



ORIGINAL

FILED

NOV 17 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 )  
SWEETWATER COUNTY SOLID )  
WASTE DISPOSAL DISTRICT )  
NUMBER 2, WYOMING )

Docket No. 10-5906

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 Sweetwater County Solid Waste Disposal District Number 2 (District) Wamsutter landfill expired on October 1, 2010. Chapter 1, Section 2(e) of the DEQ Solid Waste Rules and Regulations calls for submittal of a permit renewal application containing the information required under Chapter 2 at least 180 days prior to expiration of the current permit. The renewal permit for this facility should have been received by the DEQ no later than April 5, 2010 but has not yet been submitted. Because the submittal date was missed, there will be insufficient time for the DEQ to review and renew the facility's permit before the October 1, 2010 permit expiration date at which time this landfill will be operating without a permit. Operating without a valid permit is a violation of W.S. 35-11-502 (a)(i).

The District submitted an application to DEQ/SHWD to modify the permit June 19, 2008. The District requested a modification to allow for vertical expansion of the Wamsutter landfill and to extend the life of the currently permitted landfill area to 2013-14. The modification was conditionally approved on March 8, 2010.

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 District's consent, to establish the following schedule for the District to take specified actions to bring the District's 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. Within thirty (30) days after execution of this Administrative Order on Consent, the District and the DEQ/SHWD shall begin conducting monthly meetings to discuss the District's plans for the future and the technical aspects of the permit application(s) which may be needed based upon those plans. The District shall appoint an individual with properly delegated decision making authority to attend the monthly meetings. Unless canceled by DEQ, the monthly meetings will continue until the DEQ determines that the District's permit application(s) are complete and technically adequate in accordance with DEQ/SHWD rules and regulation and the required permit(s) have been issued.

2. Not later than **April 1, 2011**, the District shall notify the DEQ/SHWD in writing of the District'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.
3. Within 30 days after receiving the District's written notification under item #2 above, unless additional information is needed, the DEQ/SHWD shall notify the District in writing which type(s) of permit application(s) need(s) to be submitted for the alternative(s) selected by the District.
4. The permit applications required per item number 2 above shall be submitted to DEQ/SHWD not later than **December 31, 2011**.
5. Application(s) submitted to DEQ/SHWD shall incorporate a schedule or schedules under which the waste management alternative(s) selected by the District shall be fully implemented, including a schedule for the construction of final cover on municipal solid waste disposal cells.
6. In the event that DEQ/SHWD notifies the District in writing that any item(s) in the application(s) submitted are incomplete or technically inadequate according to DEQ/SHWD rules and regulations, the District shall submit revisions necessary to correct the identified deficiencies and shall have completed any required public notices by not later than **December 31, 2012**, unless an alternate schedule is approved in writing by DEQ. DEQ/SHWD and the District agree that the EQC retains jurisdiction to determine appeals of final DEQ/SHWD decisions regarding completeness and technical adequacy.
7. The District is authorized to operate the landfill in accordance with the existing permit, as amended March 8, 2010, through **December 31, 2012**.
8. Not later than **January 1, 2013**, the District shall begin operating in compliance with the permit application(s) submitted by the District and approved by DEQ/SHWD in accordance with this AOC.
9. After **January 1, 2014**, any municipal solid waste disposal in the Wamsutter Landfill shall occur in cells constructed with approved engineered containment systems and/or alternate waste containment systems as approved by DEQ/SHWD, unless an alternate schedule is approved in writing by the DEQ.
10. The signatories are authorized to bind their respective parties to this AOC.

11. When signed by the signatories for both the DEQ and the District, this AOC shall be filed with the Wyoming Environmental Quality Council (EQC).

12. The effective date of this AOC is the date it has been signed by the signatories for both the DEQ and the District.

13. 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.

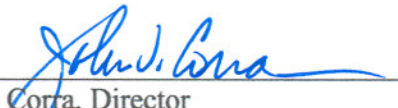
WE HEREBY CONSENT to the provisions of this Administrative Order on Consent:

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:

Date: 11/17, 2010

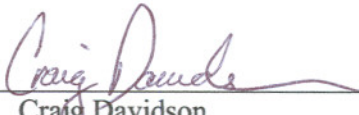
By:   
Carl Anderson, Administrator  
Solid and Hazardous Waste Division

Date: 11/17/10, 2010

By:   
John Corra, Director  
Department of Environmental Quality

FOR THE SWEETWATER COUNTY SOLID WASTE DISPOSAL DISTRICT  
NUMBER 2:

Date: 11-4, 2010

By:   
Craig Davidson  
Chairman  
Sweetwater County Solid Waste Disposal  
District Number 2