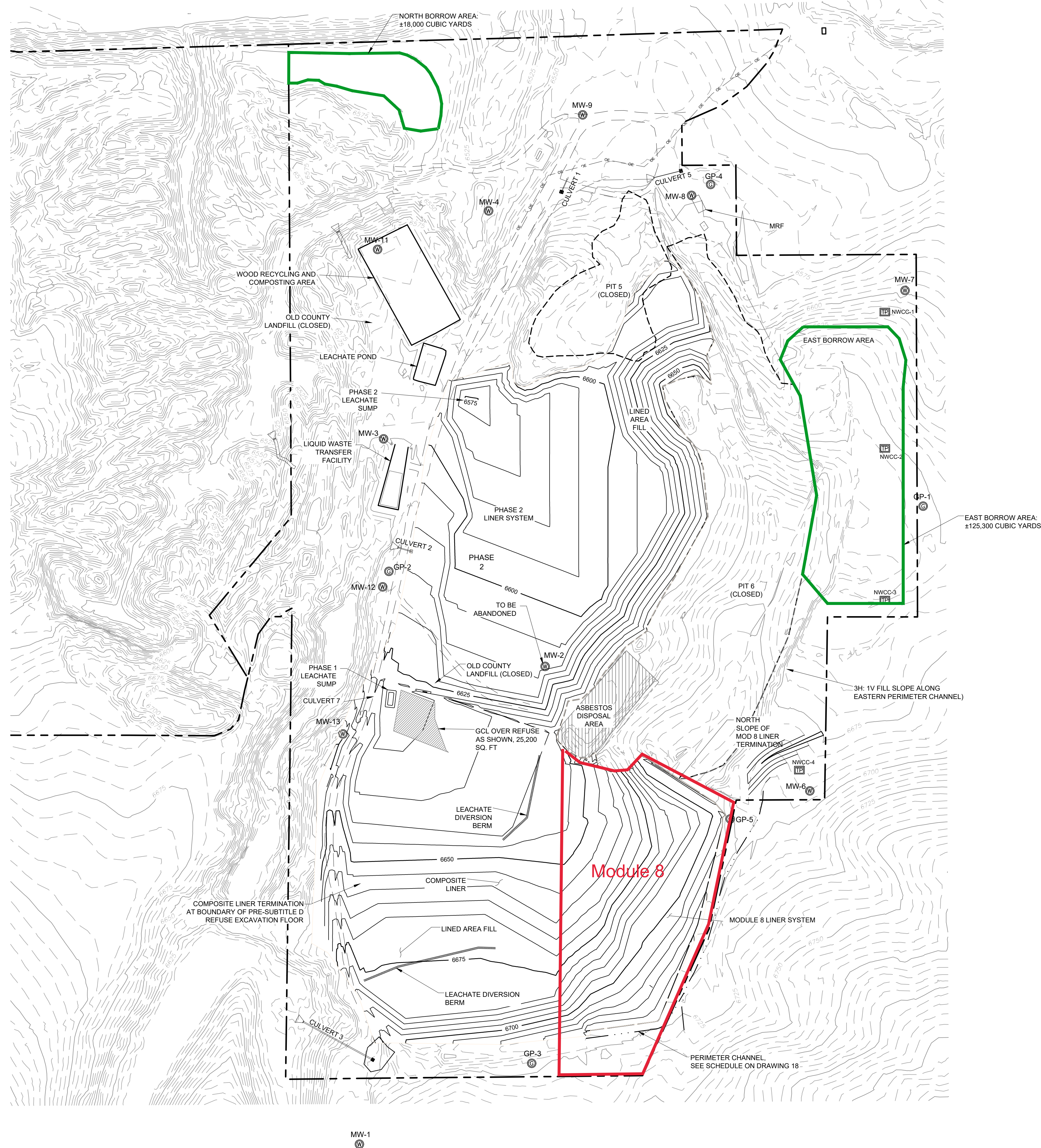
Respectfully,



Lacie Coupe
CEO, Twin Enviro

cc:












Sarah Foreman, CDPHE
Rebecca Lindeman, PE, Jardon E&I
Mike Pretti, PE, SMA



200 0 200

SCALE IN FEET
1" = 200'

SITE LEGEND:

- | | | |
|---|---|---|
|  | 6650 | EXISTING GROUND CONTOUR |
|  | 6650 | TOP OF LINER CONTOUR 25' |
|  | | TOP OF LINER CONTOUR 5' |
|  | | APPROXIMATE PROPERTY BOUNDARY |
|  | | APPROXIMATE WASTE BOUNDARY |
|  | | PROPOSED CULVERT |
|  | | DESIGN SOLID WASTE BOUNDARY FOR LANDFILL EXPANSION |
|  | | PIEZOMETER SHOWING THE HIGHEST RECORDED GROUNDWATER ELEVATION AT EACH LOCATION (FROM 2000 THROUGH MAY 2023) |
| GP |  | GAS MONITOR PROBE |
| MW |  | MONITOR WELL |
| NWCC |  | TEST PIT (1997) |



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TWIN ENVIRO MILNER LANDFILL
ENGINEERING DESIGN AND OPERATIONS PLAN
CLAY BORROW SOURCE ESTIMATED VOLUMES

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CONSTRUCTION UNLESS IT IS
STAMPED, SIGNED AND DATED

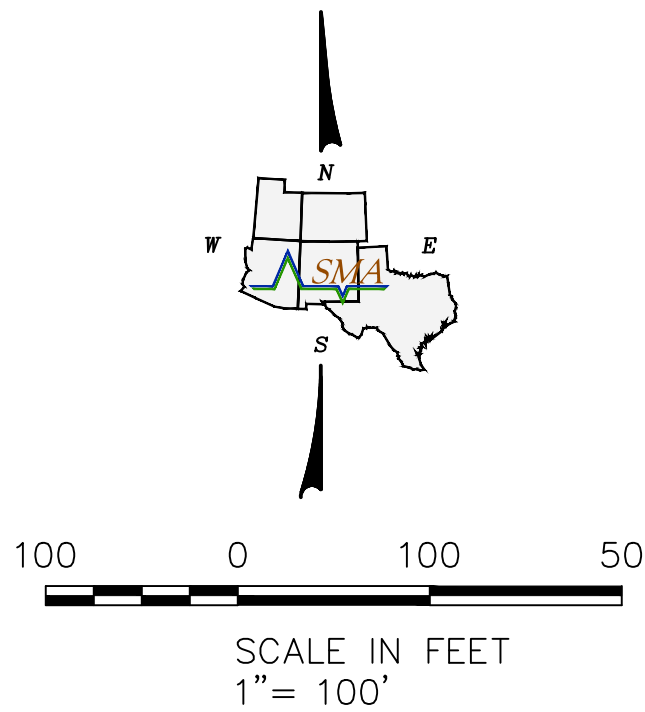
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Date: December 2023

Scale: Horiz:
Vert:

Project No: 4D24381

Drawing: FIGURE 1



- | | | |
|---|---|------------------------|
| | | CHANNEL FLOW DIRECTION |
| GP |  | GAS MONITOR PROBE |
| MW |  | MONITOR WELL |
| NWCC |  | TEST PIT (1997) |

PHASE 1 IS DESIGNED AS A STAND-ALONE FACILITY THAT CAN BE INTEGRATED INTO PHASE 2 SHOULD ECONOMIC CONDITIONS WARRANT.

THE LIMIT OF ASBESTOS DISPOSAL AREA IS DEFINED BY THE FENCED ENCLOSURE. THE FENCE SHALL BE SURVEYED AS THE WASTE BOUNDARY PRIOR TO REMOVAL FOR CONSTRUCTION OF PHASE 2.



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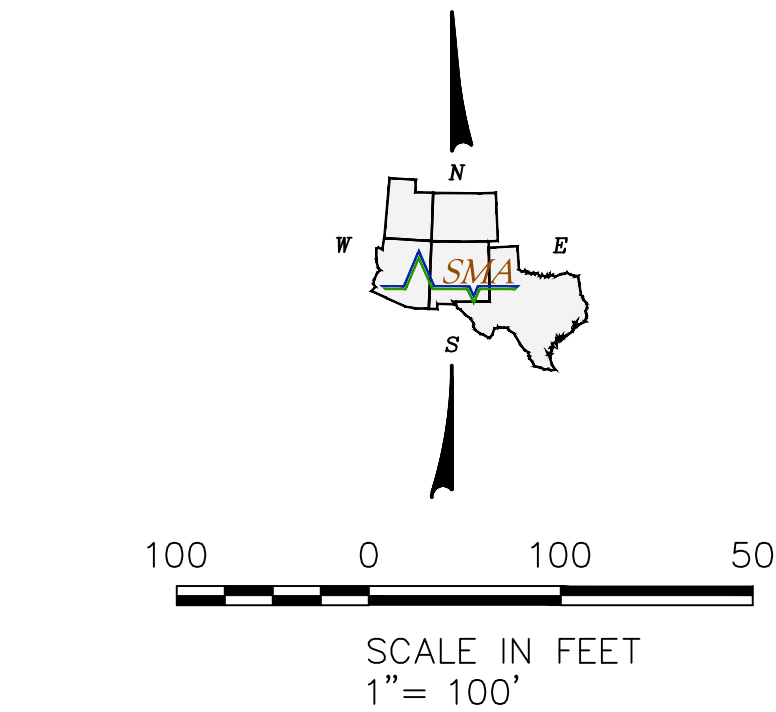
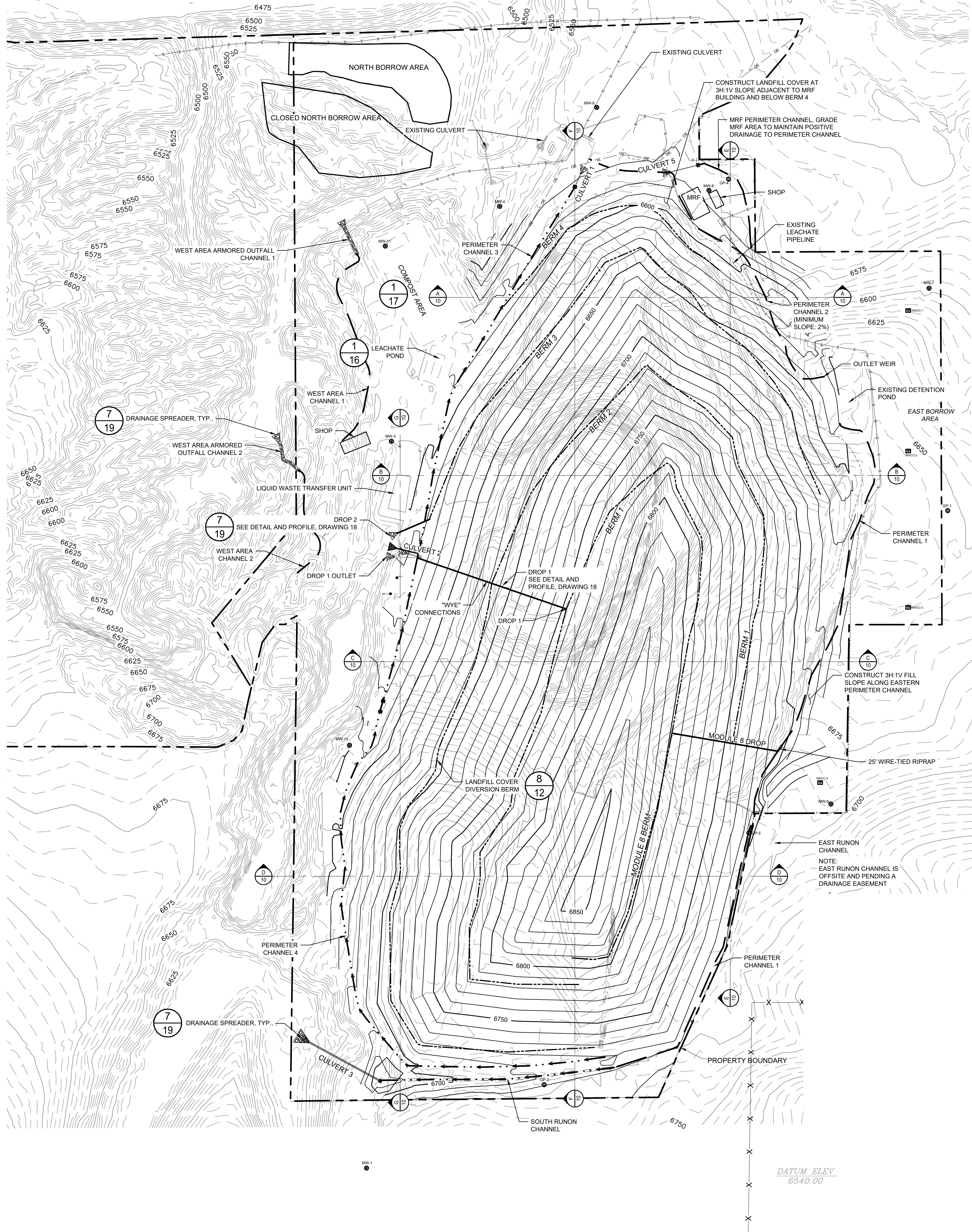
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Drawing: 5 of 19



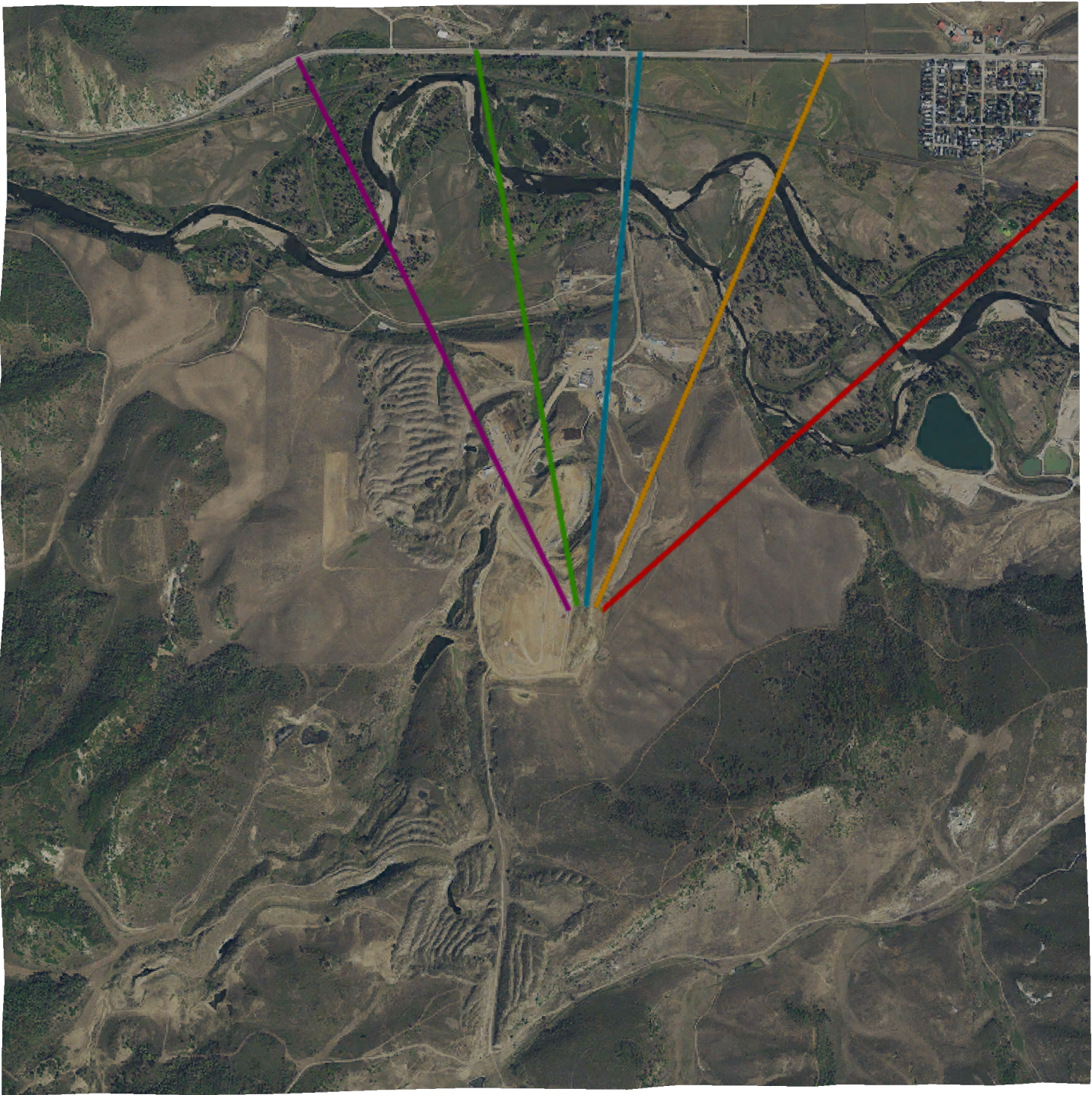
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 - APPROXIMATE WASTE BOUNDARY
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 - COVER DIVERSION BERM
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ENGINEERING DESIGN AND OPERATIONS PLAN
PHASE 1 & 2 CAP PLAN



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Designed MJP	Drawn JOA	Checked MJP
Date: December 2023		
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Drawing: 9 of 19		

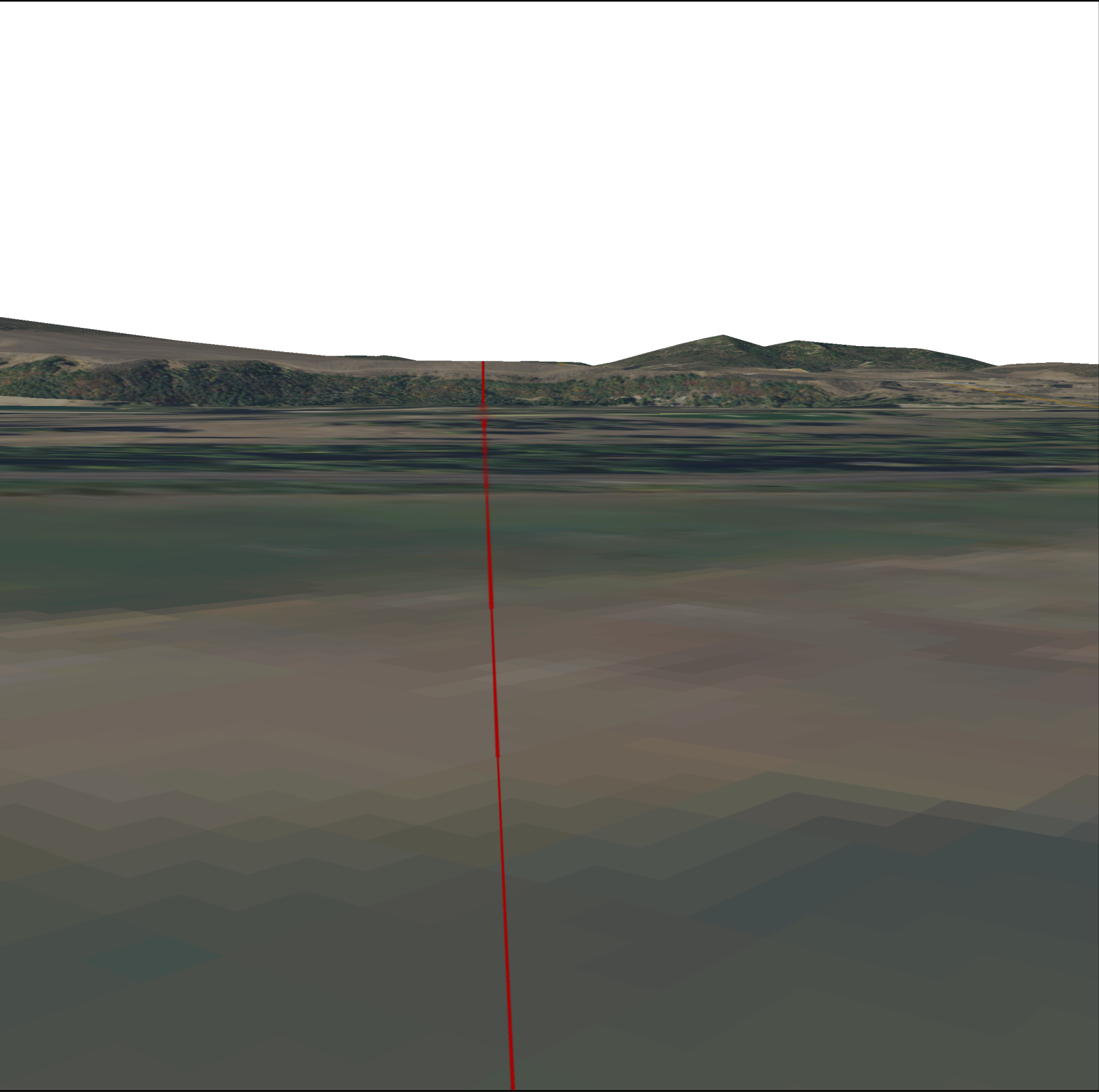


Project Overview

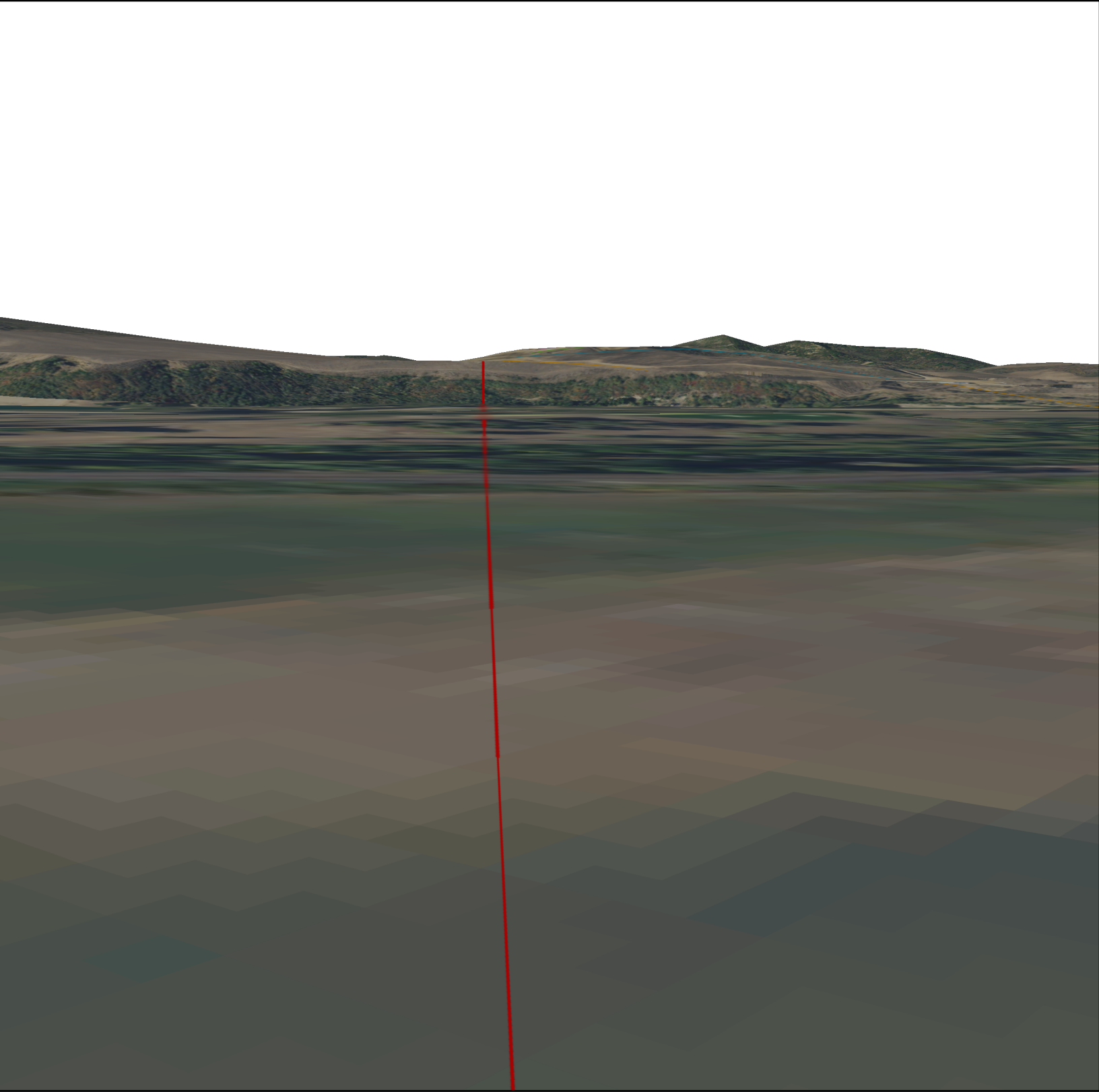
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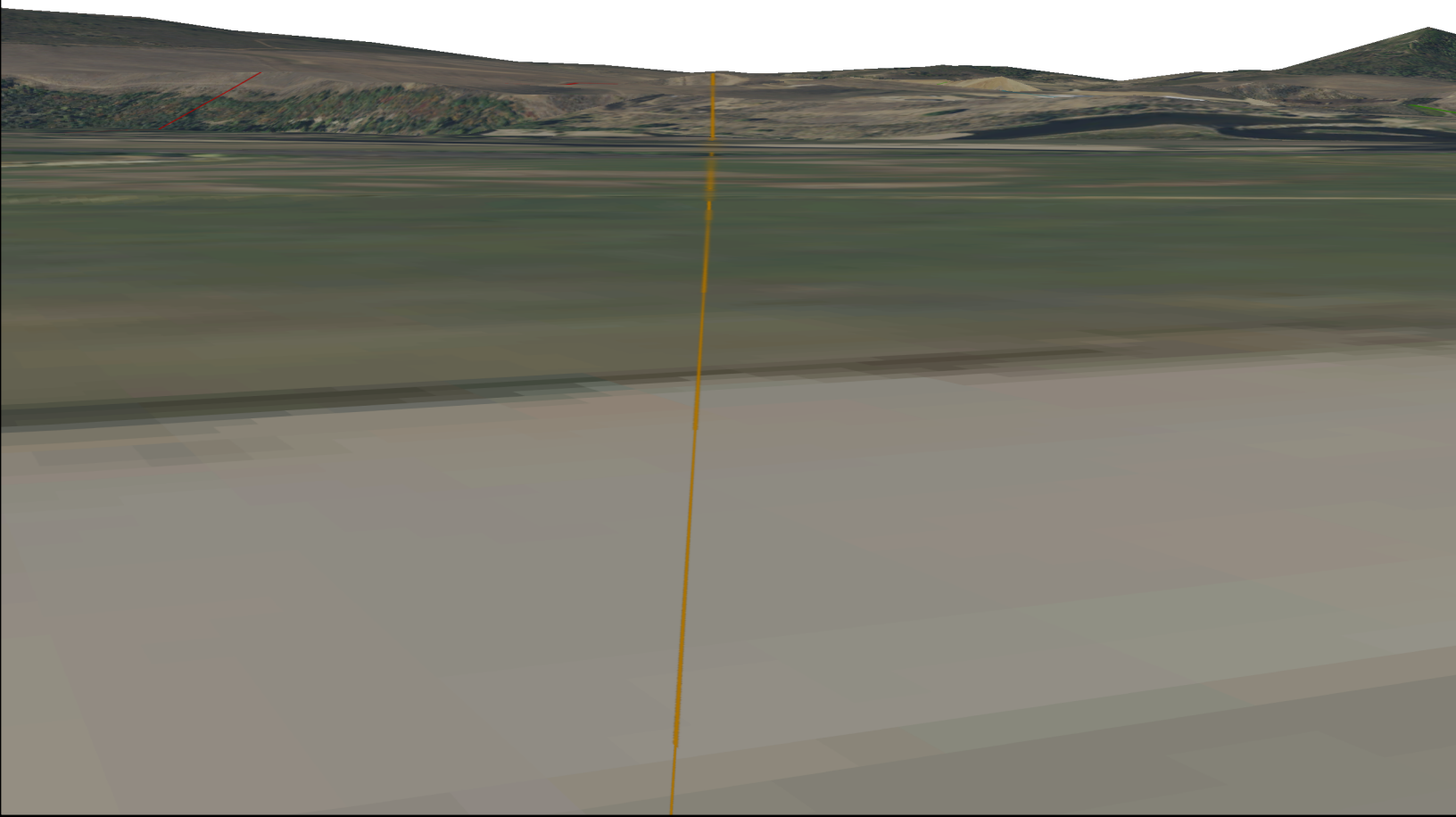
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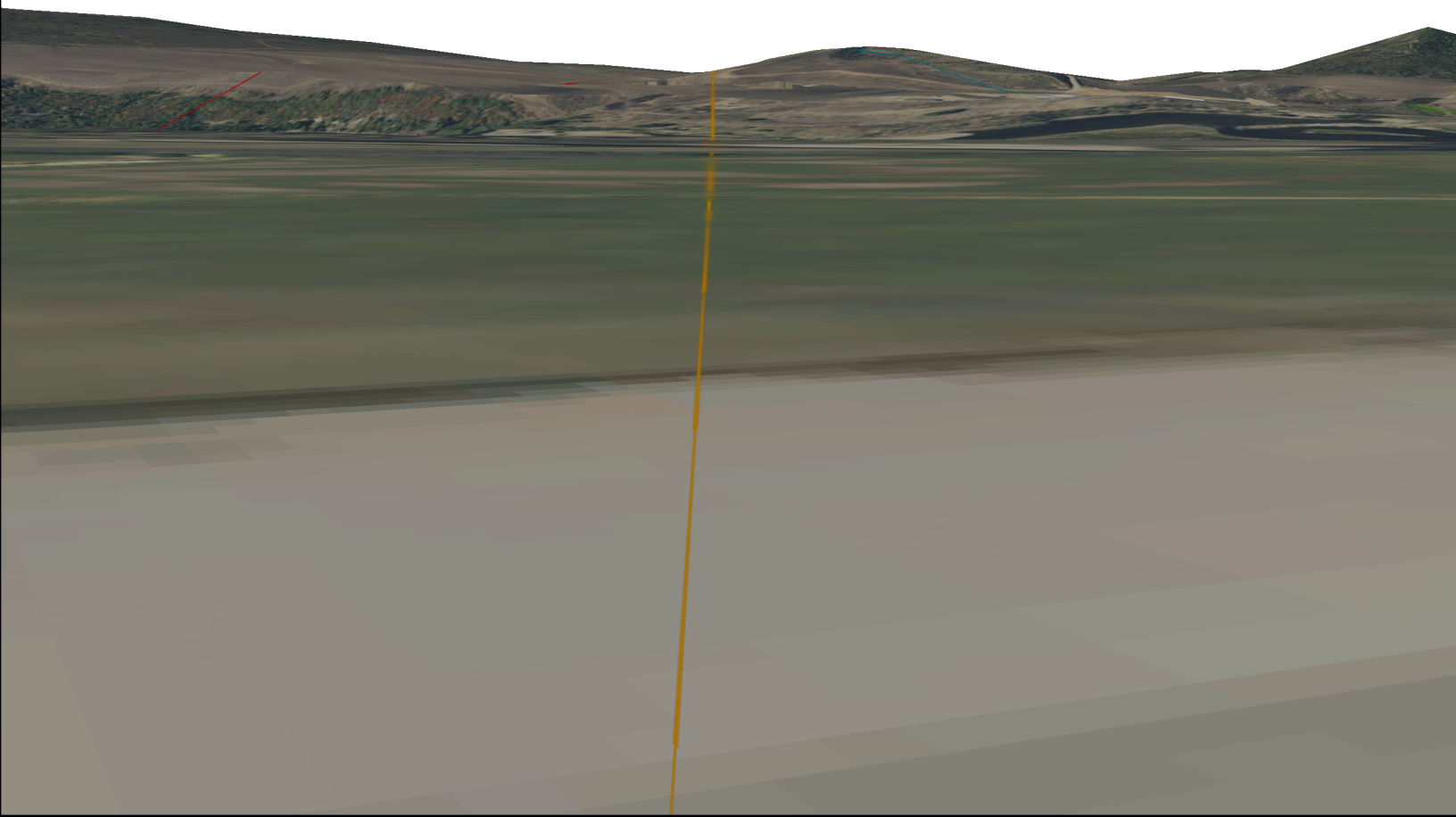
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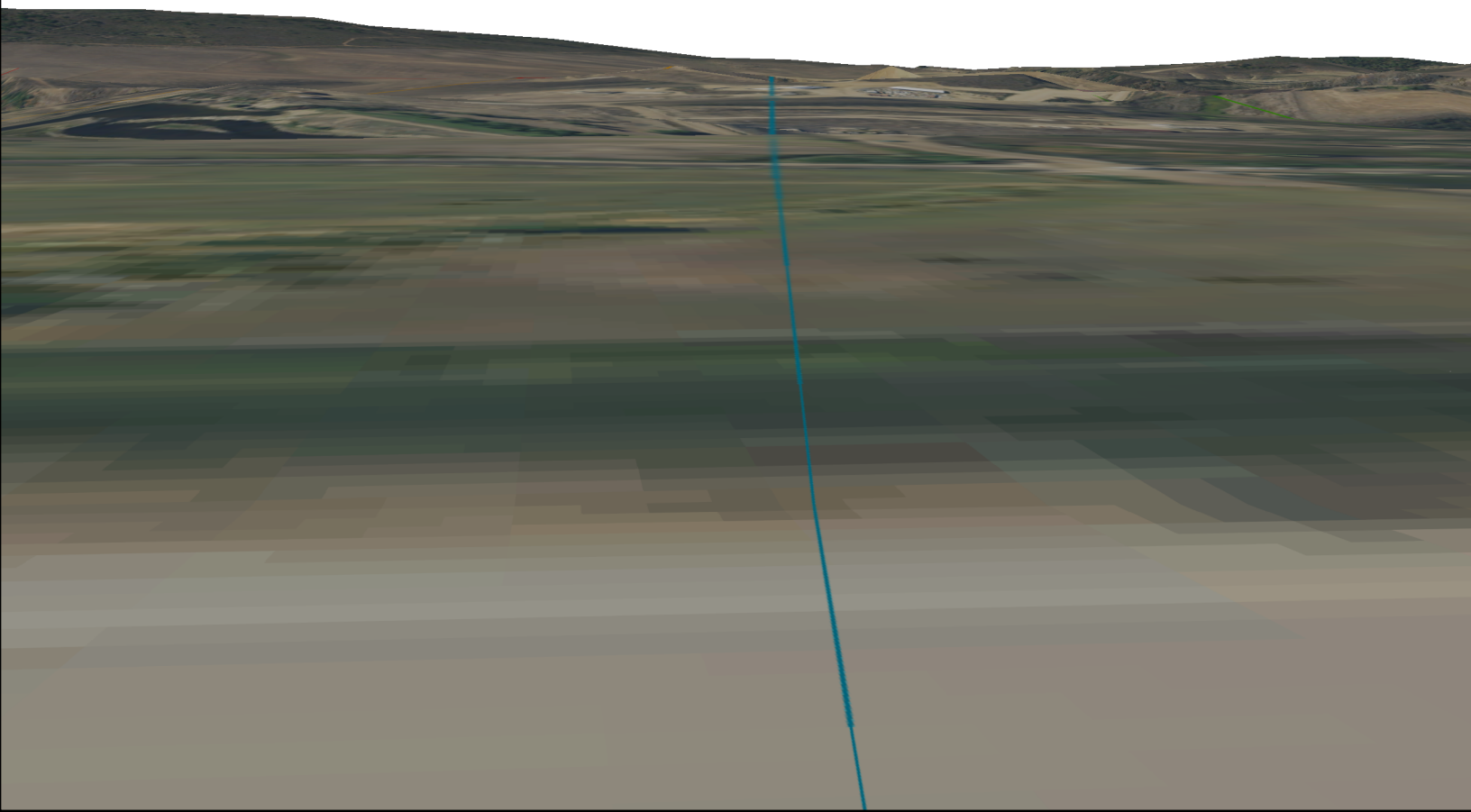
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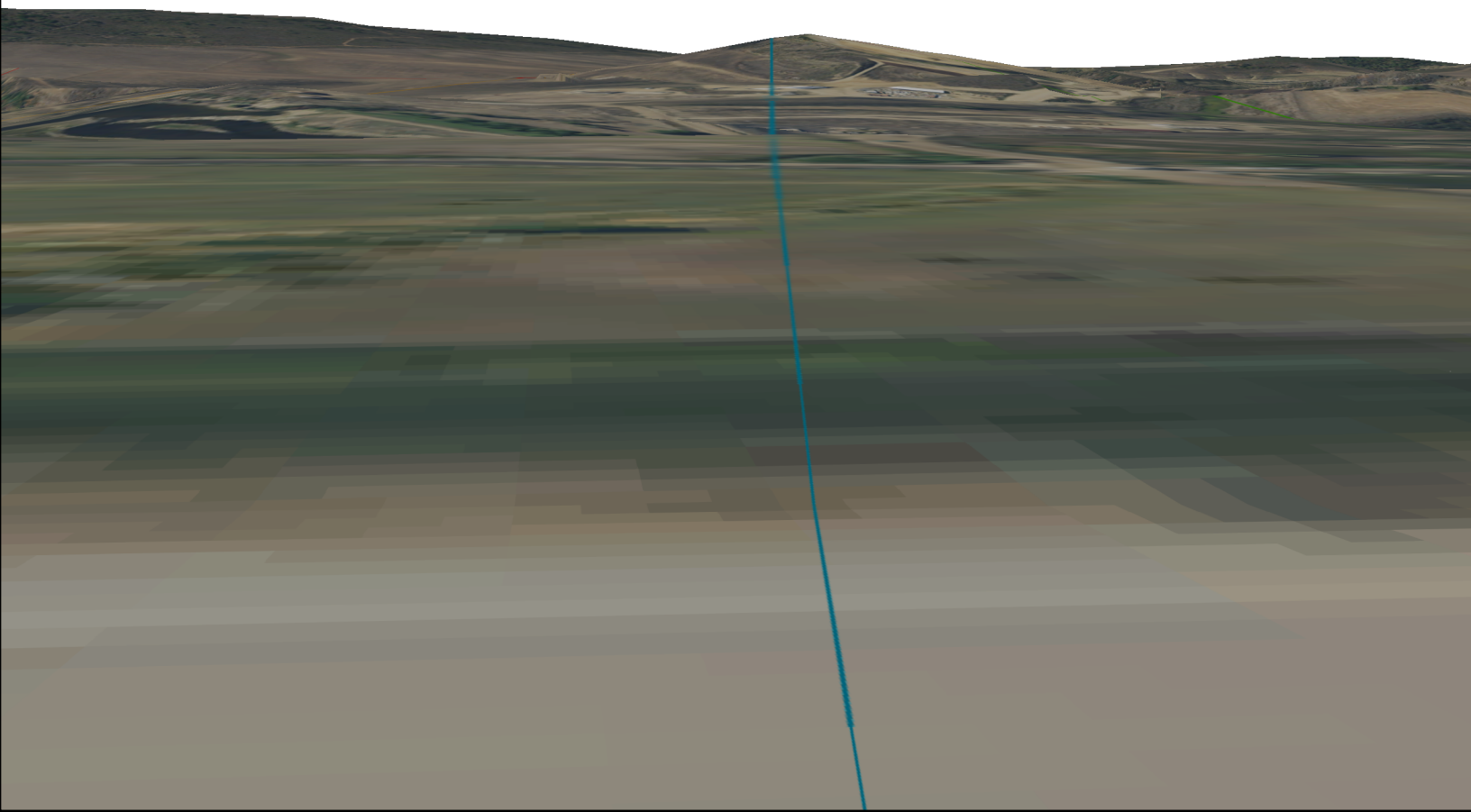
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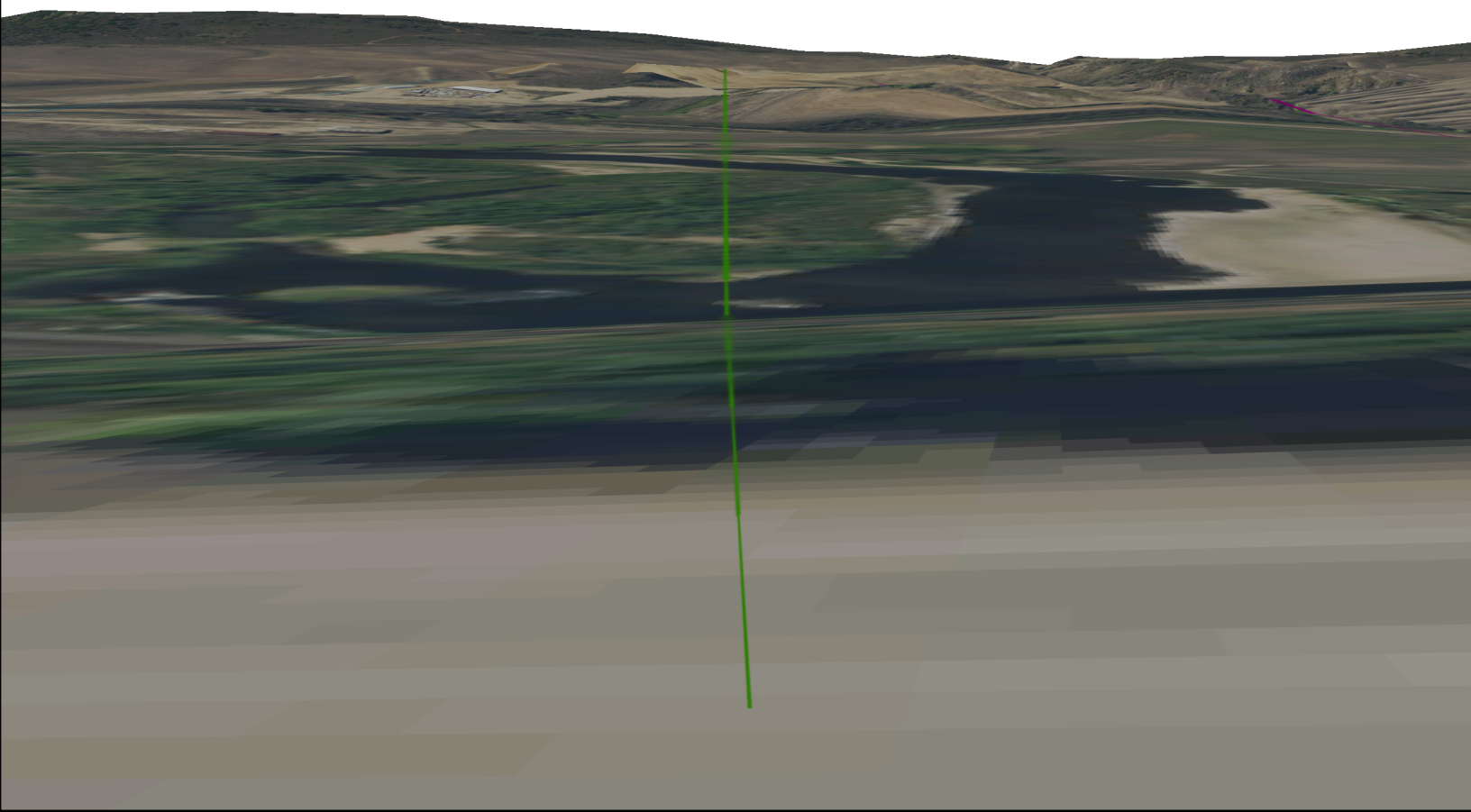
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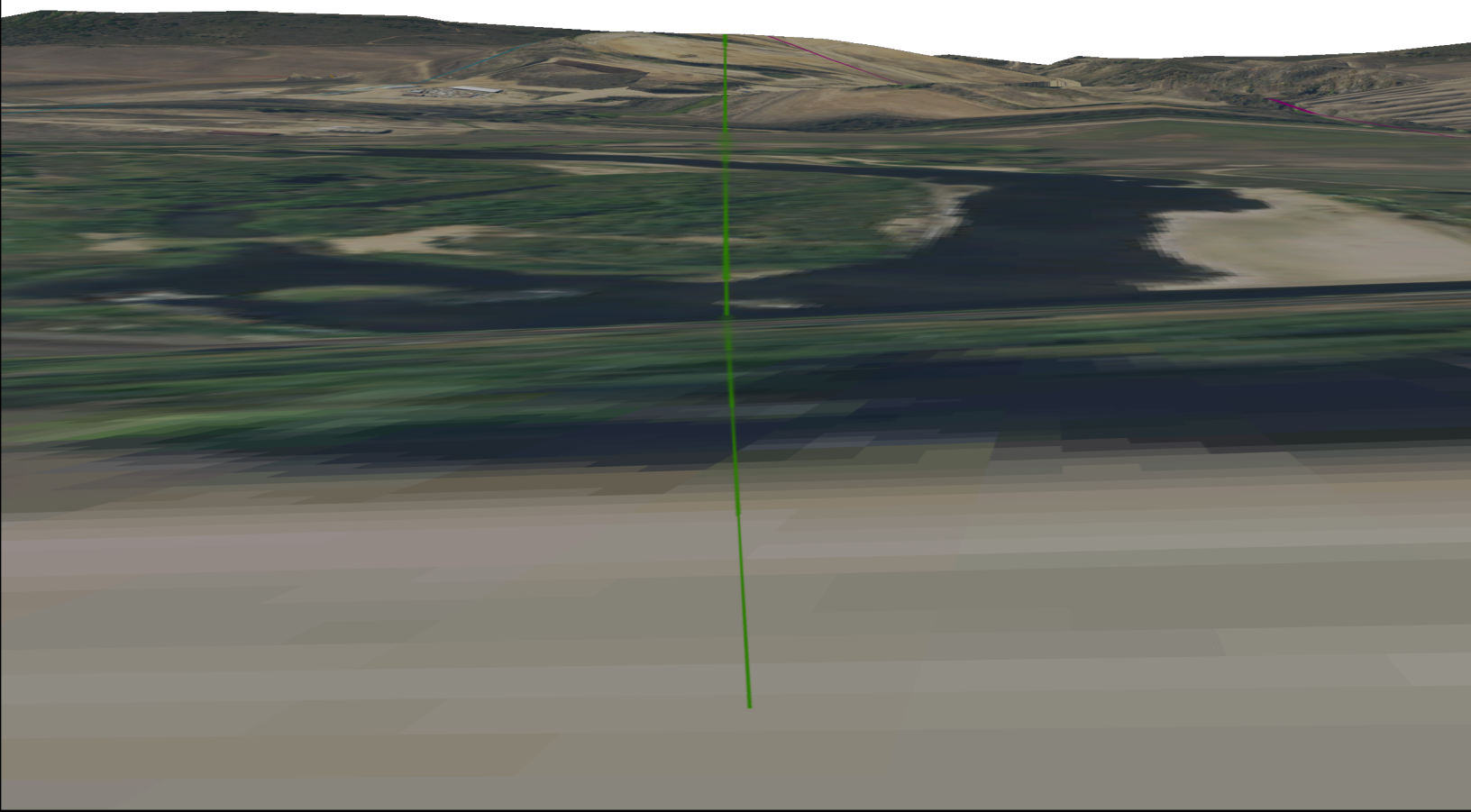
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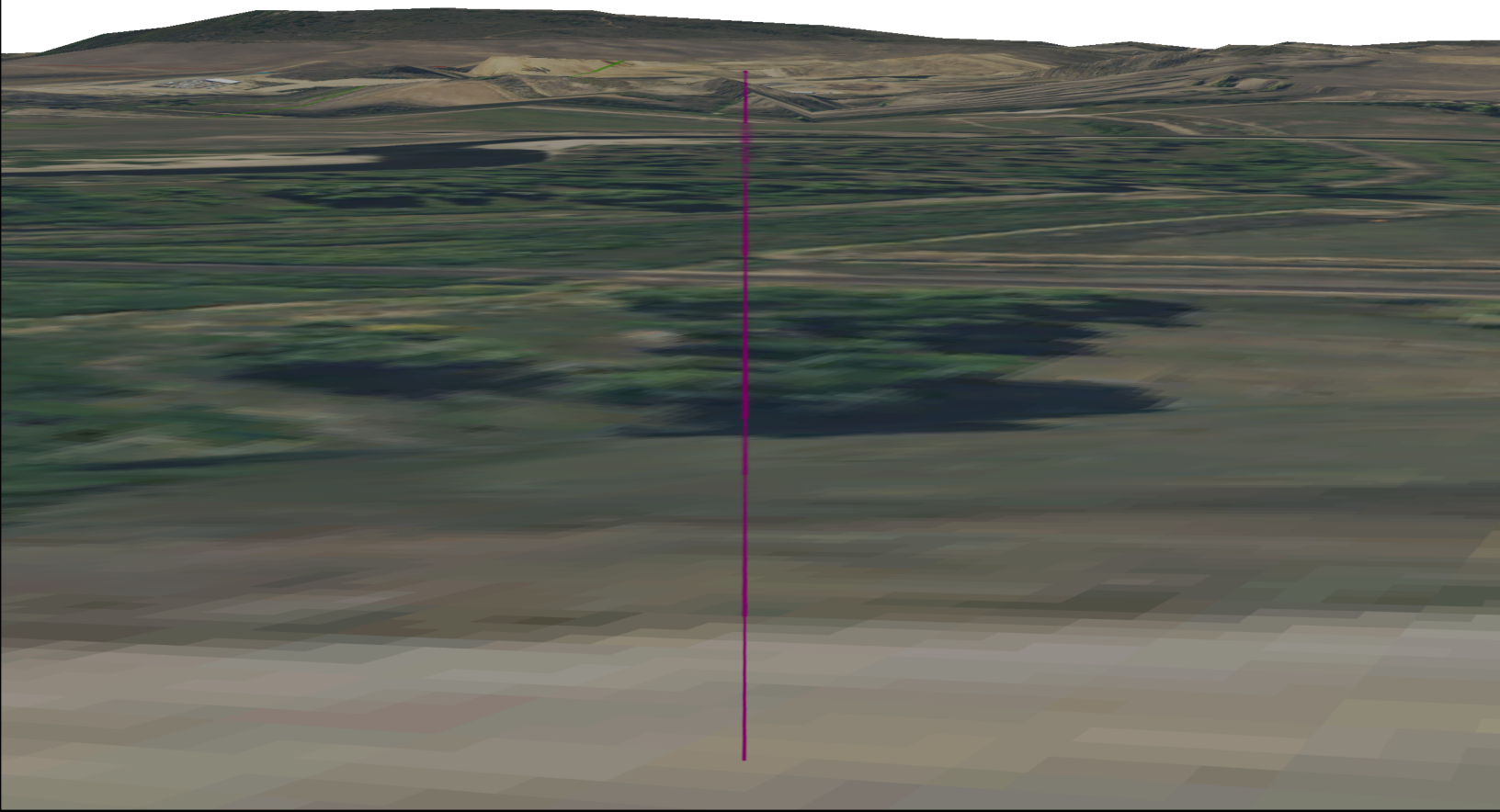
View 4 - Proposed



View 5 - Current



View 5- Proposed



View 6 - Current



View 6 - Proposed