COLORADO
Department of Public Health & Environment

January 17, 2020

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

CERTIFIED MAIL # 7012 1010 0003 4308 0897
Return Receipt Requested

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

CERTIFIED MAIL # 7012 1010 0003 4308 0880
Return Receipt Requested

Re: **Compliance Advisory for the Milner Landfill:**
20650 County Road 205
Steamboat Springs, CO 80487
SW RTT MIL 1.6

Dear Messrs. Mullet and Schneider:

This Compliance Advisory provides notice related to information gained during an inspection conducted by the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (the "Department") at the Milner Landfill (the "Facility") in Steamboat Springs, Colorado on August 21, 2019. The purpose of the inspection was to determine the Facility's compliance status with respect to the Solid Wastes Disposal Sites and Facilities Act, CRS 30-20-100.5 *et. seq.*, the Regulations Pertaining to Solid Waste Sites and Facilities (6 CCR 1007-2, Part 1; the Regulations), and the Facility's approved Engineering, Design, and Operations Plan (EDOP). The Department advises you that information gained during the inspection indicates that Twin Enviro Services, Inc. (Twin) may have violated Colorado's solid waste laws. Department personnel will review the facts established and this notice may be revised to include additions or clarifications as a result of that review.

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

**Deficiency 1:** The stormwater management channel along the eastern side of the Pit 6 area of the Facility has not been constructed as per the approved design in the Facility's EDOP, in apparent violation of CRS § 30-20-110 and Section 1.3.9 of the Regulations.

**Deficiency 2:** The stormwater management channel along the southern side of the MOD 7 area of the Facility has not been constructed as per the approved design in the Facility's EDOP, in apparent violation of CRS § 30-20-110 and Section 1.3.9 of the Regulations.

**Deficiency 3:** The Department and Twin entered into Compliance Order on Consent Number 17-08-01-1 (COC# 17-08-01-01) on August 3, 2017. COC# 17-08-01-01 requires Twin to complete an update to the Facility's EDOP. Twin provided a draft revised EDOP on April 25, 2018. The Department provided extensive comments on September 24, 2018 with a due date for a revised EDOP by December 31, 2018. Twin submitted the revised EDOP on May 31, 2019. The Department provided extensive redline revisions and comments to the May 2019 EDOP in August 2019. Additionally, a working session reviewing the Department's comments on the revised EDOP between the Department, Twin, and their consultant (Golder) was held on August 28, 2019. The Department has still not received a completed EDOP update, in apparent violation of COC# 17-08-01-01 (paragraph 37), CRS § 30-20-113, and Section 1.9.2 of the Regulations.

**Deficiency 4:** Due to a land swap arrangement, Twin's property boundary no longer matches the Milner Landfill Certificate of Designation boundary as outlined on the Facility's Engineering, Design, and Operations Plan, in apparent violation of CRS § 30-20-110 and Section 1.3.9 of the Regulations.

**Deficiency 5:** The glass storage that is taking place on top of the MOD 3 area of the Facility is not contemplated in the Facility's approved EDOP and is therefore considered to be improper solid waste disposal, in apparent violation of CRS § 30-20-110 and Section 1.3.9 of the Regulations.

**Requested Action 1:** Within one hundred and eighty (180) days of your receipt of this Compliance Advisory, the Department requests that Twin construct the stormwater drainage channels (east side of Pit 6 area and south side of MOD 7 area) in accordance with the approved design for these features in the Facility's approved EDOP. Within thirty (30) days of completion of construction of these features, the Department requests that required construction quality assurance (CQA) reporting documenting the installation of these features be submitted to the Department.

**Requested Action 2:** Twin is out of compliance with Paragraph 37 of Compliance Order on Consent (COC) #17-08-01-01 which required completion of a revision to the Facility's EDOP. The Department is currently considering its enforcement options relevant to this apparent violation, but Twin is urged to complete the EDOP revision as soon as possible.

**Requested Action 3:** Within ninety (90) days of your receipt of this Compliance Advisory, the Department requests that Twin submit documentation demonstrating that Twin's property boundary has been restored to match the Facility's Certificate of Designation (CD) boundary as presented in the Facility's EDOP. Alternatively, Twin can revise the CD boundary in the final revised version of the EDOP requested to be submitted in Requested Action 3 above.

**Requested Action 4:** Within fifteen (15) days of your receipt of this Compliance Advisory, the Department requests that Twin appropriately recycles the glass stored on top of the MOD 3 area

of the Facility. The Department additionally requests that Twin provide a short "letter report," including photographs, documenting the appropriate disposition of the glass material.

To facilitate resolution of the issues identified in this Compliance Advisory, we encourage you complete the requested actions, including any required submittals, in the timeframes requested, and to document your return to compliance by submitting correspondence back to the Department. Also, please contact this office at the number listed below by February 14, 2020 to schedule a meeting (compliance conference):

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

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

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

Sincerely,

Digitally signed by Brian Long
Date: 2020.01.17 11:28:44 -07'00'

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

Enclosure

cc: Jill Parisi, CDPHE HMWMD
Ed Smith, CDPHE HMWMD
Randy Perila, CDPHE HMWMD
Dan Miller, CO AGO
Scott Cowman, Routt County
Curt Stovall, CDPHE HMWMD
Jerry Henderson, CDPHE HMWMD
David Snapp, CDPHE HMWMD
Alan Goldich, Routt County

SW Tracking