

## OURAY COUNTY

# BOCC updated on Cow Creek tires by CDHE

By JESSI MARLATT

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A flash flood in Ouray County on July 26 dislodged tires into Burro Creek. After a site visit to Butch Gunn's property on Aug. 12, state and local officials raised the estimated number of tires in the flood to 1,000. The unpermitted hauling and disposing of tires has gone on for 15 years. Gunn admitted to authorities up to 4,000 more tires were buried.

At its meeting on Aug. 23, the Board of County Commissioners heard a report by phone from Charles Johnson, Solid Waste Materials Manager for the Colorado Department of Health and Environment. Johnson's office is in Denver and he has not been to the site, but he has received reports from Jeff Emmons of the Grand Junction Solid Waste Unit and CDHE Environmental Protection Specialist Philip Egidi. Emmons and Egidi were both present for the site inspection on Aug. 12.

A full investigation is underway by the Department of Solid Waste Materials. So far, they have found Gunn does not have a certificate of use for a landfill; Keith Maynes, owner of Maynes Tire in Montrose is not a permitted tire hauler; roughly 1,000 tires are in the river; and, fees were charged for their disposal.

Johnson told the BOCC, "We have authority for inspecting and enforcing solid waste rules and regulations. This includes a section specifically about tire haulers, tire disposers and the collection of fees. What we will do is figure out how to properly collect and dispose of the tires."

The steps that Johnson outlined for the state's course of action if civil charges are filed include: issuing a report; giving Gunn a compliance advisory; and, finally, an order that will (in theory) cause the violators (Gunn and Maynes) to engage in corrective action to clean up the tires and possibly pay fines. If the order is not accepted and executed by consent, a Unilateral Order can be issued and could possibly be taken to District Court.

BOCC Chair Heidi Albritton asked Johnson, "Who bears the cost of the clean up?"

Johnson said it starts with the owners and operators, Gunn and Maynes. According to Jeannine Natterman, Public Health Officer for the State Health Department, in a telephone interview on Aug. 24, if civil action is taken and Gunn and Maynes do not have enough money, any of their resources can be used to pay for the clean up.

"And if they are not a bottomless pit of money to clean up their bottomless pit of tires? Who is responsible?" Albritton continued.

Johnson said other agencies could help bear the cost. "We (the Department of Solid Waste) would not be going to the county to clean up someone else's mess," Johnson explained.

Ken Lipton, chair of the Ouray County Planning Commission, who attended the meeting as a concerned citizen, asked, "If the thousands of tires buried remain so, is that an acceptable solution?"

Johnson said that could be a possibility but not a likely one. Gunn would have to submit a plan for an engineer-designed enclosure and prove that the arroyo containing buried tires fits that design, in addition to providing 30 years of care for the site.

One community member asked if samples would be taken to make sure that only tires had been buried. Maynes Tire specializes in tires but is a full mechanic shop.

"We would hate to think that we were burying a bunch of tires when there was actually something worse seeping into the ground water," said Johnson. There may be soil samples, rock samples, trenches and surveys to determine the extent of the damage. But nothing is planned yet. "It is just too soon to know," said Johnson, "we already have 1,000 tires; we are not thinking about the rest yet."

It did take local and state authorities two weeks to mobilize a site visit. Another citizen said, "they could be burying more tires right now."

"We just don't have the manpower to have someone on

each site all day every day. The state receives about 120 reports a year from all corners of the state and we get an investigator out there once we can shake someone's workload," said Johnson.

Emmons did not give an official "cease and desist" order when he visited the property. "When I was talking to Mr. Gunn at the site visit he was paying really close attention. This is a serious matter. My advice on site was 'do not bring in any more waste.' Mr. Gunn nodded so I know he heard me." Emmons did not mention to Gunn that failure to comply with his "advice" could bear penalties up to \$10,000 per day until Gunn comes into compliance.

The state has the authority to take civil action against Gunn and Maynes, but because there is an investigation underway, Johnson would not comment as to whether criminal charges will be filed.

According to Ouray County Sheriff Dominic (Junior) Mattivi, his department is letting the state take the lead. In a phone interview on Aug. 24, Mattivi said, "We are assisting in any way we can, but it is a condensed investigation. We will have to see what the investigation uncovers to determine if there will be criminal charges filed, but we are probably not looking at any jail time."

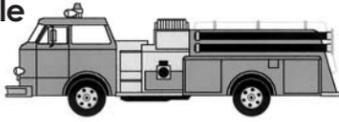
At the BOCC meeting, Johnson said he has not spoken with representatives from the EPA because they are on the water quality side, not the landfill side. One of the people in his office called to ask if they would have any role. "Because tires are relatively inert, they are not a hazard to wildlife or drinking water once it has gone through a treatment plant," said Johnson, "EPA only gets involved with hazardous materials."

According to Natterman, investigations like this take a lot of time. "You will be hearing something from us in the next few months. There are times that due to weather and changing seasons, clean-ups have to be postponed."

"It is unlikely the tires are getting very far downstream," Natterman said.

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## BOCC approves new commissioner districts

By JESSI MARLATT

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Board of County Commissioner redistricting has been approved. The commissioners had extended the public hearing from Aug. 9 to Aug. 23 with hopes of receiving input from the public. No emails were received and no phone calls reached the commissioners regarding the subject in the past three weeks. The public hearing was silent, as no members of the community came to speak for or against the change.

The motion to accept the new boundaries was passed unanimously.

The redistricting affects only who is eligible to run for county commissioner. The new boundaries will follow roads. The towns of Ridgway and Ouray will no longer each be split, and the North End will be its own district. There will be one commissioner from each population center in Ouray County.

According to Commission Chair Heidi Albritton, the new numbers even out the populations based on the 2010 census.

Digital maps of the new boundaries and legal descriptions are available on the Ouray County website, ouraycountyco.gov

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