June 15, 2017

Mr. Les Liman
President
Twin Enviro Services
P.O. Box 774362
Steamboat Springs, CO 80477

Certified Mail Number: 7014 2870 0000 7699 6952

RE: COMPLIANCE ADVISORY – Unauthorized Discharge

Dear Mr. Liman:

The Colorado Department of Public Health and Environment (CDPHE), Water Quality Control Division (WQCD) has received information indicating that the Twin Enviro Services Milner Landfill (facility) located at 20650 County Road 205, Steamboat Springs, Colorado is subject to coverage under the Colorado Discharge Permit System (CDPS) for point source discharges to state waters.

On May 12, 2016, the CDPHE, Hazardous Material and Waste Management Division (HMWMD) conducted an inspection at the facility where an underdrain was identified in the southern portion of the landfill. This underdrain intercepts groundwater underneath the landfill and then discharges it into a pond located on the southwest side of the landfill. The facility was notified by HMWMD that this underdrain should be permitted through the WQCD as described in the May 12, 2016 inspection report. Subsequently, Twin Enviro Services, provided the WQCD with analytical data from the water being discharged from the underdrain. An evaluation of the data provided by Twin Enviro Services indicates that, among other pollutants present in the discharge, the discharge from the underdrain exceeds the applicable water quality standards of the receiving water for total recoverable arsenic, total recoverable iron, and potentially dissolved manganese.

The WQCD has also been informed by Twin Enviro Services, that since the May 12, 2016 inspection, the facility has installed a second underdrain at the landfill. This second underdrain is located upgradient of the first underdrain and discharges into the same pond.

According to WQCD records, Twin Enviro Services has not applied for or obtained a CDPS permit for this facility. Pursuant to §25-8-501(1), C.R.S., no person shall discharge any pollutant into any state water from a point source without first having obtained a permit from the Division for such discharge, and no person shall discharge into a ditch or man-made conveyance for the purpose of evading the requirement to obtain a permit under the Colorado Water Quality Control Act (Act). Twin Environ Services is a "person" as defined by the Act. The discharge from the underdrain into the pond contains substances which are defined as "pollutants" under the Act. The discharge from the underdrain is a "point source" and the receiving pond is "state waters" as defined by the Act. As such, the discharge from the underdrain to the pond constitutes an unauthorized discharge of pollutants into state waters without a permit.

To correct this violation, within fourteen (14) calendar days of the date of this letter, please submit to the Division the attached Remediation Activities Discharging to Surface Water Application. Please submit the application to the following address:

Colorado Department of Public Health and Environment
Water Quality Control Division
4300 Cherry Creek Drive South
WQCD-P-B2
Denver, Colorado 80246-1530

This Compliance Advisory is intended to advise Twin Enviro Services of alleged violations of the Colorado Water Quality Control Act, its implementing regulations and permits so that appropriate steps can be taken to avoid or mitigate formal enforcement action or to correct our records (if applicable). This Compliance Advisory does not constitute a Notice of Violation or Cease and Desist Order and is not subject to appeal. The issuance of this Compliance Advisory does not limit or preclude the WQCD from pursuing its enforcement options concerning the above violation(s). The WQCD will evaluate the facts associated with the above-described violation(s) and if a formal enforcement action is deemed necessary, you may be issued a Notice of Violation/Cease and Desist Order that may include the assessment of penalties.

If you have any questions, please contact Andrea Beebout in the Clean Water Enforcement Unit at 303.692.6498 or by email at andrea.beebout@state.co.us.

Sincerely,

Mark Pollock
Environmental Protection Specialist
Permits Section
Water Quality Control Division

Enclosure(s): Remediation Activities Discharging to Surface Water

cc: Marlin Mullet, Chief Financial Officer, Twin Enviro Services
Luke Schneider, Compliance Officer, Twin Enviro Services
Andrea Beebout, Clean Water Enforcement Unit, WQCD
Kelly Morgan, Manager, Clean Water Enforcement Unit, WQCD
Lillian Gonzalez, Manager, Permits Section, WQCD
Curt Stovall, Solid Waste Permitting Unit, HMWMD