

SW/RTI/MIL 1.6



March 16, 2020

Mr. Ed Smith, Unit Leader
Solid Waste Compliance Assurance Unit
CDPHE
4300 Cherry Creek Drive South
Denver, CO.80246-1530

REF: Twin Enviro Milner Compliance Issues

Dear Ed.

Interesting times huh?

This letter follows up my email to you of March 4, 2020. Again, we appreciate your response of March 6th. Luke is now back with the living from his bout with flu and then pneumonia.

Compliance Order on Consent # 17-08-01-01 - Per your email of March 3, "an approvable revised EDOP was to be submitted by the deadline of May, 31,2019." Luke and Curt (and at times Golder) had regularly scheduled monthly conference calls in early 2018 regarding the EDOP. In April of 2018 Luke submitted a draft of the EDOP to CDPHE. From May through September that draft was under review by Curt. Around the 24th of September Curt delivered 14 pages of requested revisions. Curt has been very involved in this process, if not directing it, so CDPHE has been kept very abreast of the process. Twin hired Golder to assist with Curt's revisions at a budget of about \$60k. A request for a May 31, 2019 deadline was approved contingent upon monthly updates from Luke. On May 31 Golder submitted a stamped, revised EDOP addressing Curt's September comments.

In August of 2019 Twin received comments about the submission, and a meeting was scheduled at your campus with Twin, Golder, Routt County and Curt/Brian/Jill. During that meeting a variety of issues relating to the EDOP was discussed: property boundary issues, Phase 2 planning, Mod 8 requirements, etc. Thereafter Golder submitted a budget request of about \$24k to address the comments from the meeting. Golder anticipated a completion date of mid-February for final submission.

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Luke was excited when the final version of the EDOP was submitted on February 20, 2020 and I received a hard copy of it early this month. Then, lo and behold we received yet another request from Curt for changes! That was followed by a response from Golder that requested another \$7,580 to fulfill the requests. This EDOP revision at Milner will exceed \$250k.

How long are these constant requests for changes going to persist? I won't repeat my comment about Twin's management of this process, but the state has been intimately involved in the project. I'm unsure that Twin actually missed the May 31 reporting deadline. I guess we could argue over "an approvable" EDOP, but that terminology is subjective. Golder is now addressing the latest request. A new deadline has been proposed by Curt of May 6, 2020.

The 1-20-20 Compliance Advisory - Twin has no excuse for not formally responding by the required date of February 14, 2020. Comments as follows:

Physical inspection of the Milner Landfill in October of 2018: Twin believed we had a clean inspection but never received a formal inspection report;

Physical inspection of the Milner landfill in August of 2019: Following the inspection Twin believed we would receive a good report, but in January of 2020 we received the inspection report along with a compliance advisory. In January and following that advisory Luke and Les met with Brian, Curt and Jill on your campus to discuss issues. So it's not like Twin was ignoring the issues or the process; it seems CDPHE holds Twin to timeliness standards that CDPHE doesn't itself practice.

Compliance Advisory deficiencies:

- ❖ Deficiency #1: Stormwater channel on Pit 6 boundary: Pit 6 was capped in 2013, there has been no significant erosion, and we don't anticipate any in the future. Twin has this project in our two-year plan attached hereto;
- ❖ Deficiency #2: Stormwater channel on south side of Mod 7: To date, there has been no stormwater there to merit the channel. Twin considers this a minor construction project and it is in our attached two-year plan for 2020.
- ❖ Deficiency #3: EDOP. Addressed above.
- ❖ Deficiency #4: Land swap arrangement with landfill neighbors. Neither the owner of the landfill or the adjacent landowner are agreeable to the Curt's comment of March 6, 2020, and both believe the issues can be resolved with easements.



I believe a meeting at the Milner site with CDPHE, Les Liman, and Camiletti is required to resolve this festering property issue.

- ❖ Deficiency #5: Glass stored on the landfill. Twin is temporarily storing glass from our recycling facility on the lined surface of the landfill. It poses no threat to anyone or anything and we are awaiting a resolution with the City of Steamboat Springs. This is a short-term issue and we do not believe it needs to be addressed in our EDOP.

Attached hereto is the two-year Milner landfill project list that I have been referencing. It contains both operational and compliance projects and we wanted the state to have it so you could be a part of our planning. There are some compliance projects that Twin does not consider urgent in respect to operational issues we consider more pressing.

Since Luke and I took over management of Twin's landfills in 2015 we have hoped for a working partnership with the state regulatory agencies and have been transparent in our dealings with the state. We have significantly improved the appearance of the landfills, regulatory compliance issues, and our environmental stewardship: more than you will ever know. BUT, that is no excuse for missing reporting deadlines, and for that we apologize.

We would like to review our plan with you and come to a joint resolution on the timing of the various projects on the attached list at Milner.

Respectfully;

Marlin

Milner Landfill – Two Year Project Schedule
March 17, 2020

Drainage channel south of Module 7 - 2020

Construction planned to occur with Module 6B/7B.

Stormwater drainage improvements in west area channels 1 & 2 - 2020-2021

Provide drainage and permitted outfalls in west side of site: encompassing existing water source, wood grinding area, new shop, and fuel island.

East channel of Pit 6 - 2021

Pit 6 will have the upper 270 linear feet constructed, and the next 250 linear feet improved with minor earthwork per Golder's assessment. There is some waste that will need to be moved during this process. Pit 6 was capped in 2013 and there has been no significant erosion of that area that would require Twin to prioritize this project in 2020.

Module 8 Planning - 2021

Subsequent to the resolution of the property boundary issues, Twin wants to develop a formal plan for the improvement or elimination of the rancher's pond adjacent to Mod 8 and plan for the currently designed parcel 1A grading.

Modules 1 – 5 Final Cover - 2021

Milner Landfill has reached final grade in most of the Modules 1-5 area of Phase 1. Final cover is planned to be placed during construction season 2021. Drainage structures and permanent access roads would also be constructed at this time.

Phase 2 Planning - 2020-2021

Twin anticipates hiring a full time planner to address the wetlands and the planning for Phase 2. Twin is aware of the five year requirement.

Milner Landfill – Two Year Project Schedule

March 17, 2020

In addition to normal operations, these are the special projects Milner Landfill has planned over the next two years.

Mining and stockpiling clay - 2020

Clay will be mined for the construction of Module 6B/7B from a previously unmined area at the north end of the site within Parcel 4. Golder has been contracted to provide a grading plan for mining a new borrow area at Milner Landfill. The grading plan will satisfy stormwater drainage and county planning requirements. Golder has tested the clay from the borrow area for permeability per CQA Plan requirements and results show the clay can meet liner permeability specifications. Twin believes there is sufficient clay for the liner requirements.

Achieving subgrade for Module 6B/7B - 2020

Twin still has a significant amount of excavating/grading to get to subgrade. We should be receiving construction plans for the cell in March of 2020.

Module 6B/7B Construction - 2020

Golder is currently working on construction drawings for Module 6B/7B using current monitoring well and piezometer water level data. Construction drawings of Module 6B/7B will include grading for a future Module 8. Construction is scheduled to occur as soon as conditions allow and sufficient clay has been stockpiled. Twin is planning on the same liner requirements as was approved for Mod 6A/7A.

Roughing in grades for Module 8 - 2020

Twin anticipates working on the grading of Mod 8 while engineers are onsite for module 6B/7B construction to observe structural fill placement in Module 8 area, prepare for the 2021 spring runoff, and continue progress for the next cell construction.

Evaporation pond depth gauge, fence, and road construction - 2020

Twin personnel are currently planning for fence and road construction in order to place the evap pond in operation. Jardon Engineering will provide the CQA observation and reporting for the construction of the fence and road. Should the design of the fence deviate from Plate 14 of Milner Landfill's EDOP, CDPHE will be notified ahead of time.

Pit 5 final cover and drainage installed near MRF building - 2020

The design of final cover and drainage near the MRF building has been reviewed and commented on by CDPHE, some changes to the design will be made before construction plans are finalized.