

# STATE OF COLORADO

John W. Hickenlooper, Governor  
Larry Wolk, MD, MSPH  
Executive Director and Chief Medical Officer

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

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Colorado Department  
of Public Health  
and Environment

July 19, 2017

Mr. Calvin Crowther  
17999 County Road 18  
Sanford, CO 81151

CERTIFIED MAIL # 70141200000114511710  
Return Receipt Requested

Re: Compliance Advisory for the Calvin Crowther Property  
17999 County Road 18  
Conejos County, CO  
SW/CNJ/GEN/1.6

Dear Mr. Crowther:

This letter discusses the Compliance Advisory issued to you on June 26, 2017 based on information gained during a limited inspection of a waste oil spill area at the above-referenced property. The inspection was conducted by the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (the "Department") on that date. Copies of the Inspection Report, Compliance Advisory, and a Notice of Inspection are attached.

The purpose of the inspection was to address an anonymous complaint and determine the facility's compliance status with respect to the Solid Wastes Disposal Sites and Facilities Act, CRS 30-20-100.5 *et. seq.*, and the Regulations Pertaining to Solid Waste Sites and Facilities (6 CCR 1007-2, Part 1; the Regulations). The Department advises you that based on information gained during the inspection, you may have violated Colorado's solid waste laws. Department personnel will review the facts established and the Compliance Advisory may be revised to include additions or clarifications as a result of that review.

Please be aware that you are responsible for complying with Colorado's solid waste Regulations and that there are civil penalties for failing to do so. The issuance of the Compliance Advisory does not limit or preclude the Department from pursuing its enforcement options concerning the inspection including issuance of a Compliance Order and/or seeking an assessment of civil penalties. Also, the Compliance Advisory does not constitute a bar to enforcement action for conditions that are not addressed in the Compliance Advisory, or conditions found during future file reviews or inspections of your property.

Apparent violations and requested actions identified in the Compliance Advisory and Inspection Report are discussed below. The Department will take into consideration your response to the requested actions in its consideration of enforcement options.

**Deficiency:** The Crowther Property is operating as a solid waste disposal site and facility and has not received a certificate of designation from the governing body, Conejos County. Therefore, the disposal of solid waste, which includes waste oil, at the Crowther Property located at 17999 County Road 18 constitutes illegal solid waste disposal occurring at a location without certificates of designation, in apparent violation of CRS 30-20-102 and Section 1.3.3 of the Regulations.

**Requested Action 1:** Immediately cease the disposal of waste oil and other solid waste on any property that does not have a certificate of designation.

**Requested Action 2:** By August 25, 2017 (60 calendar days from the day you received the Compliance Advisory), submit to the Department a Closure Plan with proposed implementation schedule (the "Plan"). The Plan should include provisions for the removal of all solid waste (e.g. waste oil contaminated soils and used oil filters) to a permitted solid waste disposal site and facility approved to accept this type of waste, and if applicable, a registered recycler for materials that are suitable for recycling (e.g. drummed waste oil). The Plan will be subject to Department review and approval prior to implementation.

The Plan should also include appropriate analytical sampling to characterize the waste oil impacted soil. In addition, the Plan should include collection of confirmatory analytical soil samples from remediated areas to evaluate the soils left in place. Waste characterization, confirmatory analytical sampling, and remediation is to be conducted in accordance with methods described in the Department's *Emergency Petroleum Spill Waste Management Guidance* document dated January 2014 (available on line at the Department's website at: [https://www.colorado.gov/pacific/sites/default/files/HM\\_emergency-petroleum-spill-waste-mgt.pdf](https://www.colorado.gov/pacific/sites/default/files/HM_emergency-petroleum-spill-waste-mgt.pdf)).

The above activities are to be documented in a Closure Report to be submitted to the Department within 60 days following receipt of the confirmatory analytical soil sample results. The report will describe the methods used, all analytical results, a scaled diagram illustrating the extent of excavation and sample locations, photos of exposed soils in the excavation area and backfilled excavation area, a discussion of groundwater encountered (if any), a summary of the project results, and all disposal manifests.

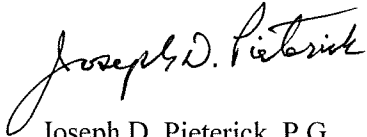
If groundwater is encountered during the remediation activities, additional groundwater assessment activities may be required to evaluate potential impacts.

As discussed during our June 26, 2017 inspection meeting, you may want to consider retaining an environmental consultant to help you prepare the Plan, conduct analytical sampling, complete remediation activities, and prepare the associated Closure Report. One source listing environmental consultants in Colorado familiar with petroleum remediation can be found on the Colorado Department of Labor and Employment (CDLE) website (<https://opus.cdle.state.co.us/contacts/>). Additional information regarding local consultants, contractors, and waste disposal facilities may also be available by contacting Ms. Linda De Herrera, Conejos County Land Use Administrator at 719-376-2014.

To facilitate resolution of the issues identified in the Compliance Advisory, we encourage you complete the requested actions, including any required submittals, in the timeframes requested. If it would be helpful, you may contact this office at the number listed below to schedule a telephone meeting (or a meeting at our offices in Denver, if you prefer). During this meeting, you will have the opportunity to discuss the Compliance Advisory, ask questions, develop a schedule for correcting the deficiencies, or submit information necessary to show that the deficiencies are not a violation of Colorado's solid waste laws.

You may contact Joe Pieterick at (303) 692-3355 or Ed Smith (303) 692-3386 concerning the deficiencies detailed in the Compliance Advisory and/or to set a meeting to discuss the Compliance Advisory.

Sincerely,



Joseph D. Pieterick, P.G.  
Environmental Protection Specialist  
Solid Waste Compliance Assurance Unit  
Solid and Hazardous Waste Program



Ed Smith  
Unit Leader  
Solid Waste Compliance Assurance Unit  
Solid and Hazardous Waste Program

Attachments

EC: Linda De Herrera, Conejos County Land Use Administrator  
Randy Perila, HMWMD  
Justin Laboe, HMWMD  
SW Tracking

# SOLID WASTE INSPECTION SHEET

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

Date: June 26, 2017 Times: 11:00 AM – 11:50 AM

Site: Crowther Property  
17999 County Road 18  
Sanford, CO 81151

County: Conejos County

Owner: Calvin Leon Crowther

Inspectors: Joseph D. Pieterick, HMWMD  
Ed Smith, HMWMD

Inspection: Complaint

Site Representative: Calvin Leon Crowther

Other Participants: Linda De Herrera, Conejos County Land Use Administrator

Weather Conditions: Mostly sunny and hot

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On June 26, 2017, staff from the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division ("the Division"), conducted a limited complaint inspection of a waste oil spill/dumping area at the Calvin Crowther property located at 17999 County Road 18 in Conejos County, Colorado. The purpose of the inspection was to address a complaint and evaluate the compliance of the site with the requirements set forth in the Solid Wastes Disposal Sites and Facilities Act ("the Act"), CRS 30-20-100.5 *et seq.*, and the Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2 ("the Regulations").

## Background

The Crowther property is primarily used for agriculture and includes several buildings and related equipment. On August 4, 2016, CDPHE received an anonymous complaint about apparent illegal disposal of waste oil on the ground surface adjacent to a garage with metal roof at the northern portion of the subject property. The waste oil spill area and garage are located approximately 150 feet south of an irrigation ditch. To address the complaint, Division staff initially evaluated public records associated with the property. Due to concerns regarding the potential for the spilled waste to be considered hazardous under Division Regulations, Mr. David Foster with the Division's Hazardous Waste Compliance Assurance Unit conducted an initial site visit and met with Mr. Crowther on September 15, 2016.

During the initial inspection, Mr. Crowther indicated that the spilled waste oil is derived from oil changes conducted on various farm equipment and semi-trucks associated with the farming operation. Based on this information, the spilled waste oil was considered to be exempt from the Part 279 used oil Regulations. An October 28, 2016 Compliance Assistance letter discussing these findings was issued by the Hazardous Waste Compliance Assurance Unit to Mr. Crowther. However, based on the Regulations, spilled waste oil at the Crowther property is still considered a solid waste.

To evaluate the waste oil spill area as it relates to the Solid Waste Regulations, Division Inspectors Pieterick and Smith inspected the spill area at the subject property and met with Mr. Crowther on June 26, 2017. Ms. Linda De Herrera, Conejos County Land Use Administrator, also participated in the inspection.

## **Site Inspection**

On June 26, 2017, Division Inspectors Pieterick and Smith met with Ms. De Herrera and Mr. Crowther at the north portion of the subject property. Following introductions, Mr. Crowther granted permission to access and photograph the property and spill area. Photos were taken by Inspector Pieterick.

The subject waste oil spill area was accessed by driving west from County Road 18 approximately 550 feet to a steel gate and cattle guard along an east-west trending wire fence. The spill area is located south of the fence, generally between the gate and the northeast corner of the garage, and east of the garage. Please see Photo 1 in Attachment A. A portion of the waste oil staining is on highly degraded and cracked asphalt pavement, although it is difficult to determine what is stained soil and stained degraded pavement. See Photo 2. The stained area is irregular in shape and patchy as seen on Photo 3. Five steel drums containing waste oil, according to Mr. Crowther, were observed near the garage. See Photo 4. An open pan of waste oil was also present as seen on Photo 5.

The approximate dimensions of the area impacted by waste oil was 60 feet (north-south) by 35 feet (east-west). A utility power pole and overhead wires are present in the spill area. A small area of disturbed stained soils approximately 3 inches deep was observed north of the garage where a backhoe bucket had apparently been used. See Photo 6. The maximum depth of soils impacted by the waste oil is unknown. The depth to groundwater at the site is also unknown.

The inspection was limited to the waste oil spill area.

Mr. Crowther indicated that the waste oil staining resulted from years of conducting oil changes and that he intended to clean up the impacted area. Inspectors Pieterick, Smith and Ms. De Herrera discussed submittal of a Cleanup Plan, anticipated cleanup activities, impacted soil disposal options, confirmatory analytical testing, and documentation that would be needed to address the spilled waste oil and eventually complete the project.

Mr. Crowther was advised that the waste oil impacted soils would need to be removed and disposed of at an appropriately permitted landfill following the submittal of a Cleanup Plan to the Division for review, and receipt of Division approval for the plan prior to conducting cleanup activities.

Following the inspection activities, Inspector Pieterick provided Mr. Crowther with a completed Notice of Inspection Form and completed Compliance Advisory Form. Copies of these forms are included as Attachments B and C.

## **Findings**

The Facility was in apparent violation of the Act and the Regulations on the day of inspection. Division staff issued a Compliance Advisory to Mr. Crowther prior to leaving the site on June 26, 2017. The following apparent violations were found:

**Deficiency:** The Facility is being operated as a solid waste disposal site, and the facility does not have a Certificate of Designation (CD) or an approved Engineering Design and Operation Plan (EDOP). This is in violation of CRS 30-20-102(1) and 30-20-102(2) and Section 1.3.3 of the Regulations.

## **Compliance Assistance Items**

CDPHE staff advised Mr. Crowther that Ms. De Herrera is available to help identify local consultants or contractors that may be available to assist him with the cleanup activities. In addition Inspector Pieterick discussed his availability to answer questions about the Compliance Advisory and to schedule a compliance conference.

Prepared by: Joseph D. Pieterick  
Joseph D. Pieterick, P.G.

Date: 7-19-17

Environmental Protection Specialist  
Compliance Assurance Unit  
Solid Waste and Materials Management Program  
Colorado Department of Public Health and Environment

**Attachments:**

Attachment A	Photo Log – Photos of the site taken by the Division
Attachment B	Notice of Inspection Issued to Calvin Crowther on June 26, 2017
Attachment C	Compliance Advisory Issued to Calvin Crowther on June 26, 2017

File: SW/CNJ/GEN 1.2, 1.8



**ATTACHMENT A**  
**Photos of the site taken by the Division**



Photo 1: Looking southwest from the gate toward the garage and waste oil spill area.



Photo 2: Waste oil staining on soils and degraded asphalt at the property. Looking northwest.





Photo 3: Looking north at patchy waste oil staining east of the garage and drums.



Photo 4: Steel drums and heavy waste oil staining. Looking west-northwest.





Photo 5: Looking north at waste oil in an open pan and adjacent staining.



Photo 6: Disturbed waste oil stained soils north of the garage. Looking southeast.

## **ATTACHMENT B**

**Notice of Inspection Issued to  
Calvin Crowther on June 26, 2017**



Colorado Department  
of Public Health  
and Environment

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

4300 Cherry Creek Drive South, Mail Code HMWMD-B2, Denver, CO 80246-1530

(303) 692-3320 <http://www.colorado.gov/cdphe/solidwaste>

### Solid Waste and Materials Management Program Notice of Inspection

Facility Name <u>CROWTHER PROPERTY</u>	Facility ID —	Date <u>10-26-17</u>
File Code <u>SW/CNS/GEN 1-8</u>	Inspection Announced? <input checked="" type="checkbox"/> Yes ( ) No	Time In: <u>11:00 AM</u>
Street <u>17999 CR-18,</u>	Enter by: <input checked="" type="checkbox"/> Consent ( ) Warrant ( ) Open Fields	Time Out: <u>11:50 AM</u>
City <u>SANFORD</u> County <u>CONETOS</u> Zip <u>81151</u>	Phone <u>719-274-5471</u>	Email —
Facility Representatives: <u>CALVIN CROWTHER</u>	Phone <u>719-274-5471</u>	Email —
Local Government Representatives <u>LINDA DE HERRERA, COUNTY</u>	Phone <u>719-376-2014</u>	Email —

#### Inspection Result:

<input type="checkbox"/> No Violations Observed
<input type="checkbox"/> Minor Violations Noted Below
<input checked="" type="checkbox"/> Minor Violations, Compliance Advisory Issued
<input type="checkbox"/> Major Violations Identified

#### Compliance Assistance Delivered During the Inspection:

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No; If yes, describe: <u>SUGGESTED CALVIN WORK WITH LINDA REGARDING SOIL SAMPLING</u>
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#### Apparent Violations and requested corrective actions:

<u>THE FACILITY IS BEING OPERATED AS A SOLID WASTE DISPOSAL SITE AND FACILITY DOES NOT HAVE A CERTIFICATE OF DESIGNATION (CD) OR APPROVED ENGINEERING DESIGN AND OPERATIONS PLAN (EDOP). THIS IS A VIOLATION OF CRS 30-20-102(1) AND 30-20-102(2) AND SECTION 1.3.3 OF THE REGULATIONS.</u>
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#### Inspection Type:

<input checked="" type="checkbox"/> Complaint	<input type="checkbox"/> Enforcement Follow-up
<input type="checkbox"/> Routine Compliance Inspection	<input type="checkbox"/> Environmental Covenant
<input type="checkbox"/> Compliance Assistance Visit	<input type="checkbox"/> File/Records Review
	<input type="checkbox"/> Sampling

Signature of Facility Representative Receiving Form: <u>Calvin Crowther</u>	Lead CDPHE Inspector: <u>Joe Peterick</u>
Name of Facility Official Receiving Form: <u>CALVIN CROWTHER</u>	Assisting Inspectors: <u>ED SMITH</u>

## **ATTACHMENT C**

**Compliance Advisory Issued to  
Calvin Crowther on June 26, 2017**





Colorado Department  
of Public Health  
and Environment

COMPLIANCE ADVISORY

FACILITY: CROWTHER PROPERTY	INSPECTOR: Joe Pieterick	DATE: 6-26-17
	ADDRESS: <sup>HP 17999</sup> <del>18999</del> CR-18 SANFORD, CO 81151	
File code: SW/CNJ/GEN 18		

This Compliance Advisory provides notice related to information gained during inspection of the above named facility / property location on the date shown. We advise you that the inspector(s) believes that the "Apparent Violations" listed below are, or may be, violations of Colorado's solid waste laws or regulations. A review of the facts established during this inspection by Department personnel may result in revision of this Compliance Advisory to include appropriate additions or clarifications.

Please be aware that you are responsible for complying with the Colorado solid waste regulations and that there are substantial administrative and civil penalties for failing to do so. Section 30-20-113, C.R.S. provides that any person who violates Section 30-20-100.5 *et. seq.*, C.R.S., which includes the Solid Wastes Disposal Sites and Facilities Act ("the Act"), and the Regulations Pertaining to Solid Waste Sites and Facilities ("the Regulations"), 6 CCR 1007-2, may be subject to an administrative penalty of not more than \$10,000 per violation per day during which such violation occurs. 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 assessment of penalties. Also, this Compliance Advisory does not constitute a bar to enforcement action for conditions that the inspector(s) did not observe or evaluate, or conditions found during future inspections of your facility.

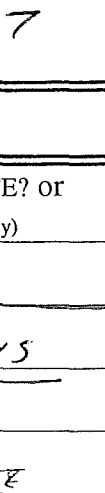
Per Section 1.9 of the Regulations, you may request a compliance conference, which can either be in person or by telephone. A primary purpose of the compliance conference is to give you the opportunity to submit additional materials addressing the violations alleged below. Such information may also be provided in writing by mail or electronically, preferably prior to any compliance conference. The compliance conference can also serve to clarify requested return-to-compliance actions and to develop a schedule for completion of such actions. We encourage you to contact the inspector within thirty (30) calendar days of the date of this compliance advisory to schedule a compliance conference, if desired.

Joe Pieterick, Inspector  
Hazardous Materials and Waste Management Division  
Colorado Department of Public Health & Environment  
Mail Code: HMWMD-B2  
4300 Cherry Creek Drive South  
Denver, Colorado 80246-1530  
Tel: 303-692-3355

Failure to respond in a timely fashion to this Compliance Advisory will be considered in any subsequent enforcement action and the assessment of administrative and/or civil penalties.

## COMPLIANCE ADVISORY

Page 2 of 2

FACILITY: CROWTHER PROPERTY	ACTIVITIES: WASTE OIL - SOLID WASTE DISPOSAL	DATE: 6-26-17
APPARENT VIOLATIONS NOTED DURING INSPECTION		
APPARENT VIOLATION DESCRIPTION / CITATION ( 6 CCR 1007-2 unless otherwise specified)	REQUESTED ACTION	BY WHAT DATE? or (X days from today)
1-3-3-- ILLEGAL DISPOSAL	(1) IMMEDIATELY CEASE ALL DISPOSAL ACTIVITIES	
	(2) SUBMIT TO THE DEPARTMENT A CLOSURE PLAN WITHIN 60 DAYS WITH PROPOSED IMPLEMENTATION SCHEDULE. THIS CLOSURE PLAN SHOULD INCLUDE PROVISIONS FOR THE REMOVAL OF ALL SOLID WASTE TO A PERMITTED SOLID WASTE DISPOSAL FACILITY ACCEPTING THIS TYPE OF WASTE. THE CLOSURE PLAN WILL BE SUBJECT TO DEPARTMENT REVIEW AND APPROVAL PRIOR TO IMPLEMENTATION.	
	(3) ACCORDING TO THE IMPLEMENTATION SCHEDULE (ONCE APPROVED BY THE DEPARTMENT) IN THE CLOSURE PLAN, DISPOSE OF ALL SOLID WASTE AT A PERMITTED SOLID WASTE DISPOSAL FACILITY ACCEPTING THIS TYPE OF WASTE.	
I acknowledge that the "Apparent Violations" listed above have been identified for me and I have been provided with the first page of this Compliance Advisory as well.		
 Facility Representative		