

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

SEP 23 2011

Jim Ruby, Executive Secretary
Environmental Quality Council

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*m*

STIPULATION TO MODIFY ORIGINAL ADMINISTRATIVE ORDER ON CONSENT

On November 17, 2010, Sweetwater County Solid Waste Disposal District Number 2 (District) and the Wyoming Department of Environmental Quality/Solid and Hazardous Waste Division (DEQ/SHWD) filed an Administrative Order on Consent in the above-captioned case before the Wyoming Environmental Council (EQC). The District and DEQ/SHWD are the only parties in this case. Chapter 1, Section 11 of the DEQ Rules of Practice and Procedure provides for informal disposition of contested cases by stipulation of the parties upon approval of the EQC. The EQC entered an Order Approving Order on Consent on January 13, 2011 (filed January 14, 2011), EQC Docket Number 10-5906.

As a result of subsequent discussions regarding implementation of 2011 Senate Enrolled Act Number 58 pertaining to lifetime permits, the District and DEQ/SHWD now stipulate and agree that the original Administrative Order on Consent should be modified only as follows:

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 the plans. The District shall appoint an individual with properly delegated decision making authority to attend the meetings. Unless canceled by DEQ, monthly meetings will continue until the DEQ determines that the District's permit applications are complete and technically adequate and the required permit(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.~~

4.2. The permit amendment applications ~~required per item number 2 above~~ for design and construction of the composite liner and leachate collection and removal system shall be submitted to DEQ/SHWD not later than ~~December 31, 2011~~ **April 30, 2012**.

5.3. 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.

~~6.4. In the event that DEQ/SHWD notifies the District in writing that any item(s) in the application(s) permit amendment application 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~~ **December 31, 2013**; 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.

5. A lifetime renewal permit application shall be submitted to DEQ/SHWD not later than **December 31, 2013**. The approved permit amendment for the design and construction of the composite liner and leachate collection and removal system shall be fully incorporated into the lifetime renewal permit application format for the renewal permit application.

6. In the event that DEQ/SHWD notifies the District in writing that any item(s) in the lifetime renewal permit application submitted are incomplete or technically inadequate, 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, 2014**.

7. The District is authorized to operate the landfill in accordance with the existing permit, as amended March 8, 2010, and as amended for the design and construction of the composite liner and leachate collection and removal system, through ~~December 31, 2012~~ **January 31, 2015**. Not later than ~~January 1, 2013~~, **February 1, 2015**, the District shall begin operating in compliance with the lifetime renewal permit application submitted by the District and approved by DEQ/SHWD in accordance with the AOC.

~~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.~~

9.8. After ~~January 1, 2014~~, **September 30, 2015**, any municipal solid waste disposal in the Wamsutter Landfill #2 shall occur in cells constructed with an 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.

~~10.9. The signatories are authorized to bind their respective parties to this AOC.~~

~~11.10. When signed by the signatories for both the DEQ and the District, this AOC shall be filed with the Wyoming Environmental Quality Council (EQC).~~

~~12.11. The effective date of this AOC is the date it has been signed by the signatories for both the DEQ and the District.~~

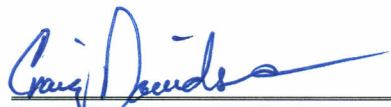
13:12. The stipulated requirements of this AOC may be modified only by written agreement of both parties and approval of the EQC.

All other terms of the original AOC not specifically modified above remain unchanged and in effect as originally approved by the EQC.

THEREFORE the District and DEQ now jointly stipulate and agree to the above-specified modification of their original November 17, 2010, Administrative Order on Consent and request that the EQC enter an Order approving, incorporating and binding the parties to their AOC as modified by this Joint Stipulation.

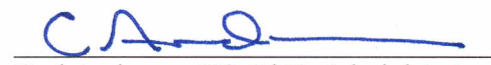
DATED this 15 day of Sept., 2011.

FOR SWEETWATER COUNTY SOLID
WASTE DISPOSAL DISTRICT NUMBER 2:



Craig Davidson, Chairman

FOR WYOMING DEPARTMENT OF
ENVIRONMENTAL QUALITY:



Carl Anderson, PG, PhD, Administrator
Solid and Hazardous Waste Division



John Corra, Director
Department of Environmental Quality

APPROVED AS TO FORM:


FOR SWEETWATER COUNTY SOLID WASTE DISPOSAL DISTRICT #2

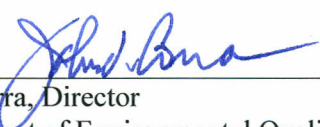
Authority

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

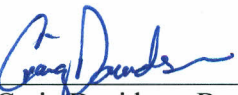
WE HEREBY CONSENT to the provisions of this Administrative Order on Consent:

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:

Date: 9/20, 2011 By: 
Carl Anderson, Administrator
Solid and Hazardous Waste Division

Date: _____, 2011 By: 
John Corra, Director
Department of Environmental Quality

FOR THE SWEETWATER COUNTY SOLID WASTE DISPOSAL DISTRICT # 2:

Date: 9-20, 2011 By: 
Craig Davidson, Board Chairman
Sweetwater County Solid Waste Disposal District # 2