

10-5902

FILED

NOV 01 2010

Jim Ruby, Executive Secretary
Environmental Quality Council

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE)
ADMINISTRATIVE ORDER ON)
CONSENT ISSUED TO THE TOWN OF LUSK)

Docket No. 4755-10

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 Town of Lusk, Wyoming (Town) municipal landfill expired on May 2, 2010. Chapter 1, Section 2(e) of the DEQ Solid Waste Management Rules calls for submittal of a permit renewal application containing the information required under Chapter 2 of the Solid Waste Rules at least 180 days prior to expiration of the current permit; in this case no later than November 2, 2009. A renewal application was submitted by the Town February 23, 2010. The Department determined that the renewal application was deficient, primarily due to inconsistencies between the content of the application and the Town's stated plans for waste management. Subsequently, the Town and the DEQ have met to discuss alternatives and their consequences; however at this time the Town has not finalized its future waste management plans and has requested additional time in which to do so.

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 Town's consent, to establish the following schedule for the Town to take specified actions to bring the Town'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 Solid Waste Rules and Regulations.

WHEREFORE IT IS HEREBY ORDERED THAT:

1. No later than **April 4, 2011** the Town shall notify the DEQ/SHWD in writing of the Town'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 Town's written notification under item #1 above, unless additional information is needed, the DEQ/SHWD shall notify the Town in

writing which type(s) of permit application(s) need(s) to be submitted for the alternative(s) selected by the Town.

3. Within thirty (30) days after receiving the DEQ/SHWD's written notification under item #2 above, the Town of Lusk 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 **June 25, 2012**. Unless canceled by DEQ, monthly meetings will continue until the DEQ determines that the Town's permit application(s) are complete and technically adequate and the required permit(s) have been issued. The Town of Lusk 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 Town 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 Town in writing that any item(s) in the application(s) submitted are incomplete or technically inadequate, the Town shall submit revisions necessary to correct the identified deficiencies and to complete any required public notices by no later than **June 24, 2013**.
6. The Town of Lusk is authorized to operate the landfill in accordance with the existing permit application through **June 23, 2014**. Not later than **June 23, 2014**, the Town shall begin implementation of operating plans in compliance with permit(s) issued by DEQ/SHWD based on application(s) submitted by the Town in accordance with this AOC. After **June 23, 2014** any municipal solid waste disposal in the Lusk 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 Town of Lusk, this AOC shall be filed with the Wyoming Environmental Quality Council (EQC).
9. This AOC is issued with the Town's consent, therefore the Town 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 Town of Lusk.
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: 10/28, 2010 By: 
Carl Anderson, Administrator
Solid and Hazardous Waste Division

Date: Oct. 21, 2010 By: 
John Corra, Director
Department of Environmental Quality

FOR THE TOWN OF LUSK:

Date: 10/21, 2010 By: 
Patricia Smith, Honorable Mayor
The Town of Lusk