

10-5901

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

FILED

OCT 05 2010

IN THE MATTER OF THE)
ADMINISTRATIVE ORDER ON)
CONSENT ISSUED TO THE CITY)
OF DOUGLAS, WYOMING)

Docket No. 4743-10

Jim Ruby, Executive Secretary
Environmental Quality Council

ADMINISTRATIVE ORDER ON CONSENT

W.S. 35-11-502(a) requires a permit from the Wyoming Department of Environmental Quality (DEQ) for construction, operation, modification or closure of a solid waste management facility. The current permit for the City of Douglas, Wyoming (City) municipal landfill will expire on November 1, 2010. Chapter 1, Section 2(e) of the DEQ Solid Waste Rules and Regulations (SWRR) calls for submittal of a permit renewal application containing the information required under Chapter 2 at least 180 days prior to the expiration of the current permit. A renewal application was submitted, but the Department determined that the application was deficient, primarily because the City has not finalized its plans for waste management. Subsequently, the City and the DEQ have met to discuss waste management alternatives and their consequences. The City has requested additional time to finalize its plans and submit the appropriate permit application documents.

Pursuant to W.S. 35-11-501 and W.S. 35-11-701, the DEQ Solid & Hazardous Waste Division (SHWD) issues this Administrative Order on Consent (AOC), with the City's consent, to establish the following schedule for the City to take specified actions to bring the City's municipal solid waste management operations into compliance with applicable permit requirements under W.S. 35-11-502 and Chapters 1, 2 and 6 of the DEQ SWRR.

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Not later than **April 1, 2011**, the City shall notify the DEQ/SHWD in writing of the City's decision to proceed by:
 - a) renewing the landfill permit to dispose of municipal solid waste in areas constructed with an engineered containment system;
 - b) renewing the landfill permit to dispose of only construction demolition waste;
 - c) ceasing disposal of all waste at the landfill and closing the landfill;
 - d) conducting municipal solid waste transfer, treatment, or storage activities;
 - e) or a specified combination of the alternatives listed above.

2. Within 30 days after receiving the City's written notification under item #1 above, unless additional information is needed, the DEQ/SHWD shall notify the City in writing which type(s) of permit application(s) need(s) to be submitted for the alternative(s) selected by the City.

3. Within thirty (30) days after receiving the DEQ/SHWD's written notification under item #2 above, the City of Douglas shall begin conducting monthly meetings with DEQ/SHWD to discuss and develop the status and technical aspects of the permit application(s). The permit applications required per item number 2 above shall be submitted to DEQ/SHWD not later than December 31, 2011. Unless canceled by DEQ, monthly meetings will continue until the DEQ determines that the City's permit application(s) are complete and technically adequate and the required permit(s) have been issued. The City of Douglas shall appoint an individual with properly delegated decision making authority to attend the monthly meetings.
4. Application(s) submitted to DEQ/SHWD shall incorporate a schedule or schedules under which the waste management alternative(s) selected by the City shall be fully implemented, including a schedule for the construction of final cover on municipal solid waste disposal cells.
5. In the event that DEQ/SHWD notifies the City in writing that any item(s) in the application(s) submitted are technically inadequate, the City shall submit revisions necessary to make the application(s) technically adequate and to complete any required public notices no later than **December 31, 2012**.
6. The City of Douglas is authorized to operate the landfill in accordance with the existing permit application through December 31, 2012. Not later than **December 31, 2012**, the City shall begin implementation of operating plans in compliance with permit(s) issued by DEQ/SHWD based on application(s) submitted by the City in accordance with this AOC. After **December 31, 2013** any municipal solid waste disposal in the Douglas landfill shall occur in cells constructed with approved engineered containment systems, unless an alternate schedule is approved in writing by the Department.
7. The signatories are authorized to bind their respective parties to this AOC.
8. When signed by the signatories for both the DEQ and the City of Douglas, this AOC shall be filed with the Wyoming Environmental Quality Council (EQC).
9. This AOC is issued with the City's consent, therefore the City will not file a request for hearing before the EQC to contest it under W.S. 35-11-701(c)(ii).
10. The effective date of this AOC is the date it has been signed by the signatories for both the DEQ and the City of Douglas.
11. The stipulated requirements of this AOC may be modified only by written agreement of both parties.

Authority

The signatories certify that they are duly authorized to bind their respective Parties to this Administrative Order on Consent.

WE HEREBY CONSENT to the provisions of this Administrative Order on Consent:

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:

Date: 10/14/10, 2010 By: 
Carl Anderson, Administrator
Solid and Hazardous Waste Division

Date: 10/15/10, 2010 By: 
John Corra, Director
Department of Environmental Quality

FOR THE CITY OF DOUGLAS:

Date: 9/30, 2010 By: 
Honorable Marilyn Werner, Mayor
The City of Douglas