

STATE OF COLORADO

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

November 1, 2011

Mr. Laurence (Butch) Gunn
17158 Chipeta Drive
Montrose, Colorado 81401

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

Dear Mr. Gunn:

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. Keith Maynes 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 your 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. Maynes 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 3- Extended to January 16, 2011

The compliance advisory requested by November 15, 2011, that you develop and submit to the Department for review and approval a closure plan in accordance with §2.5, §3.5 and §10.5 of the Regulations. The closure plan should include a proposed plan to close all solid waste disposal areas on your property and to remove tires already released to the affected waterways as a result of the July 26, 2011 storm that may have been inadvertently missed or unavailable for removal during the initial removal efforts. The closure plan should also include interim stormwater control features to ensure additional tires are not released as a result of future precipitation events that may occur before the solid waste disposal site is properly closed.

During the compliance conference you explained your preference to provide a closure plan that allows the buried tires to remain within the unnamed drainage. You also recognized that other governmental agencies such as Ouray County and the U.S. Army Corp of Engineers (USACE) may have requirements that which limit or change your desired closure options and recognized that additional review of the Solid Waste Regulations and discussions with Ouray County and the USACE may be needed to help define your closure plan options. In addition, you are aware that the desired closure plan may require significant engineering details. Accordingly, the requested date for submittal of the closure plan is extended to January 16, 2011.

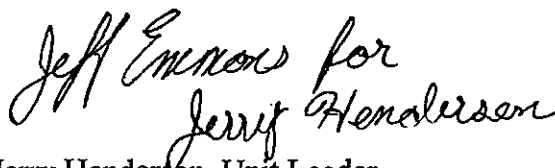
During the compliance conference, you explained that loose tires in the unnamed drainage have been removed and work has been completed to prevent the release of any tires from the unnamed drainage from future storm events that may occur before the implementation of the approved closure plan.

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