

**AUG 30 2011**

DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

Jim Ruby, Executive Secretary  
Environmental Quality Council

IN THE MATTER OF THE ADMINISTRATIVE )  
ORDER ON CONSENT ISSUED TO )  
PARK COUNTY, WYOMING )                      Docket No. 4892-11

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. Park County (County) plans to cease disposal of municipal solid waste in unlined areas by September 18, 2012 at the Powell landfill. The County also has expressed interest in continued disposal of construction/demolition waste, but has not yet formally communicated a plan for operation of the Powell landfill after June 30, 2012.

Pursuant to W.S. 35-11-501 the DEQ Solid & Hazardous Waste Division (SHWD) issues this Administrative Order on Consent (AOC), with Park County's consent, to establish the following schedule for the County to take specified actions to bring the Powell landfill's operations into compliance with applicable permit requirements under W.S. 35-11-502 and the DEQ Solid Waste Rules and Regulations.

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Not later than August 1, 2011, the County shall notify the DEQ/SHWD in writing of the County's decision to proceed by:
  - a) revising the landfill permit to limit waste disposal to only construction/demolition waste;
  - b) ceasing disposal of all waste at the landfill and closing the landfill;
  - c) conducting municipal solid waste transfer, treatment, or storage activities;  
or
  - d) a specified combination of the alternatives listed above.
  
2. Within thirty (30) days after receiving the County's written notification under item #1 above, unless additional information is needed, the DEQ/SHWD shall notify the County in writing which type(s) of permit application(s) need(s) to be submitted for the alternative(s) selected by the County.
  
3. Within thirty (30) days after receiving the DEQ/SHWD's written notification under item #2 above, the County and DEQ/SHWD shall begin conducting monthly meetings to discuss technical aspects of the permit application(s) which may be needed. Unless cancelled with concurrence of both parties, monthly meetings will continue until the DEQ determines that the County's permit application(s) are complete and technically

adequate in accordance with DEQ/SHWD rules and regulations and the required permit(s) have been issued.

4. Any permit application for continued operation of portions of the Powell landfill required per item number 2 above shall be submitted to DEQ/SHWD not later than November 1, 2011.

5. The County is authorized to operate the landfill in accordance with the previously approved permit application, through September 18, 2012.

6. No later than December 30, 2012 intermediate cover consisting of twelve (12) inches of soil shall be placed over all former disposal areas where waste has not been placed for one hundred eighty (180) days.

7. The County shall submit a closure plan for reclamation of former solid waste disposal areas of the Powell landfill per item # 1 above to the DEQ/SHWD not later than April 1, 2013.

8. Application(s) submitted to DEQ/SHWD shall incorporate a schedule or schedules under which the waste management alternative(s) selected by the County shall be fully implemented, including a schedule for the construction of final cover on solid waste disposal cells.

9. The Department shall review and comment on the necessary permit application(s) in accordance with the Wyoming Environmental Quality Act and the Wyoming Solid Waste Rules and Regulations. In the event that DEQ/SHWD notifies the County in writing that any item(s) in the application(s) submitted are incomplete or technically inadequate according to DEQ/SHWD rules and regulations, the County shall submit revisions necessary to correct the identified deficiencies, subject to the County's ability to appeal any DEQ/SHWD decision regarding completeness or technical adequacy. DEQ/SHWD and the County agree that the Environmental Quality Council (EQC) retains jurisdiction to determine appeals of final DEQ/SHWD decisions regarding completeness and technical adequacy.

10. The County shall initiate reclamation activities over former solid waste disposal areas at the Powell landfill by June 1, 2014.

11. Nothing herein prevents the County from seeking a variance from these or any other provisions for which a variance is allowed in accordance with W.S. 35-11-601.

12. Nothing herein constitutes a waiver of the County's or DEQ's governmental immunity or any defenses available under Wyo. Stat. § 1-39-101 through 121 and all other applicable law.

13. After execution by the DEQ and the County, this AOC shall be filed with the Wyoming EQC.

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


15. 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: 8/25, 2011 By:   
Carl Anderson, Administrator  
Solid and Hazardous Waste Division

Date: 8/26, 2011 By:   
John Corra, Director  
Department of Environmental Quality

FOR PARK COUNTY:

Date: AUGUST 16, 2011 By:   
Bucky Hall, Chairman  
Park County Commissioners

