

STATE OF COLORADO

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

John W. Hickenlooper, Governor
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Colorado Department
of Public Health
and Environment

November 1, 2011

Mr. Keith Maynes
1134 North Cascade Avenue
Montrose, Colorado 81401

**Subject: Date Extensions to Complete Requested Actions Contained in the September 16, 2011
Compliance Advisory**

Dear Mr. Maynes:

The purpose of this letter is to follow up on the compliance conference held on October 11, 2011 relative to a September 16, 2011 compliance advisory. During the compliance conference the Division agreed to extend the time frames for certain return-to-compliance actions.

Those date extensions are described below, with the associated actions referenced as they were in the September 16, 2011 compliance advisory.

Requested Action 1(b)- Extended to December 1, 2011

The compliance advisory requested that, within (30) days from receipt of the compliance advisory letter, you and Mr. Gunn remove all retrievable tires from July 26, 2011 storm from the affective waterways. Because the Uncompahgre River is not expected to reach minimum flows until after November 1, 2011 the requested compliance date for requested action 1(b) is extended to December 1, 2011 to allow the greatest opportunity to remove all tires from the affected waterways.

Since the compliance advisory was issued, the Department became aware that some tires released from the July 26, 2011 storm have migrated beyond the Uncompahgre River west diversion structure located immediately north of the Trout Creek Road Bridge. Accordingly, tires that were released from Mr. Gunn's property during the July 26, 2011 storm which have migrated past the west diversion structure are also included in the request for removal from the affected waterways by December 1, 2011.

Requested Action 1(c)- Extended to January 16, 2012

The compliance advisory requested that by November 1, 2011, you or in combination with Mr. Gunn submit to the Department for review and approval, a detailed report of all the cleanup efforts along the affected waterways, including but not limited to:

- Number and approximate locations of tires removed from the waterways;
- An estimate of the number of man-hours, equipment, and methods used to complete the removal of tires from the waterways;
- Property to which no access was granted along with stretches of the affected waterways for which no tires could be removed; and
- Documentation of interim storage and ultimate disposition of all tires removed.

Since the requested date to remove all tires from the affected waterways has been extended, it is also necessary to extend the requested date for the submittal of a detailed report of all the cleanup efforts. Accordingly, the requested date for the submittal of the detailed report is extended to January 16, 2012.

Requested Action 4(b)- Removal of Date for Registering as a Tire Hauler

The compliance advisory requested that within fourteen (14) days of receipt of the compliance letter that you complete the Departments' registration process as a waste tire hauler. During the compliance conference you explained that once you became aware of the requirement to register as a tire hauler, you stopped transporting more than nine (9) tires at a time so to prevent your activities from being subject to Section 10.3.2 of the Regulations. You also explained that only during the removal of tires from Indian Ranch, immediately following July 16, 2011 storm, did you haul more than nine (9) tires at a time. You also stated that, in the future, you will not transport more than nine (9) tires at a time and thus will not be a tire hauler as per Section 10 of the Regulations. Accordingly, the request to register as a tire hauler is not necessary.

Requested Action 4(c) Removal of Tires to an Appropriate Disposal Facility- Extended to January 16, 2012

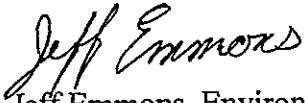
The compliance advisory requested that, by November 1, 2011, all waste tires removed from the Gunn property or from waterways associated with the tire release cleanup be removed to an appropriate facility as required by Section 10.3.1(A) of the Regulations. As per the above extension of the timeframe to remove tires from the affected waterways, the requested timeframe for ensuring the removal of all tires associated with the cleanup to an appropriate disposal facility is extended to January 16, 2012.

Requested Action 4(c) Documentation of the Ultimate Disposition of Tires- Extended to January 16, 2012

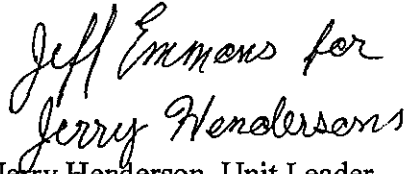
The compliance advisory requested action 4(c) also asked that by November 31, 2011 you provide, to the Department, documentation on the ultimate disposition of all tires from the cleanup and closure activities associated with the tire release. As per the above extension of the timeframe to remove tires from the affected waterways, the requested timeframe for providing documentation on the ultimate disposition of all the tires is extended to January 16, 2012.

Thank you very much for taking the time to meet with Division staff on October 11, 2011 and discuss resolution of the issues in a constructive manner. If you should have any questions regarding this letter, the advisory or the discussion in the compliance conference, please feel free to contact Jeff Emmons at 970-248-7168, or Jerry Henderson at 303-692-3455.

Sincerely,



Jeff Emmons, Environmental Protection Specialist
Solid Waste Compliance Assurance Unit
Solid and Hazardous Waste Program



Jerry Henderson, Unit Leader
Solid Waste Compliance Assurance Unit
Solid and Hazardous Waste Program

cc: Connie Hunt, Ouray County Administrator
Montrose Board of County Commissioners
Richard Thompson, Montrose County Environmental Health
Stephen Moore, Army Corp of Engineers-Grand Junction Office
Scott Klarich, CDPHE, Water Quality Control Division
Amy Ondos, Weaver & Fitzhugh, P.C. (email)
SW File Burro Creek Tire Release OUR BUR 1.8
GJ SW File