

DOPHE 136
HAZARDOUS MATERIALS

SW_1.6._2215



BOX#

232

STATE OF COLORADO

Bill Ritter, Jr., Governor
James B. Martin, Executive Director

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

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-2000
TDD Line (303) 691-7700
Located in Glendale, Colorado

Laboratory Services Division
8100 Lowry Blvd.
Denver, Colorado 80230-6928
(303) 692-3090

<http://www.cdphe.state.co.us>



Colorado Department
of Public Health
and Environment

July 9, 2009

Mr. Les Liman
Twin Landfill Corporation
PO Box 774362
Steamboat Springs, CO 80477

CERTIFIED MAIL # 7007 3020 0000 6448 5956
Return Receipt Requested

RE: Compliance Advisory, Twin Landfill Corporation—Milner Landfill- Routt County Road
205 Milner, Routt County, Colorado

Dear Mr. Liman:

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") on May 20, 2009. The Department conducted this inspection to determine the facility's compliance status relative to the Solid Waste Sites and Facilities Act, Title 30, Article 20, Part 1 of the Colorado Revised Statutes ("the Act"), 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 (the EDOP). The Department advises you that the information gained during the inspection indicates that you may have violated the Act, the Regulations and the EDOP. Department personnel will further review the established facts, which may result in a revision to this Compliance Advisory to include additions or clarifications as a result of that review.

Please be aware that you are responsible for complying with the Act and 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. 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: The Milner Landfill is in apparent violation of the Solid Waste Act 30-20-100 C.R.S. and the Solid Waste Regulations 6 CCR 1007-2, Section 2.1.6 and Section 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.

Milner Landfill/MIL

7/9/2009

RTT

Solid Waste - Correspondence - Enforcement - Compliance Advisory,
Twin Landfill Corporation - Milner Landfill - Routt County Road 205
Milner, Routt County, Colorado

SW/1.6./2215



SW/1.6./946

Scanned

July 9, 2009
Mr. Les Liman
Twin Landfill Corporation
Page Two

Requested Action #1: An adequate run-off control system must be designed, engineered and constructed for the site as required by 6 CCR 1007-2, Section 2.1.6. The Division requests that the plan for construction of a detention basin be submitted by July 31, 2009 and that the detention basin be constructed prior to November 1, 2009. Multiple storm water detention basins may be necessary due to the topography of the site.

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 6 CCR 1007-2, Section 3.3.4(A), that require the owners or operators of all landfills must cover disposed solid waste with six (6) 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.

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.

Deficiency #3: The Milner Landfill is in apparent violation of 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."

Requested Action #3: Twin Landfill must immediately cease using unapproved cover material.

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 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 and concise format. This is required in order to maintain current information and status on sites and facilities for monitoring and enforcement purposes."

Requested Action #4: Twin Landfill must cease modifying the landfill design and/or operation without appropriate prior approval.

To close out this Compliance Advisory, the Department encourages you to correct the deficiency noted in this advisory and the enclosed inspection report within thirty (30) calendar days of the receipt of this advisory, unless otherwise noted above. Please respond to the Department in writing within forty-five (45) calendar days of receipt of this letter detailing how you have corrected the deficiency noted in this advisory and the enclosed inspection report. In addition, your response shall include documentation as requested in the aforementioned action items.

July 9, 2009
Mr. Les Liman
Twin Landfill Corporation
Page Three

Please contact this office by July 24, 2009 at the number listed below to schedule a meeting to:

- A. Discuss the Compliance Advisory and answer any questions that you may have;
- B. Develop an alternative schedule for correcting the deficiency noted above; or
- C. Submit information necessary to show that the deficiency is not a violation of Colorado's solid waste laws.

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

Please contact myself at 303.692.3349 or Charles Johnson at 303.692.3348 concerning the deficiency detailed under this Compliance Advisory and/or to set a meeting to discuss this Compliance Advisory.

Sincerely,



Darrell Dearborn
Solid Waste and Material Management Unit
Solid and Hazardous Waste Program



Charles G. Johnson
Solid Waste and Material Management Unit Leader
Solid and Hazardous Waste Program

Enclosure

cc: Mike Zopf, Routt County Department of Environmental Health
Routt County Board of Commissioners.
Attorney General's Office

SOLID WASTE INSPECTION WORKSHEET

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

Date: May 20, 2009

Times: 9:40 – 11:45 AM

Site: Milner Landfill
Highway 40, Milner
Routt County, Colorado

Operator: Twin Landfill Corporation
Dave Epstein

Ph. No: (970) 875-0355

Inspector: Darrell Dearborn

Inspection: Routine, Announced

On May 20, 2009, Darrell Dearborn, a representative of the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and Environment (the Division) conducted an announced inspection of the Milner Landfill facility located in the town of Milner, Routt County, Colorado. Jason Striker, an Environmental Specialist with the Routt County Department of Environmental Health accompanied Mr. Dearborn during the inspection. The purpose of the inspection was to determine compliance of the facility with the requirements set forth in the Solid Wastes Disposal Sites and Facilities Act (the Act), CRS 30-20-100 *et seq.* the Regulations Pertaining to Solid Waste Disposal Sites and Facilities (the Regulations), 6 CCR 1007-2 Part 1 and the approved Engineering Design and Operations Plan (the Plan).

Access to the facility is made from State Highway 40 via a road that leads directly to the landfill. A lockable gate is located near the entrance to the facility to discourage illegal dumping.

Upon arrival to the site the inspectors met with Mr. Les Liman, owner of the facility, to request access to the site and to notify him of the purpose of the inspection. Mr. Dave Epstein, operator of the facility and Ms. Liz McIntyre, Environmental Manager for the site, were also onsite to accompany the inspectors.

ONSITE INFORMATION

An adequate amount of signs indicating the hours of operation, speed limits, cost of disposal and prohibited waste was observed. The wind was blowing at approximately 3 miles per hour to the northeast during the inspection. The Milner Landfill personnel have a portable wind speed monitor for the site located at the scale house. They also monitor wind speed from the local airport and close the facility when the winds reach 35 mph sustained speeds. The skies were clear and no precipitation was anticipated.

On May 11, 2009 Ms. McIntyre provided notification to the Division of an underground fire that occurred on April 13, 2009 in Module 1. Module 1 is a closed cell that has intermediate cover over the buried solid waste. The cause of the fire is unknown. Initial efforts to contain the fire with onsite equipment were unsuccessful. Neither the local fire department nor the Division was notified of the fire. On May 8th, 2009 the fire was still not extinguished so the employees of Twin Landfill began removing refuse in the area and covered the hot spots with soil and leachate from the holding tank. Twin Landfill reported that as of May 21, 2009 there were no indications of fire, hotspots or smoke.

RECORDS REVIEW

The onsite records were reviewed at the beginning of the inspection. All required records for the facility were observed at the landfill office. Waste Characterization and random screening records were observed and determined to be in compliance with the Regulations and the Plan. Groundwater and gas monitoring records are submitted to the Division semi-annually and copies were onsite for review. A sample of leachate was taken from the Module #1 sump on May 30, 2008. Copies of the analytical results for the leachate were provided to Mr. Dearborn by Ms. McIntyre during the inspection. The leachate was analyzed for metals, inorganic compounds, pH, and total dissolved solids. No constituents were detected with significant concentrations.

WASTE VOLUMES

Waste volumes accepted for 1st Quarter 2009 (Jan-Mar) was about 44,686 cubic yards.

WORKING FACE

Mr. Epstein, Mr. Liman, Ms. McIntyre and the inspectors began the inspection at the working face of the landfill. Currently the operations are filling in Module #3. The remainder of Module #3 and Module #2 will be constructed this summer. The design for these modules has been approved by the Division.

The working face was about five feet in height and one hundred feet in length. This facility uses a compactor for spreading and compacting the waste. Tires are removed from the working face and stored for disposal at an approved site. No ponding of surface water was observed on the working face and the slope of the cell was graded away from the working face. No unauthorized waste was observed in the working face or anywhere else in the landfill.

DAILY AND INTERMEDIATE COVER

The surface of the landfill (Module #3) did not have adequate daily cover. It appeared that neither the working face (currently in use), nor the remainder of Module #3, were covered with daily cover for several weeks. This is a violation of Section 3.3.4 of the Regulations - Cover Material Requirements and section 4.4.8 of the Plan that require solid waste to be covered at the end of each working day.

Twin Landfill operators had the option of using either a tarp or six inches of soil for daily cover for several years. The tarp use was granted in a waiver for use during winter months and has not been utilized for several years.

In a letter dated August 25, 2008 to the Division from KRW Consulting, Inc. Twin Landfill proposed using synthetic slurry, petroleum contaminated soils, Construction/Demolition Waste or solidified liquid waste from the Milner Solidification Basin as an Alternative Daily Cover. The letter stated that Twin Landfill will perform a 30 day field test of the suitability of the solidified waste and construction/demolition waste for daily cover and that the results would be submitted to the Division for approval of the amendment to the Certificate of Designation. The Division never received notification of the field test or the results. Therefore the Division did not approve the waiver request. However Construction/Demolition waste has been in use without Division approval as daily cover for Module #3 until recently in apparent violation of Sections 1.3.9 and 3.2.3 of the Regulations. Mr. Epstein told the inspectors that the landfill is currently not receiving enough construction/demolition debris for use as daily cover and that Twin Landfill is looking at various synthetic slurries for future use.

A small area of Module #3 was observed to have fly ash used as daily cover in apparent violation of Sections 1.3.9 and 3.2.3 of the Regulations. Ms. McIntyre told Mr. Dearborn that the fly ash

was brought up from the solidification basin to be used as cover. Mr. Dearborn told her that an approved waiver is required prior to using fly ash or any other material besides soil as an Alternative Daily Cover.

Mr. Dearborn recommended to Ms. McIntyre that a consistent source of a Division approved daily cover material be maintained onsite and used at the end of each working day. An adequate amount of intermediate cover appears to be used in areas that are not currently being filled.

NUISANCE CONTROL

No birds were observed near the working face. A water truck was observed spraying the roads with water for dust control. Excessive dust was observed caused by vehicle traffic accessing the facility from the county maintained road during the inspection. Mr. Liman told the inspectors that he is not responsible for maintaining or providing dust control for the access road. The water spray used for the facility onsite roads provided adequate dust control.

The roads accessing and surrounding the site were free from excessive litter. No litter was observed on adjacent properties and no excessive odors were detected during the inspection. Portable fencing is available onsite for litter control but was not in use during the inspection.

SOLIDIFICATION BASIN AND LEACHATE STORAGE POND

The recently constructed and approved solidification basin containment is currently in use. The designs for the solidification basin and leachate storage pond have similar designs using two feet of compacted clay overlain by a 60-mil geosynthetic liner. The solidification basin is used to process drilling fluids, latex paint, leachate, and grease and sand trap waste. Mr. Liman said that fly ash from the nearby Hayden Power Plant is used as a solidification agent. The leachate storage pond was designed for a two year, twenty-four hour storm. It is not in use at this time because the construction certification has not received approval from the Division.

LEACHATE MANAGEMENT

A leachate seep collection system was designed and constructed to capture leachate flow from the northeast portion of the landfill before it impacts the surrounding surface water system. The vault consists of a steel reinforced concrete structure 12 feet long by 5 feet high by 5 feet wide with 6 inch thick concrete walls and a liquid holding capacity approximately equal to 2200 gallons. Leachate collection levels in the vault are measured and recorded in the log on a weekly basis. The concrete leachate collection vault was observed at the north face of the landfill. Leachate from the tank is used for dust control over lined areas of the landfill.

A severe leachate problem exists at the eastern edge of the landfill known as Pit #6. Twin Landfill personnel dug approximately 10-12 potholes along the lower portion of the southeast slope of the cell. All of the excavations were filled with leachate. Surrounding each pothole was an area of soil and vegetation that was stained orange from leachate exposure. This area was filled during the 1970's prior to the current Subtitle D Regulations and has no liner. Mr. Epstein said that he intends to extend the leachate collection drain from the base of Pit #6 area to the existing leachate collection system early next week. The Division has received no notification of this issue or plans for the drain extension. Mr. Dearborn requested that plans be submitted to the Division for review and approval prior to construction.

COMPOST PAD

The compost pad was constructed last year and is currently in use. Mr. Epstein told Mr. Dearborn that compost materials are currently being relocated from the pad to a lined portion of the landfill

so that Twin Landfill may modify the surface of the compost pad to promote better drainage from the pad and align the compost windrows to be north to south rather than east to west. This will also allow Twin Landfill to place additional fans in the windrows and to compost more material. 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.

STORM WATER SYSTEM

Several stormwater run-on diversion channels were established onsite to provide enhanced drainage in accordance with section 4.6 the approved Plan. The majority of run-on and runoff drainage has been directed to the existing strip-mine pits located on and around the site.

There is no run-off control system or basin that would collect the water volume resulting from a 25-year, 24-hour storm event. This issue was observed and noted in previous inspection reports. Mr. Liman has taken the position that the diversion channels and strip mining pits described in section 4.6.2 of the Plan are adequate for containment of runoff, sediment shedding and infiltration.

This is a violation of 6 CCR 1007-2, Section 2.1.6 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. Sections 2.5.7 of the Solid Waste Regulations require that permanent surface water diversion structures remaining after closure shall control run-on and run-off from the 100 year, 24-hour storm event.

FUEL STORAGE TANKS

The equipment fueling area has one aboveground diesel storage tank and two aboveground used oil storage tanks. The tanks appeared to be in good condition and are surrounded by secondary containment berms.

MONITORING SYSTEMS

The groundwater and gas monitoring systems appeared to be in good condition and compliance with the Regulations and the Plan. All wells observed were locked and the pads were intact. There are currently 6 total wells in the groundwater monitoring system, which are sampled by Northwest Colorado Consultants and monitored on a semi-annual basis. Methane gas samples are collected from the groundwater monitoring wells. KRW Consulting, Inc. provides reporting and statistical analysis services for Twin Landfill's gas and groundwater monitoring.

ASBESTOS DISPOSAL AREA

The asbestos disposal area is located north of the scale house. It is fenced and the gate was observed to be locked. 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. Advanced notice is required to be provided to the landfill operators prior to delivery of asbestos containing waste.

COMPLIANCE STATUS

Based upon observations made on this date and information provided by the operator and our current understanding of the operations; the Milner Landfill is in apparent violation of the Act, the Regulations and the Plan as noted below:

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 6 CCR 1007-2, Section 2.1.6 and Section 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 and control the water volume resulting from the 100-year, 24 hour storm event.

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 6 CCR 1007-2, Section 3.3.4(A), that require the owners or operators of all landfills to cover disposed solid waste with six (6) 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.

Deficiency #3: The Milner Landfill is in apparent violation of 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."

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 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 and concise format. This is required in order to maintain current information and status on sites and facilities for monitoring and enforcement purposes."

A Compliance Advisory and schedule for a return to compliance for this facility will be prepared and sent to Mr. Liman.

File: SW/RTT/MIL/1.2

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Les Himan
Twinsburg Hill Corp
P.O. Box 774362
Steamboat Springs CO 80477

2. Article number

(Transfer from service label)

7

7007 3020 0000 6448 5956

6

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

☐ Agent

☒ Addressee

B. Received by (Printed Name)

[Signature]

C. Date of Delivery

7-15

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal Service TM

CERTIFIED MAIL TM RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

Postmark
Here

Sent To

Mr. Les Himan, Twinsburg Hill Corp

Street, Apt. No.,

or PO Box No.

City, State, ZIP+4

PS Form 3800, August 2005

See Reverse for Instructions

7007 3020 0000 6448 5956