



COLORADO

Department of Public Health & Environment

AIR POLLUTION CONTROL DIVISION

COMPLIANCE ADVISORY

CASE NO. 2021-095

AIRS NO. 107-0057

INSPECTION DATE: August 26, 2020

SENT VIA ELECTRONIC MAIL

MAILING DATE: August 24, 2021

SOURCE CONTACT: Luke Schneider

IN THE MATTER OF TWIN LANDFILL CORPORATION

This Compliance Advisory provides formal notice, pursuant to § 25-7-115(2), C.R.S., of alleged violations or noncompliance discovered during the Air Pollution Control Division's ("Division") inspection and/or review of records related to Twin Landfill Corporation's facility identified below. The Division is commencing this action because it has cause to believe that the compliance issues identified below may constitute violations of the Colorado Air Pollution Prevention and Control Act ("the Act") and its implementing regulations.

Please be aware that you are responsible for complying with applicable State air pollution requirements and that there are substantial penalties for failing to do so. Pursuant to the enforcement authority provided the Division by § 25-7-115, C.R.S., any person who violates the Act, its implementing regulations or any permit issued thereunder may be issued an order for compliance that can include permit revocation and assessment of penalties in accordance with § 25-7-122, C.R.S. The issuance of this Compliance Advisory does not in any way limit or preclude the Division from pursuing additional enforcement options concerning this inspection/review. Also, this Compliance Advisory does not constitute a bar to enforcement action for violations not specifically addressed in this Compliance Advisory.

Failure to respond to this Compliance Advisory by the date indicated at the end of this Compliance Advisory may be considered by the Division in the subsequent



enforcement action and the assessment of penalties. Furthermore, the Division's enforcement process contemplates a full and final resolution of the compliance issues herein addressed, and those that may result from further review, in a timely manner. If at any time throughout the process of reaching such a resolution the Division determines that the Parties cannot agree to the dispositive facts, compliance requirements and/or penalty assessments (if any) associated with this Compliance Advisory, or a resultant enforcement action, the Division may exercise its full enforcement authority allowed under the law.

Twin Landfill Corporation ("Twin Landfill") owns and operates the municipal solid waste landfill known as Milner Landfill located 1.2 miles south of Milner on County Road 205 in Routt County, Colorado ("Facility"). The Facility is subject to the terms and conditions of the Colorado Operating Permit Number 09OPRO329 issued to Twin Landfill on August 1, 2016 ("Permit 09OPRO329"); 40 C.F.R. Part 60, Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills ("NSPS WWW"); Colorado Air Quality Control Statutes; and Colorado Air Quality Control Commission ("AQCC") Regulations.

I. ALLEGED VIOLATIONS AND FACTS

On August 26, 2020, Dana Podell, of the Division, inspected the Facility. Based on the Division's inspection, and a review of records related to the Facility, the Division has identified the following compliance issues:

- A. Pursuant to Permit 09OPRO329, Section II, Condition 2.1, Twin Landfill is required to calculate emissions of volatile organic compounds ("VOC"), carbon monoxide ("CO"), and hazardous air pollutants ("HAP") from the Facility by March 1st of each year using the actual waste acceptance rates and the parameters specified in Condition 2.1, including, but not limited to: a Methane Generation Rate Constant "k" of 0.02; a Methane Generation Potential "L₀" of 100; a nonmethane organic compound ("NMOC") concentration of 2,420 parts per million volumetric, and a VOC content of 85% of NMOC emissions. Twin Landfill was required to calculate calendar year 2019 emissions by March 1, 2019, and calendar year 2020 emissions by March 1, 2020. On August 4, 2020, the Division requested Twin Landfill submit the emissions calculations required by Condition 2.1. On August 19, 2020, Twin Landfill submitted incomplete and inaccurate emissions calculations. In its August 19, 2020 records submittal, Twin Landfill excluded petroleum contaminated soils ("PCS") waste from the calculations, used incorrect values for the k, L₀, and NMOC parameters, and failed to provide VOC and HAP emissions calculations. On August 31, 2020, Twin Landfill provided VOC and HAP emissions calculations to the Division, but the calculations were derived using an incorrect value for the NMOC concentration. On October 9, 2020, Twin Landfill submitted accurate and complete emission calculations for VOC, CO, and HAP. Twin Landfill failed to calculate emissions

from the Facility for calendar years 2019 and 2020 by March 1, 2019 and March 1, 2020, respectively; failed to use the required parameters in the calculations completed and provided in August 2020; and failed to provide accurate and complete calculations to the Division when requested to do so in August 2020, violating Permit 09OPRO329, Section II, Condition 2.1.

- B. Pursuant to Permit 09OPRO329, Section II, Condition 2.4.5, and NSPS WWW, § 60.754(a)(1), Twin Landfill is required calculate NMOC emissions using a “k” value of 0.02 and the mass of all wastes placed in the landfill. The NMOC emission rate report submitted by Twin Landfill on March 2, 2020, used a “k” value of 0.05 and excluded the mass of PCS accepted at the landfill. On August 31, 2020, Twin Landfill submitted a revised 2020 NMOC emission rate report that calculated emissions using the appropriate values. Twin Landfill failed to use the correct k value and include all waste in its calculation of NMOC emissions for calendar year 2020, violating Permit 09OPRO329, Section II, Condition 2.4.5, and NSPS WWW, § 60.754(a)(1).
- C. Pursuant to Permit 09OPRO329, Section II, Condition 3.1, Twin Landfill is required to demonstrate compliance with the liquid waste acceptance annual limit for the solidification basin on a 12-month rolling total basis. By the end of each month a new 12-month total shall be calculated based on the previous 12-months’ data. Further, pursuant to Permit 09OPRO329, Section II, Condition 3.1, Twin Landfill shall calculate emissions of VOC from the solidification basin using the volume of liquids accepted and the sampling and calculation procedures described in the permit. From June 2018 through November 2019, Twin Landfill failed to track liquid waste on a 12-month rolling total basis, and as described in Paragraphs D and E below, Twin Landfill failed to comply with the required sampling and calculation procedures to determine VOC emissions. From June 2018 through November 2019, Twin Landfill failed to track liquid waste on a 12-month rolling total basis and failed to accurately calculate VOC emissions from the solidification basin, violating Permit 09OPRO329, Section II, Condition 3.1. On November 13, 2019, Twin Landfill submitted a cancellation request for the solidification basin (AIRS ID: 107-0057-002).
- D. Pursuant to Permit 09OPRO329, Section II, Condition 3.1.2, Twin Landfill is required to semiannually collect samples of liquid waste from the delivery truck prior to the waste being placed in the solidification basin and analyze the waste to establish the VOC concentration to be used in emission calculations. Twin Landfill failed to ensure that the June 2018 sample was collected from the delivery truck prior to placing the waste in the solidification basin and handled in a manner that allowed for accurate analysis of the waste. The chain of custody form for the June 2018 sample shows it was received at the laboratory for analysis above the required hold temperature and eight minutes after the sample was collected. Twin Landfill failed to collect and analyze samples of liquid waste at any time during 2019. Twin Landfill collected a

sample of leachate from the solidification basin sump in March 2019 and used an analysis of this material to attempt to demonstrate compliance with the requirements of Condition 3.1.2. Twin Landfill failed to sample the liquid waste in the manner required by the permit during the first half of 2018 or at any time in 2019, violating Permit 09OPRO329, Section II, Condition 3.1.2.

- E. Pursuant to Permit 09OPRO329, Section II, Condition 3.1.3, Twin Landfill is required to calculate VOC emissions from the solidification basin using the results of the sampling described in Condition 3.1.2. Twin Landfill failed to complete the required sampling during the first half of 2018 or at any time in 2019. To calculate emissions, Twin Landfill used the results of analyses of an unknown and improperly handled sample (sample collected June 19, 2018), and of a confirmed non-waste sample (sample of leachate from the solidification basin sump, collected March 27, 2019). From June 2018 through November 2019, Twin Landfill failed to calculate VOC emissions as required, violating Permit 09OPRO329, Section II, Condition 3.1.3.
- F. Pursuant to Permit 09OPRO329, Section IV, Condition 2.c, in the annual compliance certification (“ACC”), Twin Landfill is required to include the compliance status of the source and whether compliance was continuous or intermittent. The ACCs submitted by Twin Landfill on August 30, 2019 and August 31, 2020, for the periods of August 1, 2018 - July 31, 2019 and August 1, 2019 - July 31, 2020, respectively, failed to report all non-compliance at the Facility. During the reporting periods, deviations related to record keeping, sampling, emissions calculations, and reporting occurred. In the August 30, 2019 ACC, Twin Landfill only reported that Tier II testing was not completed in 2018 and that the APEN for the solidification basin had expired. Twin Landfill reported no deviations in the ACC submitted August 31, 2020. Twin Landfill failed to submit accurate ACCs in calendar years 2019 and 2020, violating Permit 09OPRO329, Section IV, Condition 2.c.
- G. Pursuant to Permit 09OPRO329, Section IV, Condition 19.b, and AQCC Regulation No. 3, Part C, § III.B.6, an application for renewal of the operating permit shall be submitted at least 12 months prior to the expiration of the permit. Twin Landfill was required to submit an application to renew Permit 09OPRO329 by no later than August 1, 2020. Twin Landfill failed to submit the application for renewal until October 5, 2020, violating Permit 09OPRO329, Section IV, Condition 19.b, and AQCC Regulation No. 3, Part C, § III.B.6. On December 11, 2020, the Division issued its completeness determination to Twin Landfill deeming the October 5, 2020 application complete.
- H. Pursuant to Permit 09OPRO329, Section IV, Condition 22.d, Twin Landfill is required to submit to the Division semi-annual reports (“SARs”) that indicate the compliance status of the Facility and include information about any deviations which occurred. Twin Landfill submitted SARs on August 30, 2019,

March 2, 2020, and August 31, 2020. During the reporting periods covered by the above mentioned SARs, deviations related to record keeping, sampling, emissions calculations, and reporting occurred. In the August 30, 2019 SAR, Twin Landfill only reported that Tier II testing was not completed in 2018 and that the APEN for the solidification basin had expired. Twin Landfill reported no deviations in the SARs submitted March 2, 2020 and August 31, 2020. Twin Landfill failed to identify all instances of deviations from permit requirements in the SARs submitted on August 30, 2019, March 2, 2020, and August 31, 2020, violating Permit 09OPRO329, Section IV, Condition 22.d.

It is important to resolve the above-referenced issues as soon as possible. Therefore, the Division encourages Twin Landfill to immediately identify those compliance issues that are not in dispute and to rectify those issues before the upcoming Compliance Advisory meeting. In accordance with § 25-7-115(3)(a), C.R.S., the Compliance Advisory meeting will be held within thirty (30) days of the Division's issuance of the Compliance Advisory in this matter. The Division also requests that Twin Landfill provide the Division with a brief written response to the alleged violations ("Source Response"). The Source Response should identify the undisputed compliance issues and, if an alleged violation is disputed, the basis for the dispute. The Division requests that Twin Landfill provide the Source Response, to the attention of Jen Schoennagel, no later than ten business days before the Compliance Advisory meeting. At the upcoming meeting, the Division will confirm the actions taken to rectify the undisputed compliance issues and proceed with unresolved matters as outlined below.

If you have any questions regarding this Compliance Advisory, the Division's enforcement processes, or any related issues, please refer to the APCD Enforcement Guide located at <https://www.colorado.gov/pacific/cdphe/inspections-and-enforcement> and/or contact the Division personnel identified below.

II. COMPLIANCE ADVISORY MEETING

Twin Landfill is requested to contact the Division and schedule a meeting to:

- Discuss the disputed Compliance Advisory issues and answer any remaining questions it may have;
- Submit information necessary to successfully show that the deficiencies and noncompliance issues (or any portion of them) are not violations of Colorado's air pollution laws; and
- Establish a mutually acceptable schedule and guidelines for the full and final resolution of any remaining deficiencies and noncompliance issues in a timely manner.

Please contact the Enforcement Advisor identified below by no later than August 31, 2021 to schedule a meeting with the Division to discuss the Compliance Advisory. In accordance with § 25-7-115(3)(a), C.R.S., the Compliance Advisory meeting will be held within thirty (30) days of the Division's issuance of the Compliance Advisory in this matter.

Jen Schoennagel, Enforcement Advisor (jennifer.schoennagel@state.co.us)

To ensure meaningful communication with all Coloradans, the Division offers free language services. Please let us know if we can provide an interpreter for anyone attending the Compliance Advisory meeting.

cc: Shannon McMillan, APCD
Paul Carr, APCD
Heather Wuollet, APCD
Ben Cappa, APCD
File

Beth Pilson, APCD
Tom Lovell, APCD
Tom Roan, Attorney General's Office
Michael Stovern, EPA (Region VIII)