

11-5902

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

FILED

MAR 25 2011

IN THE MATTER OF THE)
ADMINISTRATIVE ORDER ON)
CONSENT ISSUED TO THE TOWN)
OF LAGRANGE, WYOMING)

Docket No.

Jim Ruby, Executive Secretary
Environmental Quality Council
4816-11

ADMINISTRATIVE ORDER ON CONSENT

W.S. 35-11-502(a) requires a permit from the Wyoming Department of Environmental Quality (Department) for construction, operation, modification or closure of a solid waste management facility. Landfill permits are issued for terms of four or eight years and must be periodically renewed. Chapter 1, Section 2(e) of the DEQ Solid Waste Rules and Regulations (SWRR) requires submittal of a permit renewal application at least 180 days prior to expiration of the current permit. The permit for the Town of LaGrange (Town) landfill expired on August 1, 2010, and a renewal or closure permit application has not been submitted. Therefore, the landfill is currently being operated without a valid permit. Operating without a valid permit is a violation of W.S. 35-11-502 (a)(i). The Town has notified the Department that it plans to close its landfill and transfer waste to another permitted, but currently unspecified, disposal facility and needs additional time to prepare a closure permit application.

Pursuant to W.S. 35-11-501 and W.S. 35-11-701, the DEQ Solid & Hazardous Waste Division (SHWD) is issuing 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 solid waste management operations into compliance with applicable permit requirements under W.S. 35-11-502 and Chapters 1, 2 and 6 of the SWRR.

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Within thirty (30) days after the effective date of this AOC, the Town shall begin conducting monthly meetings with the Department to discuss and develop the status and technical aspects of the permit application(s). Unless canceled by DEQ, monthly meetings will continue until the DEQ determines that the Town's permit application is complete and technically adequate and the required permit has been issued. The Town shall appoint an individual with properly delegated decision making authority to attend the monthly meetings.
2. A closure permit application shall be submitted to the Department no later than March 31, 2012. The closure permit application submitted to the Department shall incorporate a schedule or schedules under which the landfill closure activities shall be conducted, including a schedule for excavation of waste from the landfill, or the construction of final cover.
3. In the event that the Department notifies the Town in writing that any item(s) in the application submitted are incomplete or technically inadequate, the Town shall submit revisions necessary to make the application(s) complete and technically adequate and shall have completed any required public notices by not later than January 31, 2013.
4. Unless an alternate schedule is approved in writing by the DEQ, the facility is authorized to operate the landfill in accordance with the renewal permit issued May 15, 1995, and associated modifications. All waste disposal at the LaGrange Landfill shall cease no later than January 31, 2013.

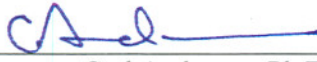
5. The signatories are authorized to bind their respective parties to this AOC.
6. When signed by the signatories for both the Department and the Town, this AOC shall be filed with the Wyoming Environmental Quality Council (EQC).
7. This AOC is issued with the Town's consent, therefore the Town will not file a request for hearing before the EQC to contest it under W.S. 35-11-701(c)(ii).
8. The effective date of this AOC is the date it has been signed by the signatories for both the Department and the Town.
9. 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: 3/23, 2011 By: 
Carl Anderson, Ph.D., P.G., Administrator
Solid and Hazardous Waste Division

Date: 3/23, 2011 By: 
John Corra, Director
Department of Environmental Quality

FOR THE TOWN OF LAGRANGE:

Date: 3-23, 2011 By: 
Mark Marshall, Mayor
Town of LaGrange