

11-5904

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

FILED

AUG 18 2011

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE)
ADMINISTRATIVE ORDER ON)
CONSENT ISSUED TO THE)
BAGGS SOLID WASTE)
DISPOSAL DISTRICT, WYOMING)

Docket No. 4887-11

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 Baggs Solid Waste Disposal District (District) Landfill, Baggs, Wyoming expired on December 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 June 4, 2010, but has not been submitted. Operating without a valid permit is a violation of W.S. 35-11-502 (a)(i).

Pursuant to W.S. 35-11-501 and W.S. 35-11-701, the DEQ Solid & Hazardous Waste Division 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 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. Not later than **October 1, 2011**, the District shall cease disposal of municipal solid waste, at the District Landfill. Waste disposed after this date is restricted in accordance with the enclosed memorandum titled *Screening criteria for operation of unlined construction/demolition disposal facilities* (August 24, 2007) and shall be actively screened to ensure that prohibited materials are not included in the waste stream.
2. Not later than **October 1, 2012**, the District shall notify the DEQ in writing of its decision regarding future operations of the landfill for the disposal of construction/demolition waste. Options include the following:
 - a) renewing the landfill permit to dispose of only municipal solid waste in areas constructed with an engineered containment system;
 - b) ceasing disposal of all waste at the landfill and closing the landfill;
 - c) conducting municipal solid waste transfer, treatment, or storage activities;
 - d) 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 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. Within thirty (30) days after receiving the DEQ's written notification under item #3 above, the District shall begin conducting bi-monthly meetings with DEQ to discuss and develop the status and technical aspects of the permit application(s). The permit application(s) required per item number 2 above shall be submitted to DEQ not later than **January 1, 2014**. Unless canceled with concurrence of both parties, bi-monthly meetings will continue until the DEQ determines that the District's permit application(s) are complete and technically adequate and the required permit(s) have been issued. The District shall appoint an individual with properly delegated decision making authority to attend the bi-monthly meetings.
5. Application(s) submitted to DEQ 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 notifies the District in writing that any item(s) in the application(s) submitted are incomplete or technically inadequate, the District shall submit revisions necessary to address any identified deficiencies and shall have completed any required public notices by not later than **August 1, 2015**.
7. The Department shall review and comment on the applicable permit application(s) in accordance with the Wyoming Environmental Quality Act and the Wyoming Solid Waste Rules and Regulations. In the event that DEQ notifies the District in writing that any item(s) in the application(s) submitted are incomplete or technically inadequate according to DEQ rules and regulations, the District shall submit revisions necessary to correct the identified deficiencies. DEQ and the District agree that the Environmental Quality Council (EQC) retains jurisdiction to determine appeals of final DEQ decisions regarding completeness and technical adequacy.
8. The District is authorized to operate the landfill in accordance with the existing permit application through **October 1, 2015**. However, after **October 1, 2011** only construction/demolition waste may be disposed at the facility. Not later than **October 1, 2015**, the District shall begin implementation of operating plans in compliance with permit (s) issued by DEQ based on application(s) submitted by the District in accordance with this AOC.
9. The signatories are authorized to bind their respective parties to this AOC.
10. After execution by the DEQ and the District, this AOC shall be filed with the Wyoming Environmental Quality Council (EQC).

11. The effective date of this AOC is the date the final signature is attached.
12. 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.

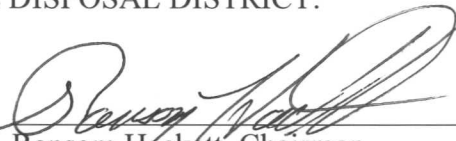
WE HEREBY CONSENT to the provisions of this Administrative Order on Consent:

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:

Date: 8/16, 2011 By: 
Carl Anderson, Administrator, P.G., Ph.D.
Solid and Hazardous Waste Division

Date: 8/17, 2011 By: 
John Corra, Director
Department of Environmental Quality

FOR THE BAGGS SOLID WASTE DISPOSAL DISTRICT:

Date: _____, 2011 By: 
Ransom Hackett, Chairman
Baggs Solid Waste Disposal District