
Twin Enviro Services Milner Landfill

ACTIVITY #:	PL20210002
HEARING DATE(S):	Planning Commission - December 02, 2021 Board of County Commissioners - December 14, 2021
PETITIONER:	Twin Landfill
PETITION:	Special Use Permit - Twin Landfill amendment of Special Use Permit and Certificate of Designation for a solid waste disposal facility
LEGAL DESCRIPTION:	SW4SE4, TRS IN NE4SW4, NW4SE4, NE4SE4, SE4SW4, SE4SE4 SEC 16-6-86; TRS IN NE4NW4, NW4NE4, NE4NE4, SE4NW4, SW4NE4 SEC 21-6-86
LOCATION:	20650 COUNTY ROAD 205, ROUTT, CO 80487 at the end of CR 205, approximately 1 mile southwest of Milner
ZONE DISTRICT:	AF
AREA:	171.90
STAFF CONTACT:	Alan Goldich, agoldich@co.routt.co.us
ATTACHMENTS:	<ul style="list-style-type: none">• Pictures• Narrative• Site plan• State Guidance on Certificates of Designation

Project Description:

This Special Use Permit (SUP) application is being heard in order to:

1. Address violations to the SUP and Certificate of Designation (CD) that were identified through the inspections conducted by the State and County.
2. Update the CD to correct the legal description associated with it and to make it a more comprehensive document. Please see the Staff Comments section below for more information regarding the CD.
3. There are uses taking place that have not been approved by the County. This application will put in place a SUP and site plan that will account for the current operation and use of the site. The new uses not previously approved by the County include:

- a. Container (dumpster) storage and repair in the existing shop (located near the recycle building)
- b. Steel building material storage
- c. Electronic recycling storage
- d. Topsoil/compost storage
- e. Vehicle storage (trash trucks, heavy machinery, light duty vehicles, etc.)
- f. Clay and gravel extraction. (Gravel is used in maintenance of roadways and for drainage in the landfill. Clay is used during the construction of landfill deposition areas and acts as a liner to prevent below ground contamination.)
- g. Scrap metal and waste tire storage
- h. Organic storage and processing area (wood used in the compost operation)
- i. Trucking operations

Permitting and Authorization:

Under state statute (Solid Waste Act, 30-20-100.5, et seq. C.R.S.), the siting, permitting and regulation of solid waste disposal sites and facilities is an area of **dual jurisdiction**; that is, both the Colorado Department of Health and Environment's (CDPHE) Hazardous Materials and Waste Management Division (HMWMD) and Routt County have assigned roles and responsibilities. The HMWMD Permitting Unit reviews all permit applications for solid waste sites to determine if the proposed facility complies with the regulations pertaining to Solid Waste Sites and Facilities (6 CCR 1007-2, Part 1) and is protective of human health and the environment. It also works with local governing bodies, such as counties, to permit solid waste facilities. The HMWMD Compliance Assurance Unit conducts compliance inspections (site visits and document reviews) at facilities that manage, treat, recycle, reuse and/or dispose of solid wastes. This unit also investigates complaints alleging mismanagement of solid waste.

The Routt County Department of Environmental Health (RCDEH), and specifically the RCDEH Director, serves as the designated landfill regulator for the County and works closely with the HMWMD to help ensure compliance with the landfill's Engineering, Design, and Operations Plan (EDOP). (Please see the Staff Comments section below for an explanation of the EDOP). Environmental Health oversight responsibility is provided in accordance with state regulations (6 CCR 1014-7) for Core Environmental Health Services promulgated through the Colorado State Board of Health.

Routt County issues a **Certificate of Designation (CD)** authorizing use of land for a solid waste disposal site or facility. The CD contains approved landfill uses within a specific boundary and can only be issued by the County once the State has determined that the minimum standards per State regulations can be met. Upon approval of the Board of County Commissioners, Routt County issues a **Special Use Permit (SUP)**, with conditions, that allows a landfill to utilize a parcel of land for waste disposal. RCDEH and the County Planning Department work closely to ensure compliance with conditions of the SUP. Both the CD and SUP include approved boundaries for which landfill activities may take place.

History:

The Milner Landfill has been used as a landfill since 1970. Prior to that, the public disposed of waste in pits that were left following pre-law surface mining (before reclamation requirements for surface mines went into effect). The first CD was issued by Routt County in 1977. Routt County hired contractors to operate the landfill before eventually turning over operations and ownership to Les Liman who continues to own the facility. He also owns and operates a trash and single stream recyclables hauling operation (Twin Environmental or Twin). The first SUP was issued in 1984 with amendments to the permit throughout the years.

In the spring of 2016, the HMWMD, along with County officials, conducted an inspection of the site. Multiple violations of state statute, HMWMD regulations, and the EDOP were documented. The inspection resulted in a Compliance Advisory and then a Consent Order (Order) from the state that contained deadlines to address the deficiencies and violations. In the spring on 2017 another inspection by representatives of the State was conducted and additional violations were identified. A Compliance Advisory was issued based on this inspection as well.

The last time Planning Commission and the Board held hearings regarding the landfill was in 2018 when violations to the SUP, EDOP, and CDPHE – HMWMD regulations were discovered relating to the operation of the solidification basin. The solidification basin was where liquid wastes were dumped and then mixed with fly ash until a solid was formed. At that point, it was then placed in the landfill. Those hearings resulted in Twin not being able to accept liquid waste until a new system for collection and storage was put in place. Since then, the new system was installed. It consists of two sealed tanks that collect and store the liquid until it can be properly disposed of off-site.

Twin has been working with CDPHE since 2016 to revise and update their EDOP. This effort resulted in a revised EDOP, which was approved by HMWMD in December 2020.

The current SUP allows for the following uses: composting area, liquid waste collection and transfer, asbestos disposal, mineral extraction sites for on-site use only, the Milner Mall, and recycling operations, along with the buildings and equipment that are associated with these uses.

Site Description:

The landfill is approximately 170 acres. This area includes past, active and future trash deposition areas, the compost facility, liquid waste collection tanks, recycling, vehicle and equipment storage, gravel/clay extraction areas, Milner Mall, and structures associated with the operation of the landfill. A material extraction area is located in the far northwest portion of the site.

The landfill is located on the south side of Hwy 40, west of Milner, on the site of an old coal mine. It is located at the edge of a bench that overlooks the river bottom below. From the highway, the material recovery facility (where recyclables are sorted), the container repair shop, office, roll-off dumpsters, and portable toilets are visible from the highway. As viewed from the highway, several ridges rise behind the landfill which prevents any of the activities or structures at the landfill from being skylined. County Road 205 is used to access the landfill. The County Road ends at the property line of the landfill, which is just south of the entrance to Rogue Resources wood mill and the Grizzle T dogsled operation.

Deposition of waste is currently taking place in the southern area of the site in Modules 6A and 7A. Modules 6B and 7B are immediately to the east of this area. Construction of these cells was recently completed and they have begun to receive the initial layer of trash.

Compliance Issues:

The following section was prepared for Planning Commission and the Board to demonstrate issues that are pervasive at the landfill. Although most of the issues that were identified were corrected with the approval of the 2020 EDOP, problems still exist. The County plays a very important oversight role in the regulation of the landfill because the closest inspector for CDPHE is in Denver. The County can respond much more quickly and frequently to ensure that operational issues do not rise to the same level that were experienced in 2016.

Prior to the 2016 inspection from the state, the state had not inspected the site for three years. Since then, inspections were conducted in 2017, 2018, and 2019. It has not been inspected by the state since 2019 because of COVID. The County has been able to conduct inspections approximately twice a year since 2016.

2016 Inspection

The following list of violations to conditions of approval was compiled so that Planning Commission and the Board can understand what types of issues were identified in 2016. As previously mentioned, Twin's revised EDOP was approved in 2020, which cures most of the issues that were identified in 2016.

- | | |
|------------|--|
| COA
#1 | The Administrative Amendment of the SUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 4, 5, and 6. <ul style="list-style-type: none">• <u>6.1.3 Local, State, and Federal Regulations and Standards</u> - non compliance with approved EDOP• <u>6.1.5 Industry Standards</u> - poor stormwater management• <u>6.1.7.E Water Quality and Quantity</u> - relating to poor stormwater management• <u>6.1.7.F Air Quality</u> - failure to submit required reports• <u>6.7.1.P Reclamation and Restoration</u> - excavating on-site areas and off-site areas prior to receiving approval to do so |
| COA
#2 | The Administrative Amendment of the SUP is limited to uses and facilities presented in the approved project plan. Any additional uses or facilities must be applied for in a new or amended application. Staff comment: Additional uses have been added to the site including roll-off container and portable toilet storage. |
| COA
#6 | This approval is contingent upon any required federal, state and local permits being obtained and complied with; the operation shall comply with all federal, state and local laws. Copies of permits or letters of approval shall be submitted to the Routt County Planning Department prior to operations. Staff comment: non-compliance with the approved EDOP |
| COA
#7 | Fuel, flammable materials, and hazardous materials shall be kept in a safe area and shall be stored in accordance with the state and local environmental requirements. Staff comment: non-compliance with the storage of fly ash |
| COA
#15 | All applicable standards set forth by the Colorado Department of Health and the Routt County Department of Environmental Health shall be complied with. The operation shall comply with all federal, state, and local laws. All applicable conditions of the Regulations Pertaining to Solid Waste Disposal Sites and Facilities by the Colorado Department of Health shall be complied with. Biannual or more frequent inspections will be conducted by the Routt County Department of Environmental Health. Staff comment: See #6 above. |

Staff Inspection on 10/7/21

- There are two illegal septic vaults that serve the office building and the vehicle maintenance shop. These were installed without approval from the County and against state regulations.
- Trash on the working face had not received interim daily cover (soil) as required by state regulations and the recently approved EDOP.

- Stormwater control issues: breaks in the containment berms were observed and material was pushed up against the berm, allowing water to flow over the berm.
- Wind blown trash and trash outside of the material recovery facility.
- Unpermitted clay and gravel extraction area in the northwest portion of the site. This area was developed prior to gaining approval in the 2020 EDOP. It has not been re-seeded. Twin is in the process of amending their industrial stormwater permit to allow for discharge from this area.

Compliance Advisories and Consent Orders

As part of the application submittal, staff required that all Compliance Advisories and Consent Orders issue by the state be provided. Over the past 18 years there have been 9 of the these Orders or Compliance Advisories issued. CDPHE stated that this number of Compliance Advisories and Consent Orders is higher than seen at other landfills. Violations identified in these documents mainly relate to:

1. Working face cover - soil placed over deposited garbage not meeting requirements
2. Stormwater management issues – still exist to this day
3. Permitting – late or work with no permits
4. Reporting – timeliness of submitting required reports and documentation

Staff Comments:

1. An EDOP is required for all landfill operations. It specifies how the landfill will be operated and how it will be closed. This document is reviewed by CDPHE HMWMD for compliance with state laws and regulations. Twin began working with the state to amend their EDOP following the Compliance Advisory that was issued in 2016. The revised EDOP was approved in 2020 and the County participated in the review of this document.
2. The most recent CD obtained by Twin was in 2010. Since then the property boundaries have changed, which requires amendment of the boundaries of the CD. It is also staff's opinion that the current document is lacking sufficient detail on the allowed uses and needs to be updated.
3. The recently approved EDOP addresses most of the issues that were present in 2016, however, some of the day to day operational issues still exist.
4. In June of 2021, the County, along with all of the municipalities, adopted the Routt County Climate Action Plan (CAP). This plan is the framework for achieving sustainability goals in the County. It states, *"Rather than setting a lofty goal and working backwards to identify strategies needed to meet the goal, this CAP identifies attainable strategies, actions, and tactics accessible to various stakeholders and partners, that together create a clear roadmap for reducing emissions from different sectors (e.g., energy, transportation, waste, etc.)."* There are several tasks within the CAP that can be accomplished through land use reviews. Review of the landfill against these actions is especially important due to the emphasis the CAP puts on waste reduction and diversion. Please see the CAP section in the body of the report for those policies that are applicable to this application.
5. No regulations or Master Plan policies have changed since the last time the landfill was reviewed by Planning Commission and the Board. Staff's review of the regulations and policies will be limited to the additional uses that have been proposed.

Issues for Discussion

1. The roll-offs and portable toilet storage locations are visible from the highway and have not been approved by the County. Do the visual impacts of this storage location need to be mitigated? A simple solution would be to require solid fencing of these areas to prevent them from being seen. Condition #25 is included for discussion.

Compliance with the Routt County Master Plan, Sub Area Plans and Zoning Resolution

The Routt County Master Plan, Sub Area plans and Zoning Regulations contain dozens of policies and regulations regarding land use. Section 5 of the Regulations are designed to limit or eliminate conditions that could negatively impact the environment and/or use of surrounding properties, and shall apply in all Zone Districts and to all land uses unless otherwise noted. Section 6 Regulations apply to all Minor, Administrative, Conditional or Special Uses allowed by permit only, PUD plans, Site plans, and Subdivisions.

The following checklist was developed by Planning Staff to highlight the policies and regulations most directly applicable to this petition. The checklist is divided into seven (7) major categories:

1. Climate Action Plan
2. Mining and Related Uses Regulations and Standards
3. Community Character and Visual Impacts Roads
4. Natural Environment

Interested parties are encouraged to review the Master Plan, Sub Area plans and Zoning Regulations to determine if there are other policies and regulations that may be applicable to the review of this petition.

Staff Comments are included at the end of each section, highlighting items about which the public, referral agencies, or planning staff have expressed questions and/or comments regarding the proposal. **Staff comments regarding compliance with regulations and policies are noted in bold below.**

Climate Action Plan

- | | |
|--------|---|
| WS1 A2 | Develop or expand community-wide organics recycling programs, infrastructure and facilities. Work towards making composting equally accessible throughout the community. |
| WS1 A3 | Incentivize and encourage local government and businesses to develop, adopt and implement waste management plans that increase waste diversion. |
| WS1 A5 | Develop a county-wide approach to waste management, data collection, and reporting.
T1 Conduct a county-wide study to determine material volume and fate
T2 Develop a county-wide solid waste management plan based on data from the study to increase waste diversion and efficiencies |
| WS1 A6 | Develop or participate in a regional coalition that enhances the community's ability to address waste management targets. |
| WS1 A7 | Develop a construction and demolition diversion program. |
| WS2 A2 | Ensure that residents, businesses, and organizations have access to affordable recycling in order to reduce their waste footprint. |

- WS2 A3 Perform a comprehensive recycling study and develop specific plans for community recycling.
- T3 Audit waste streams to identify and track contamination and volume of recyclable materials

Staff comments: Since the CAP is so new, compilation of data is a critical step in order to determine what types of actions need to be taken to reduce and divert waste from going into the landfill. Staff has suggested several conditions that would require the landfill to report on the amount and make up of waste that is being placed in the landfill and what is being diverted from it. There are other elements of the CAP that, although not specifically addressable through the review of this permit, will require cooperation between the County and Twin to implement the the actions necessary to achieve the goals.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

Mining and Related Uses Regulations and Standards

Applicable Regulations – Routt County Zoning Resolution

- 9.2.A Shall be compatible with surrounding agricultural, residential, and recreational land uses by selection of location and/or mitigation.
- 9.2.B The proposed operation will be located a sufficient distance from other mining operations so as not to create cumulative impacts to roads, air and water quality, or other resources and amenities. The Planning Commission and the Board of Commissioners will determine sufficiency of distance.
- 9.2.C Equipment used for the operation will not be visible from adjacent or surrounding residences, or will be mitigated to the extent possible to reduce visual impacts. Planning Commission and/or the Board of County Commissioners will determine sufficiency of mitigation.
- 9.2.D Shall be operated such that noise generated by the use does not exceed State of Colorado residential noise standards within 150 feet of any residence.
- 9.2.F Truck traffic will not access the mining operation through residential or commercial areas, or such traffic will be mitigated. Planning Commission and/or the Board of County Commissioners will determine sufficiency of mitigation.
- 9.2.H Unless all disturbance created by the mining operation is covered by a reclamation bond under jurisdiction of the Colorado Division of Minerals and Geology, or by the federal government on federally owned lands, a bond or other acceptable financial performance guarantee shall be submitted in favor of Routt County in an amount of at least 150 percent of the cost of restoration of the site and access roads. The required amount of such financial performance guarantees may be increased at the discretion of the Planning Director to account for inflation. A bid for site restoration acceptable to the permittee and Routt County shall be submitted to the Planning Department as evidence of the cost of reclamation for bond setting purposes.

Staff comments: The above standards are those that are applicable to this operation. A gravel pit operation was permitted as part of this operation in 2004, however, it has not been operated in the way that was approved by the County. This extraction area is no longer in use and is in the process of being reclaimed. There are other extraction areas that are contemplated to be used for this operation. The central area of the landfill has

been mined (without County approval) to provide material for the operation. Part of this application is to officially sanction this use in this area.

Because of the previous approval of an extraction operation and the nature of a landfill, mining is compatible with surrounding land uses. There are no other extraction operations in the area and since the material is for on-site use only, the impacts of this operation would be less than if material were to be brought in from off-site. No visual impacts are anticipated from the mining operation since it is taking place in an area of the site that is not visible from the highway or from Milner. Currently they are mining from the southwest to the northeast, so the extraction face looks to the southwest. There are no residential uses in the area so no noise, visual, or traffic impacts are anticipated from the mining operation. The final use of this area, after extraction is complete, will be additional landfill area (to be designed and reviewed in the future).

***Is the application in compliance with the Policies and Regulation outlined above? Yes or No*

Community Character and Visual Concerns

Applicable Regulations – Routt County Zoning Resolution

6.1.7.G Visual Amenities and Scenic Qualities.

Applicable Policies – Routt County Master Plan

5.3.F Routt County will continue to consider the impacts of development and uses on view corridors, water, wetland, and air.

Staff comments: Outdoor storage of materials is a normal part of this type of operation, however, the dumpster, roll-off container, and portable toilet storage area is currently taking place on the north end of the property, which is visible from the highway. The stored items stand out on the landscape because of their blue and white color. See the pictures located later in this report. There is a condition of approval in the existing permit that states all structures must be painted a neutral color. This was to minimize visual intrusions on the landscape. The visual impacts created by this storage location is identified as an issue for discussion.

Most of the work that is taking place at the landfill is occurring on the south end of the property. The trash deposition location is in this area as well. This area is shielded from view from Milner and Hwy 40. The current trash deposition pan will not be visible and therefore will not create any impacts. If future trash deposition plans result in visual concerns, staff will have the opportunity to review it. COA #13 would require the applicant to address this issue with Planning Commission and the Board through the permit amendment process.

Outdoor lighting is required at some of the structures. Conditions of approval are suggested to address the lighting at these locations. The surrounding land uses are rural in nature. Next door to the landfill is Rogue Resources' wood processing facility. The landfill site has had industrial uses taking place on it for almost a hundred years with the landfill being there for almost 50 years.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

Natural Environment

Applicable Regulations – Routt County Zoning Resolution

- 6.1.7.E Water Quality and Quantity
- 6.1.7.F Air Quality.
- 6.1.7.Q Noxious Weeds.

Applicable Policies – Routt County Master Plan

- 5.3.B While respecting private property rights, the County will not approve development applications or special use permits that would lead to the degradation of the environment without proper mitigation that would bring the proposal into compliance with the Master Plan, appropriate sub-area plans, Zoning Resolution, and Subdivision Regulations.

Staff comments: As mentioned earlier, the County has consistently identified issues with the stormwater management on the site that could impact water quality. The landfill has come a long way since the stormwater issues were identified in 2016, but additional oversight will be needed to keep these issues to a minimum.

As long as the landfill complies with the conditions of their air quality permit, there should not be impacts to air quality. A condition requiring a weed control plan be created and annual reporting of weed control measures is suggested. These conditions have been required on other large scale land disturbance operations (gravel pits) permits.

***Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

PLANNING COMMISSION / BOARD OF COUNTY COMMISSIONERS OPTIONS:

1. **Approve the Special Use Permit request without conditions** if it is determined that the petition will not adversely affect the public health, safety, and welfare and the proposed use is compatible with the immediately adjacent and nearby neighborhood properties and uses and the proposal is in compliance with the Routt County Zoning Regulations and complies with the guidelines of the Routt County Master Plan.
2. **Deny the Special Use Permit request** if it is determined that the petition will adversely affect the public health, safety, and welfare and/or the proposed use is not compatible with the immediately adjacent and nearby neighborhood properties and uses and/or the proposed use is not in compliance with the Routt County Zoning Regulations and/or the Routt County Master Plan. Make specific findings of fact, citing specific regulations or policies by number from the Routt County Master Plan and the Routt County Zoning Regulations.
3. **Table the Special Use Permit request** if additional information is required to fully evaluate the petition. Give specific direction to the petitioner and staff.

4. **Approve the Special Use Permit request with conditions and/or performance standards** if it is determined that certain conditions and/or performance standards are necessary to ensure public, health, safety, and welfare and/or make the use compatible with immediately adjacent and neighborhood properties and uses and/or bring the proposal into compliance with the Routt County Zoning Regulations and Routt County Master Plan.

FINDINGS OF FACT that may be appropriate if the Special Use Permit is approved:

1. The proposal, with the following conditions, meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, 6 and 9 of the Routt County Zoning Regulations.

CONDITIONS that may be appropriate may include the following:

General Conditions:

1. The Special Use Permit (SUP) is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 4, 5, 6, and 9.
2. Any complaints or concerns that may arise from this operation may be cause for review of the SUP, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
3. In the event that Routt County commences an action to enforce or interpret this SUP, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
4. Fuel, flammable materials, and any other materials classified as hazardous shall be stored in a safe and secure area in accordance with federal and state requirements.
5. Prior to the issuance of the permit, the Permittee shall provide evidence of liability insurance in compliance with the County's Insurance and Surety Requirements policy, then in effect. The certificate of insurance shall include all permit numbers associated with the activity and Routt County shall be named as an additional insured. Permittee shall notify the Routt County Planning Department of any claims made against the policy.
6. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director following internal review, without public notice.
7. Transfer of this SUP may occur only after a statement has been filed with the Planning Director by the transferee guaranteeing that they will comply with the terms and conditions of the permit. If transferee is not the landowner of the permitted area, transferee shall submit written consent for the transfer by the landowner. Failure to receive approval for the transfer shall constitute sufficient cause for revocation of the permit if the subject property is transferred. Bonds, insurance certificates or other security required in the permit shall also be filed with the Planning Director by the transferee to assure the work will be completed as specified. Any proposal to change the terms and conditions of a permit shall require a new permit.
8. The Permittee shall prevent the spread of weeds to surrounding lands and comply with the most current version of the Colorado Noxious Weed Act and Routt County

regulations for noxious weeds. A Noxious Weed Control Plan shall be developed by the Permittee and reviewed and approved by the County Weed Supervisor prior to issuance of the Special Use Permit.

Specific Conditions:

9. The SUP is valid for five years. If no major issues have been identified in the three inspections preceding the expiration of this permit and there are no substantial changes to the EDOP or uses, this permit may be administratively renewed according to Section 3.2.1 of the Zoning Regulations for an additional 5 years.
10. The SUP is limited to uses and facilities presented in the approved project plan, including the uses and structures listed below. Any additional uses or facilities that are not considered accessory to a landfill and waste hauling business, recycling, waste transport, or special event supply must be applied for in a new or amended application. Facilities and uses shown or described in narrative (August 9, 2021) or on site uses and sup boundary map (September 2021) or within EDOP (December 2020).

Landfill Uses:

- Solid waste disposal (does not include hazardous waste)
- Liquid waste storage and transfer (does not include hazardous waste)
- Exploration and Production waste (solid waste disposal and liquid waste storage and transfer)
- Friable and non-friable asbestos disposal
- Clay, topsoil, and gravel extraction for onsite landfill use only
- Leachate management, including existing evaporation pond
- Fuel storage and fueling operations for onsite vehicles and equipment
- Storage of topsoil
- Onsite equipment and vehicle use, repair and storage
- Tire shred usage for drainage

Recycling Uses:

- Composting operations:
 - food waste storage and processing
 - bio-solid storage and processing
 - finished compost storage
- Storage and sale of reusable construction and demolition (C&D) waste (Milner Mall)
- Material Recovery Facility (MRF) recycling operations
- Electronics storage and transport
- Steel & building material storage
- Scrap metal storage
- Waste tire storage in accordance with state regulations; tire shred storage and use
- Organics storage and processing area (green waste)

Waste Transport

- Waste hauling and associated maintenance and vehicle storage
- Waste and recycling container storage and maintenance
- Fuel storage and fueling operations for on-road vehicles

Special Events Uses:

- Portable Toilets
- Tents & event equipment
- Waste and Recycling Containers

Structures

- Office and scale house
- Material Recovery Facility (MRF/recycling facility)
- Container repair shop next to MRF
- Reusable C&D materials storage sheds (Home Resource Center/Milner Mall)
- Leachate holding tank
- Liquid waste storage tanks
- Shop (adjacent to liquid waste storage area)

11. This permit is contingent upon the acquisition of and compliance with all applicable permits. The operation shall comply with all federal, state, and local laws, including the Regulations Pertaining to Solid Waste Disposal Sites and Facilities set forth by the Colorado Department of Public Health and Environment. Any upset condition that is reportable to a permitting agency shall require notification to the Routt County Planning Department.
12. The Engineering, Design, and Operation Plan (EDOP) dated December 4, 2020, as amended is hereby incorporated into this SUP. Operation of the landfill shall proceed in accordance with this plan.
13. The Permittee shall communicate any contemplated amendments to the EDOP to County staff. EDOP and SUP amendments will be reviewed by Routt County Environmental Health and Planning Department staff to determine if a formal review will be required. Such review by staff will consider the scope of changes and impact to surrounding lands.
14. The operation will be reviewed annually by Routt County Planning or Environmental Health Department staff to ensure compliance with permit conditions, with recommendations to Planning Commission and Board of County Commissioners, as appropriate. Inspections may be conducted quarterly without notice to the Permittee. Inspections may include observation of all aspects of the operation.
15. Routt County Environmental Health officials may take split-samples from the wells during the spring or fall sampling events or surface water based on the agreed upon protocol:
 - a. Compliance Manager or designee of Twin shall be notified 24-hours in advance and be present at time of sampling.
 - b. Location of sample shall be identified by Routt County Environmental Health (RCEH).

Roads

16. Permittee shall be responsible for any additional winter maintenance and other regular road maintenance above and beyond that normally conducted by the Public Works Department on County Road 205 during the life of the operations and shall obtain

applicable Grading and Excavating, Work in the Right of Way, and Snow Removal permits. Routt County shall meet with the permittee periodically to assess necessary maintenance resulting from use of the road. Additional maintenance shall be determined by the Routt County Public Works Department in its sole discretion and at permittee's expense. Maintenance may include, but is not limited to, grading and graveling of roadways, restoration of roadway crown, sweeping or cleaning access points, soft spot/damage repair and application of a dust palliative as approved by the Routt County Public Works Director

17. Routt County has the authority to close any county road at its sole discretion if damage to the road may occur by its use. To the extent that a road closure may affect permittee's operations, Routt County will cooperate with Permittee to allow operation to be continued in a safe and practical manner, with reasonable advance notice to the Permittee.

Reporting

18. All annual submittals shall be submitted to the Routt County designee at annualreports@co.routt.co.us.
19. All regular reports required by a permitting agency shall be submitted to the Routt County designee. Such reports include:
 - Annual Liquid Waste Transfer Unit Report
 - Annual WQCD Report
 - Annual Biosolids Report
 - Annual Compost Report
 - Annual Recycling Report (recycle volumes)
 - Semi-annual Air Quality (Title 5) Permit Report(s) which contains
 - Annual Emission Calculation
 - Annual Non-Methane Organic Carbon
 - Annual Greenhouse Gas Calculation
 - Tier 2 Report(s)
 - Semi-annual Groundwater Monitoring Reports
 - Semi-annual Leachate Management Reports
 - Quarterly Gas Monitoring Reports
 - Quarterly Volume/tons Report
20. The landfill shall provide quarterly reporting on types and volumes of diverted waste including construction and demolition waste, plastics, glass, cardboard, paper, metal/steel, bio-solids (and other compostable waste), and liquid waste. Separated waste (contamination) of single stream recyclables shall be included in the disposal fee calculations. Reports shall be submitted at the same time as the disposal fee calculations.
21. The landfill shall provide yearly reports on the volume of E&P waste that is accepted with the quarterly disposal fee calculations that are provided.
22. Permittee shall submit an annual report prior to December 31 of each year to document all weed control measures undertaken, including herbicides used, rates of application, and total gallons of mixed herbicide solution applied.

23. Permittee shall conduct an annual inventory of weeds on site each spring including but not limited to species identification and map locations. Inventory shall be submitted to Routt County Weed Program (RCWP) supervisor within 30 days of conducting the survey.
24. An annual survey shall be performed by the permittee to calculate landfill air space consumed during the previous 12 months. All data associated with such survey shall be submitted to the Routt County Environmental Health Department by October 31st.

Visual Mitigation

25. A fence shall be placed around the dumpster and portable toilet storage area to mitigate visual impacts from Highway 40 and Milner.
26. Lighting shall be downcast and opaquely shielded. All exterior lighting shall be turned off between 8:00 p.m., or when the maintenance building is not in use, whichever is earlier, and 7:00 a.m. Necessary motion-sensitive, safety, and/or security lighting is excluded.
27. There shall be no exterior lighting at the above ground leachate holding tank except necessary, motion-sensitive, safety and/or security lighting.
28. All new structures shall be painted a neutral color.
29. At the Material Recovery Facility, all loose materials salvaged for recycling shall be contained within the recycling building. Recycled materials may be stored outdoors if baled, stored in bins, or other designated storage areas. Glass shall be contained within a cement block enclosure or similar containment area.
30. Public access to the Milner Mall shall only occur during daylight hours. The hours of operation of other landfill activities shall be in accordance with the EDOP.
31. Prior to issuance, an Acknowledgement of Merger of Title shall be recorded merging parcel 938211002 with parcel 938164001.
32. The septic vaults at the shop and office building shall be brought into conformance with Routt County regulations by October 30, 2022.
33. Any clay, gravel, or similar construction materials used in the operation of the landfill brought onsite from another parcel, shall be from a County approved source, if under the jurisdiction of Routt County, within the SUP boundary, or through the acceptance of solid waste. If obtained from within the SUP boundary, applicant will communicate with the County the planned operations.



Portable toilet and dumpster visible for Highway 40.





August 9, 2021

RE: Twin Enviro Services, Milner Landfill
Special Use Permit Application – Narrative

Dear Mr. Goldich;

Twin Enviro Services currently operates a municipal solid waste landfill facility located at 2650 Routt County Road 205 near Milner, Colorado in Routt County. In response to your request, Twin is submitting a Special Use Permit (SUP) Application as an update to the SUP executed in 2019. This SUP is intended to be a comprehensive summary of onsite uses, plans, permits, and general facility information and incorporates the updated CD boundary incorporating land purchases made in 2020. This letter contains the application narrative specifically addressing items from the Planning Application Checklist. Additional requested items are referenced at the end of this letter and either attached as exhibits, or have been provided in electronic format due to their size, as indicated in the Attachment List.

Description of Site Use

Twin operates Milner Landfill as a non-hazardous solid waste disposal facility in Routt County. The site is located at 20650 Routt County Road 205 in Routt County, approximately 1.2 miles southwest of Milner, Colorado. The Milner Landfill is situated in abandoned strip pits resulting from unreclaimed coal mining operations. These mining operations probably concluded in the 1960s.

Per the EDOP, "In addition to operating the solid waste landfill, Twin manages the following operations at the site: 1) composting and wood recycling 2) liquid waste storage and off-site transfer, 3) leachate evaporation in a holding pond, 4) a 10,000-gallon leachate storage tank, 5) a tire storage area, 6) a material recovery facility (MRF), and 7) material recycling known as the Milner Mall. The liquid waste storage and transfer operation is located at the site of the former liquid waste solidification basin. Twin ceased operating the solidification basin on October 31, 2019."

Elaborating on the operations listed in the EDOP, the following operations are active and/or planned:

- Trucking operations;
- Mining of clay, gravel, and clay for onsite use;
- Composting operations use biosolids, ground wood recycled material, and potentially food waste;
- Leachate recycling (potential future);

Mailing Address • P O BOX 774362 • Steamboat Springs, CO • 80477

Milner Landfill • 20650 RCR 205 • Steamboat Springs, CO • 80487

Voice 970-879-6985 • fax 815-377-2495 • www.twinenviro.com • milner@twinenviro.com

"At the time of the 2003 Plan, the landfill footprint was approximately 36 acres. A vertical and lateral expansion of the landfill was approved in 2004 over unused portions of the site and over the fill area that contains refuse placed by the County and Twin. The landfill expansion approved in 2004 covered an area of 86 acres, and added refuse volume of approximately 8.6 million cubic yards to the site.

"This landfill, as historically operated and as designed in this Plan, is located within Parcel 1. Parcels 2 and 4 are contiguous and represent areas of potential future landfill expansion. Twin requested as part of the 2020 EDOP update that Parcels 1, 2, and 4 be included under the landfill Certificate of Designation; however, landfill operations will not be conducted outside of Parcel 1 without CDPHE approval of design and operations plans for Parcels 2 and 4. Recently, Parcel 1A was sold, and Parcels 1B and 1C were added.

"The current landfill area is within Phase 1. A vertical and lateral expansion of the landfill was approved by the CDPHE in 2004. The approved landfill vertical expansion will place waste over the Old County Landfill, Pits 5 and 6, over the former sludge pond, and a portion of Phase 1. The approved lateral expansion will be into areas west of Pit 6 and south and west of Pit 5 to the south property line. Plates 4, 8, and 10 show the approved expansion. The Phase 1 lateral expansions are being constructed in approximately 2- to 5-acre modules in order to minimize surface water drainage control needs and the disturbed area of the landfill. The area fill method of landfilling is employed at the site.

"Phase 2 construction will be timed so that the first module of Phase 2 will be ready to accept waste as interim closure of Phase 1 begins. The Phase 2 base grading plan shown in Plate 8 and related calculations will be redesigned to account for the actual waste limits in Pits 5 and 6. The Phase 2 design revisions will be submitted to the CDPHE and Routt County for review and approval at least five years in advance of planned initiation of liner construction in Phase 2. The actual waste limits of Pits 5 and 6 will be investigated prior to preparation of Phase 2 design revision that will be submitted to the CDPHE and Routt County. A detailed landfill progression plan for Phase 2 will be included in the revised Phase 2 design. Management of leachate and stormwater will be an important aspect of the Phase 2 landfill progression plan.

"In addition to lateral expansion in the Phase 2 area, Phase 2 will accommodate vertical expansion over a portion of the Old County Landfill, Pit 5, Pit 6, the former Sludge Pond, and parts of Phase 1. Phase 2 will be lined in the areas of the lateral expansion (i.e., over previously unlandfilled ground).

The life for the site is estimated to be 26 years."

Legal Description

The Twin-owned property is described in the EDOP, Section 1.5. The main parcel consists of 164.27 acres and comprises the current operations of the facility. This excerpt from the EDOP describes the property, "This landfill, as historically operated and as designed in this Plan, is located within Parcel 1. Parcels 2 and 4 are contiguous and represent areas of potential future landfill expansion. Twin requests that Parcels 1, 2, and 4 be included under the landfill Certificate of Designation; however, landfill operations will not be conducted outside of Parcel 1 without CDPHE approval of design and operations plans for Parcels 2 and 4. Parcel 3 is owned by Les Liman, owner of Twin Landfill Corporation. Parcel 3 is located to the west of Parcels 1, 2, and 4. However, Parcel 3 is not included in the CD, and no landfilling activity

is planned for the parcel. Recently, Parcel 1A was sold, and Parcels 1B and 1C were added. All three of these parcels are included in the Certificate of Designation boundary as shown on Plate 1.”

Section 1.5 of the EDOP also provides the legal descriptions of the landfill parcels.

Copies of available Deeds are included as Attachment G.

Hours of Operation & Property Access

Security is provided at the facility during operational hours via a scale house attendant. The landfill is open Monday through Friday 8am to 4pm and Saturday from 8am until noon. The facility is currently operational 6-days a week; operational hours are subject to change. All visitors must check in at the scale house upon arrival. Outside of working hours the facility maintains a 6-foot high, 2x4 welded wire mesh fence surrounding the landfill facility to deter unauthorized access.

Anticipated Traffic

In 2020, Twin had 21,134 vehicle trips to the facility, for an average of 1,761 trips per month. Through July of 2021, Twin has seen 12,436 vehicle trips for an average of 1,776 trips per month.

Using the waste escalation planned for in the EDOP of 1.5% increase in waste acceptance per year, trips to the landfill could increase by 30% in 20 years (year 2041).

Staffing and Equipment Spread

The number of personnel employed at the site at any given time will vary depending on the incoming waste volume, litter pick-up requirements, and scheduled construction activities such as liner construction or cell excavation. Typically, the landfill employs 30 to 40 staff plus an additional 10 at the Material Recycling Facility.

The current personnel employed at Milner Landfill hold these positions:

- 1) Compliance officer
- 2) Landfill manager
- 3) Equipment Operators
- 4) Fleet Management and drivers
- 5) Equipment maintenance manager and staff
- 6) Scale operator
- 7) Support and office staff

Employees may be trained to fill more than one of these positions.

The equipment used at the disposal facility includes, but is not limited to, bulldozers, trash trucks, haul trucks, excavators, skid steers, service trucks, pickups, and water trucks.

Site Buildings & Sanitation

There are no current plans for addition of buildings to the operations at the site, so additional information regarding proposed building is not applicable.

Three flush toilets exist at the property: one at the scale house main office and two at the equipment maintenance shops. Two are connected to a vault system that is equipped with a level indicator guiding regular pumping activities and one is connected to a drain field.

Roto Rooter conducted an inspection of the vault at the shop on 5/6/21 and 5/25/21 and it was found in good condition. The line from the shop was jetted as part of routine maintenance.

Potable water is provided via bottled water service.

Site Plans

The EDOP (Attachment B) includes a number of site plans that illustrate the following items as required in the Routt County submittal checklist:

- existing conditions,
- Phasing Plans,
- approved expansions,
- Operational and CD boundaries
- Property lines
- locations of site buildings and structures,
- the site water bodies, stormwater drainage plan, and sample locations
- Perimeter fencing,
- Access roads and onsite roads
- Final closure plan

Operating Permits

The facility holds many permits for operation through the State and County. The Engineering Design and Operations Plan (Golder, 2020) includes description of operational permits, and provides inspection and reporting requirements for each. The EDOP is attached as attachment B.

The SPCC plan was updated in 2021 and is included as Attachment E.

The following plans and permits were specifically requested by Routt County, and can be found in the attached EDOP, as part of the main text and many as appendices with permit specifics:

- NPDES Industrial Stormwater Permit
- Air quality (Title 5)
- SWMP
- Asbestos Operational Plan

Wetlands & Floodplain

Two areas of the site were delineated and include a 1.08 acre wetlands and 0.83 acre pond, both within the horseshoe area of the site. US Army Corps of Engineers completed a jurisdictional determination in December 2020 and found both resources not to be covered by the Clean Water Act/ 404, and both were deemed to be isolated and non-connected. Twin subsequently submitted a letter proposal for draining and source determination (e.g., spring fed or stormwater) to CDPHE and Routt County on June 28, 2021.

CDPHE replied on July 20, 2021, with their concurrence of Twin's plan to dewater the area, with conditions. The County was copied on both letters, and they are also included as Attachment B.

Noxious Weed Program

The EDOP specifies that if noxious weeds are identified, they will be managed per the Plan, as stipulated in Section 7.6 of the EDOP.

Changes to the Conditions of Approval

A red-line, strike-out version of the previous Conditions of Approval is attached for your review with suggested edits and deletions based on current operation.

Requested Attachments

The following requested attachments are all included in the attached EDOP:

- Vicinity Map
- Facility Map
- CD, SUP and Operational Boundaries
- Phasing Plan
- Excavation, Grading & Drainage Plan
- Final Reclamation Plan
- Site Buildings

Attached Documents

The following requested attachments are included on the enclosed thumb drive:

- A. Redline Conditions of Approval
- B. EDOP
- C. Wetlands Letters
- D. Title IV 2020 renewal
- E. SPCC
- F. 2020 Financial Assurance
- G. Property Deeds

We look forward to working with Routt County on this SUP renewal. Please feel free to reach out with question or to discuss this application further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mullet', with a large, sweeping initial 'M'.

Marlin Mullet, CEO



Compliance Bulletin

Solid Waste

CERTIFICATE OF DESIGNATION (CD) AS A SOLID WASTE DISPOSAL SITE

reviewed/revised December 2010

The siting, permitting and regulation of solid waste disposal sites is an area of dual jurisdiction between the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (the Division) and local governing authorities. Persons proposing a facility in unincorporated portions of any county must apply to the commissioners of the county in which the site is to be located. If the facility is proposed to be within the corporate boundaries of a municipality, they must apply to the governing body of the municipality. Each party has assigned roles and responsibilities. (6 CCR 1007-2 Section 1.3.1)

What is a certificate of designation (CD)?

A certificate of designation is a document issued by the local governing body authorizing the use of land for a solid waste disposal site or facility. The CD is issued if it has been determined that the technical standards set out in regulation are met and after local issues are considered and satisfied.

Who must obtain a CD?

Anyone operating a facility for solid waste disposal where processing, treatment, or final disposal of solid waste is performed must obtain a certificate of designation (6 CCR 1007-2 Section 1.3.3). Examples of such facilities include municipal solid waste landfills, certain private solid waste landfills, composting facilities, and solid waste incinerators. Exceptions to the requirement to obtain a CD include:

- those sites at which any person, other than a governmental unit, disposes of one's own waste on one's own property, *as long as the Division has determined that the site complies with state regulations and is not a public nuisance based on a review of an engineering design and operations report prepared and submitted by the operator;*
- facilities at which persons are engaged in mining operations under a permit issued by the Division of Minerals and Geology of the Colorado Department of Natural Resources for mining wastes or other solid waste

- generated within the permitted area;
- sites operated for the legitimate purpose of processing, reclaiming, or recycling recyclable materials as long as the materials are not likely to contaminate groundwater or create off-site odors as a result of these operations;
- sites where sludge is applied for beneficial purposes (fertilizer, soil conditioner, or livestock feed) as long as the sludge meets all State Board of Health and Department of Agriculture requirements;
- hazardous waste disposal sites issued a CD under the Colorado Hazardous Waste regulations; and
- solid waste transfer stations that meet the requirements of Section 7 of the State solid waste regulations.

(6 CCR 1007-2 Section 1.4)

Who do you contact to obtain a CD?

Obtaining a certificate of designation begins with the local governing authorities. Persons interested in obtaining a CD should contact the county commissioners, planning department, or municipal government, based on the location of the proposed facility. (6 CCR 1007-2 Section 1.6.1)

Is there an application form?

There is no standard application form to fill out. Applicants should contact the local governing authority to determine their requirements. Copies of the Colorado Solid Waste Regulations may be obtained from the Division and are available in downloadable format on the Internet.

What happens after the local governing authority receives the application?

The local governing body forwards copies of the application packet to the Division for technical review and recommendation of approval or disapproval. The local governing body may also conduct their own review at this time.

An application completeness determination must be made by the Division within 30 days of receipt of the

application. The determination of completeness of the application doesn't imply anything about the outcome of the review, nor prevent the Division from seeking clarifications or additional information. (6 CCR 1007-2 Section 1.6.5)

Once it is determined that the application is complete, a comprehensive technical review is completed to determine if the siting, design, and operating criteria of the proposed facility are protective of human health and the environment. Any technical conditions of approval made by the Division in its final report will be incorporated as requirements in the Certificate of Designation. (6 CCR 1007-2 Section 1.6.6) A public review and comment period is included as part of the review. (Title 30 Article 20 Section 104(3)).

Who issues the CD?

The certificate of designation is issued by the local governing authority. Issuance of the CD is based on the recommendation of the Division to approve the application and on local factors. (6 CCR 1007-2 Section 1.6.6) If the Division disapproves the application, the local governing authority cannot issue the CD. The local governing authority may also deny the CD even if it has been approved by the Division. The local governing authority is required to conduct a public hearing for new CDs.

What fees are required to obtain a CD?

A non-refundable fee must accompany the application to the local governing authority. This fee is based on costs incurred by that body in the application review and approval process (6 CCR 1007-2 Section 1.6.2). The applicant is also responsible for costs incurred by the Division during the comprehensive technical review of the application, technical review of amendments to existing certificates of designation, site visits, and attendance of Division staff at meetings and hearings concerning the application or amendments. The applicant must pay all applicable fees prior to issuance of the final recommendation (6 CCR 1007-2 Section 1.7.2).

Are there other fees?

Landfill operators are required to collect a user fee from each person disposing of solid waste at an attended solid waste disposal site. These monies are partially used by the Division to fund the ongoing monitoring and inspection activities of Division Staff (Title 25 Article 16 Section 104.5 CRS).

For more information:

**Colorado Department of
Public Health & Environment**

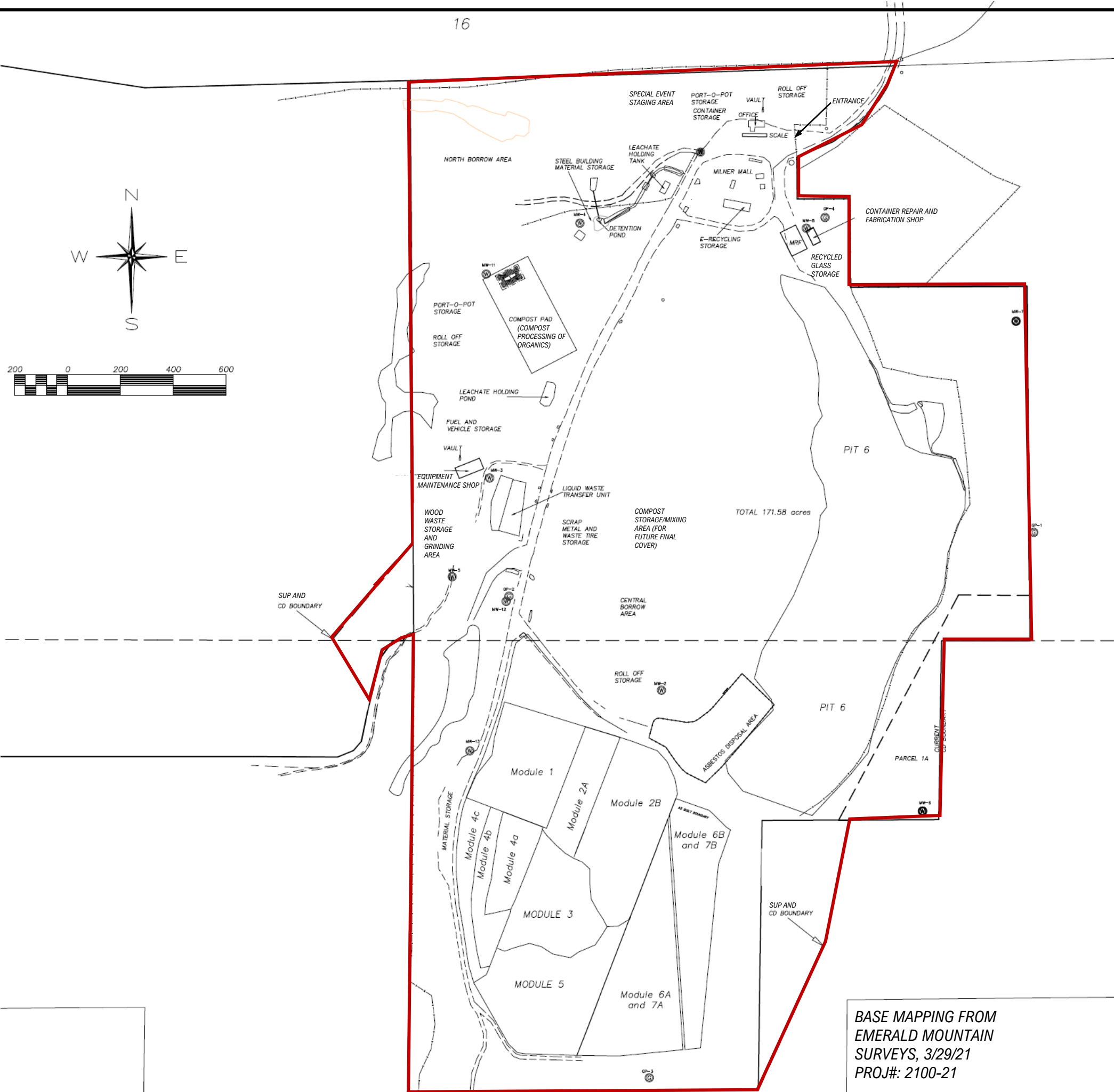
**Hazardous Materials and
Waste Management Division
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530**

***Customer Technical Assistance (303) 692-3320
888-569-1831 ext. 3320 toll-free***

Division website www.colorado.gov/cdphe/hm
E-mail comments.hmwmd@state.co.us

SW-002

This Compliance Bulletin is intended to provide guidance on the appropriate siting of non-hazardous solid waste disposal sites and facilities based on Colorado solid waste statutes and regulations only. The sites and facilities described in this guidance may also be regulated under other statutes and regulations.



Additional Site Operations & Uses:

- Trucking operations
- Mining of clay, gravel, and clay for onsite use (Borrow Areas)
- Composting operations use biosolids, ground wood recycled material, and potentially food waste (Compost Pad)
- Leachate recycling (potential future)



MILNER LANDFILL

SITE USES AND SUP BOUNDARY

SUP APPLICATION

SEPTEMBER 2021 24 of 24

BASE MAPPING FROM
EMERALD MOUNTAIN
SURVEYS, 3/29/21
PROJ#: 2100-21