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HAZARDOUS MATERIALS

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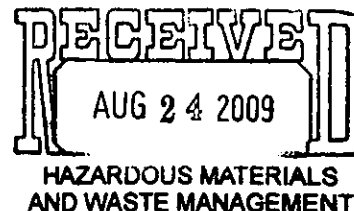


BOX#

232

TWIN ENVIRO SERVICES

Twin Landfill Corporation



August 19, 2009

SW RTT MIL 1.6

Mr. Darrell Dearborn
CDPHE
HMWMD-ADM-B2
4300 Cherry Creek Dr. South
Denver, CO 80222-1530

Subject: Milner-Landfill-July 9, 2009 Compliance Advisory

Dear Mr. Dearborn:

This letter is in response to the Compliance Advisory issued July 2009 to the Twin Landfill Corporation-Milner Landfill. It details how deficiencies #2-4 have been corrected. It also details Twin Landfill's ("Twin") understanding of the approved Landfill, Design, Operations and Closure Plan (D&O Plan) dated December 13, 2003 and how it relates to deficiency #1. An attachment shows how other concerns identified in your May 20, 2009 inspection report have been addressed.

Deficiency #1: The Milner Landfill is in apparent violation of the Solid Waste Act 30-20-100 C.R.S. and the Solid Waste Regulations 6CCR 1007-2 Section 2.1.6 and 3.2.6, that require facilities to design, construct, and maintain a run off control system to collect the water volume resulting from a 25 year, 24 hour storm event.

The approved Milner Landfill, Design, Operations and Closure Plan (D&O Plan) dated December 13, 2003 includes no storm water basins. Storm water at the landfill is designed to be controlled by perimeter drainage channels, existing topography, and through energy dissipating outfalls. Division approval of the D&O Plan dated May 13, 2004, indicated to Twin that the Division considered the D&O Plan sufficient to meet the requirements of Section 2.1.6 and 3.2.6. In the fall of 2005 the Division raised similar concerns regarding the adequacy of the run off control structures. Neil Nowak of KRW Consulting responded with a letter dated January 18, 2006. A copy of the letter is attached. It was Twin's understanding that this matter had been resolved to the satisfaction of the Division.

Dave Douglass of KRW Consulting will attend the August 24, 2009 meeting to discuss and explain the run off control system as currently designed and the Division's request for a storm water detention basin or basins.

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Steamboat Springs, Colorado 80477 • voice 970/875-0355 • fax 815/377-2495
Milner Landfill • 20650, Routt County Road 205 • Milner, Colorado 80487
site phone 970/879-6985 • site fax 815/377-2495 • tzyrowski@twinenviro.com

Milner Landfill/MIL

8/19/2009

RTT

**Solid Waste - Correspondence - Enforcement - Milner Landfill July 9,
2009 Compliance Advisory - Response**

SW/1.6./2277



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Deficiency #2: The Milner Landfill is in apparent violation of the Solid Waste Act 30-20-100 C.R.S. and the Solid Waste Regulations 6CCR 1007-2 Section 3.3.4(A), that require the owners and operators of all landfills cover disposed of waste with six inches of earthen material at the end of each operating day or at more frequent intervals if necessary, to control disease vectors, fires, odors, blowing litter, and scavenging.

After the May 20, 2009 inspection Twin followed Darrell Dearborn's recommendation "that a consistent source of Division approved cover be maintained onsite and used at the end of each working the day". Twin took delivery of two 2006, Cat 730 articulated haul trucks and a 2004 Cat 325 CL excavator on June 5, 2009. This equipment has enabled Twin to improve daily and intermediate cover. These actions were taken prior to the issuance of the Compliance Advisory.

In response to the Compliance Advisory issued, Twin offers the attached documentation to show compliance with Requested Action #2: *"Twin Landfill must cover disposed solid waste with six inches of earthen material or a Division approved Alternative Daily Cover at the end of each operating day."*

The Division granted a waiver (December 6, 1993, attached) from the requirement of daily cover during freezing weather. The approved D&O Plan references this waiver in Section 4.4.8. Nevertheless, adequate daily cover was not applied prior to the May 20, 2009 inspection and this has since been corrected.

Deficiency #3 :The Milner Landfill is in apparent violation of the Section 3.3.4(C) of the Regulations which states "the Department and the governing body having jurisdiction may grant a temporary waiver from the requirement of daily and intermediate cover requirements, if the owner or operator demonstrates that there are extreme seasonal climatic conditions that make meeting such requirements impractical. Alternate approaches to daily cover as described above will be considered on a case by case basis for non-MSWLF's".

Twin has immediately ceased using unapproved materials as cover materials. In letters dated June 3, 2009, Twin followed up on an August 2008 request for waivers for the use of PCS, Spray on Slurry, C&D debris and SLW as ADC. On July 1, 2009 the Division granted Approval with Conditions to use Construction Debris and PCS as ADC. On July 1, 2009 the Division granted Approval, Subject to Conditions to Conduct a Field Trial Using a Spray on Slurry Product as ADC. On August 13, 2009 Twin began a field trial of TopCoat. On July 1, 2009 the Division granted Approval, Subject to Conditions to Conduct a Field Trial Using Solidified Liquid Waste as ADC. Twin has not begun a field trial using solidified liquid waste.

Deficiency #4 The Milner Landfill is in apparent violation of Section 1.3.9 of the Regulations which states "(A) All solid waste disposal sites and facilities are reviewed and approved for a specific owner/operator; a specific waste stream; a specific design; a specific operation plan. Significant changes to the above are required to be approved by the Department. Such approval and or denial shall become a part of the operating record. The information describing changes relating to the above items shall be submitted and described in appropriate detail and in a clear concise format. This is required to maintain current information and status on sites and facilities for monitoring and enforcement purposes."

Twin understands that this deficiency refers to the proposed trial of ADC materials without receiving Department approval to modify the D&O plan. Twin has not conducted any unapproved trials of ADC from the time of the May 20, 2009 inspection by Darrell Dearborn. The Division has specified the operating parameters required for the field trials in a letter dated July 1, 2009 from Curt Stovall. Twin is complying with these conditions and is interested in discussing their implications at our forthcoming meeting and site visit.

Yours truly,

TWIN LANDFILL CORPORATION



Liz McIntyre
Compliance, QAQC,
lmclntyre@twineviro.com
970 509 9750

cc: Mike Zopf, Routt County Environmental Health
Les Liman, Twin Landfill Corporation
Dave Douglass, KRW Consulting, Inc.

Twin's Response to Additional Items Identified in the May 20, 2009 Inspection Report

Leachate Management

Mr. Dearborn requested that plans be submitted to the Division for review and approval prior to (the drain extension) construction.

KRW submitted plans to the Division for the drain extension dated May 26, 2009

Compost Pad

The Division has received no plans or notification for the compost pad improvements. A notification letter should be prepared and submitted to the Division within 14 days.

Twin sent a notification letter to the Division dated July 21, 2009

Asbestos Disposal Area

Asbestos warning signs posted at the entrance and around the perimeter of the monofill are worn and difficult to read. These signs should be replaced as soon as possible.

Twin replaced the signs by June 8, 2009

January 18, 2006

Colorado Department of Public Health and Environment (CDPHE)
Hazardous Materials and Solid Waste Management Division
4300 Cherry Creek Dr. South
Denver, Colorado 80222-1530

Attention: Cindy Smith

Subject: **Milner Landfill**

**Response to CDPHE Letters dated Nov. 16, and Dec. 07, 2005
Related to Item 1 – Storm water controls in the northwest area
KRW Project No.: 9110-01**

Dear Ms. Smith:

On behalf of Twin Landfill Corporation (TWIN), KRW Consulting, Inc. (KRW) hereby offers a response to CDPHE's concern with storm water controls in the northwest area of the Milner Landfill site. Specifically, you indicated in your inspection report, transmitted via letter dated November 16, 2005 which summarized your site visit of September 23, 2005, that you were concerned with the adequacy of an existing storm water control basin located in the northwest area of the site. Your comment is repeated below:

The Division requests that engineering drawings and calculations be submitted to demonstrate that the current configuration of the northwest stormwater retention pond would be adequate to collect and hold water from a 25-year, 24-hour storm event. Such drawings and calculations shall also demonstrate that the current site run-off control system is capable of controlling the water volume resulting from a 100-year, 24-hour storm event. If such a demonstration cannot be made, then an adequate run-off control system must be designed and engineered for the site as required by 6 CCR 1007-2, Section 2.1.6. The Division requests that subject drawings and calculations be submitted by February 1, 2006.

Then in response to Les Liman's email dated November 21, 2005, in which he explained that he'd review the issues and may find it difficult to meet the February 01, 2006 deadline, you sent a letter to Twin dated December 07, 2005 in which you reiterated your concerns and need for the design of an adequate storm control basin in the northwest area to be submitted by February 1, 2006.

Please be aware that the existing sediment control basin in the northwest area is a temporary condition, and that no storm water basins are required at Milner Landfill as per the "Milner Landfill, Design, Operations, and Closure Plan" dated December 13, 2003, by KRW. Storm water at the Milner Landfill is designed to be controlled by perimeter drainage channels that are to collect and direct storm water within grass lined channels, rip-rap lined channels, and through outfalls that are placed strategically around the site. These outfalls direct storm flow through rip-

January 18, 2006

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rap lined aprons that are designed to dissipate the energy of the storm flow and to control sediments from entering off-site bodies of water. These channels and outfalls have been designed already to control the anticipated storm flows at the site. Please refer to the attached Section 4.6, which is an excerpt from the D&O Plan, and helps to explain the drainage system. Also, please refer to the drawing set dated December 13, 2003, specifically Plates 8 and 10 that illustrate the drainage system and describe the perimeter channel lining types.

Milner Landfill intends to begin construction of the engineered storm water controls and perimeter drainage channel system in the summer of 2006. The first areas to be built will be the northwest and northeast areas of the site. Please keep in mind that the perimeter channel will be built in stages over a number of years in order to keep up with the filling of the site and the construction of the new waste disposal areas in Phases 1 and 2.

If you have any questions regarding this letter or the attachments, please feel free to call me at 303.239.9011.

Sincerely,


KRW Consulting, Inc.

Neil C. Nowak, PE
Project Manager

Attachments: Excerpt of Section 4.6 from the Milner LF D&O Plan

cc: Les Liman, President, Twin Landfill Corporation

STATE OF COLORADO

COLORADO DEPARTMENT OF HEALTH

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

4300 Cherry Creek Dr. S.
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Phone (303) 692-2000

Laboratory Building
4210 E. 11th Avenue
Denver, Colorado 80220-3716
(303) 691-4700



Roy Romer
Governor

Patricia A. Nolan, MD, MPH
Executive Director

December 6, 1993

Mr. Les A. Liman, President
Twin Landfill Corporation
P. O. Box 4362
Steamboat Springs, CO 80477

Re: Waiver to Daily Cover Requirement in Freezing Weather
Milner Landfill, Routt County

Dear Mr. Liman:

The Hazardous Materials and Waste Management Division of the Colorado Department of Health (the Division) has reviewed your request of April 23, 1993 from KRW Consulting, Inc. regarding daily cover during freezing weather at Milner Landfill. You state that seasonal climatic conditions make it impractical to excavate and spread frozen soil or use the geotextile tarp on a daily basis through the winter at this site, and that the need for daily cover is reduced due to the following factors:

1. Insects and rodents are not active at the site due to freezing conditions.
2. Cold temperatures mitigate odor problems.
3. Compaction of the waste at the working face serves to adequately prevent windblown debris.

Under authority provided in Subsection 3.3.4(C) of the Solid Waste Regulations (6 CCR 1007-2) effective October 9, 1993, the Division grants a waiver from the requirement for daily cover during freezing weather with the following conditions:


1. Routt County authorities also agree to grant the waiver.
2. Whenever practical, and during periods when the average temperature is above freezing, daily cover will be applied.
3. Should nuisance conditions develop, a cover of at least six (6) inches of earthen material will be applied daily or at more frequent intervals to remediate the problem as soon as possible.

Mr. Les A. Liman, President
December 6, 1993
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Furthermore, for operations throughout the year where the use of a tarp for alternative daily cover has been approved, the Division recommends that a cover of six (6) inches of earthen material be applied to the working face at least weekly, weather permitting, in order to provide layers of inert material at regular intervals to increase resistance to the spread of fire, insects, or rodents should they occur.

Should you have any questions, I may be reached at (303) 692-3455.

Sincerely,



J. Peter Laux
Geologist
Solid Waste Section
Hazardous Materials and Waste Management Division

cc: Kip White, KRW Consulting, Inc.
Routt County Board of County Commissioners
Mike Zopf, Routt County Environmental Health Department

File SW/RTT/MIL

Milner Landfill Cover Summary

Date	Employee	Soil	Construction	Demo	Topcoat
7/13/2009	RN	X			
7/14/2009	RN	X			
7/15/2009	RN	X			
7/16/2009	RN	X			
7/17/2009	RN	X			
7/18/2009	RN	A			
7/20/2009	RN	X			
7/21/2009	RN	X			
7/22/2009	RN	X			
7/23/2009	RN	X			
7/24/2009	RN	X			
7/25/2009	JF	X			
7/27/2009	RN	X			
7/28/2009	RN	X			
7/29/2009	RN	X			
7/30/2009	RN	X			
7/31/2009	RN	X			
8/1/2009	RN	X			
8/3/2009	RN	X			
8/4/2009	RN	X			
8/5/2009	RN	X			
8/6/2009	RN	X			
8/7/2009	MM	X			
8/8/2009	JF	X			
8/10/2009	MM		X		
8/11/2009	RN	X			
8/12/2009	RN	X			
8/13/2009	RN				X
8/14/2009	RN				X

A- Incomplete data for this day