

11-5907

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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. 4891-11

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 Meeteetse landfill expired on June 30, 2010. The facility ceased receipt of waste on June 30, 2010 and will be closing. Chapter 1, Section 2(g) of the DEQ Solid Waste Rules and Regulations calls for submittal of a closure permit application containing the information required under Chapter 2 between 270 and 180 days prior to the anticipated facility closure. The closure permit application has not yet been submitted.

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 Park County's consent, to establish the following schedule for the County to take specified actions to bring the Meeteetse landfill into compliance with applicable closure permit requirements under W.S. 35-11-502 and the DEQ Solid Waste Rules and Regulations.

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Within thirty (30) days after execution of this AOC, the County and the DEQ/SHWD shall begin conducting monthly meetings to discuss the closure permit application for the Meeteetse landfill. The County shall appoint an individual with properly delegated decision making authority to attend the monthly meetings. Unless cancelled with concurrence of both parties, monthly meetings will continue until the DEQ determines that the County's closure permit application is complete and technically adequate in accordance with DEQ/SHWD rules and regulations and the required permit has been issued.
2. Not later than December 1, 2011, the County shall submit a closure permit application for the Meeteetse landfill to the DEQ/SHWD.
3. The Department shall review and comment on the closure permit application 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

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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.

4. Application(s) submitted to DEQ/SHWD shall incorporate a schedule or schedules under which the closure plan shall be fully implemented, including a schedule for the construction of final cover on solid waste disposal cells.

5. 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.

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

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

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


9. The stipulated requirements of this AOC may be modified only by written agreement of both parties.

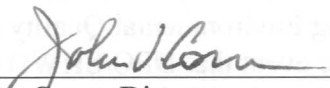
Authority

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:

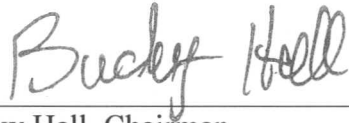
Date: 8/25, 2011 By: 
Carl Anderson, Administrator
Solid and Hazardous Waste Division

Date: 8/25, 2011 By: 
John Corra, Director
Department of Environmental Quality

FOR PARK COUNTY:

Date: AUGUST 16, 2011

By:

Handwritten signature of Bucky Hall in cursive script.

Bucky Hall, Chairman
Park County Commissioners

