

11-5908

FILED
SEP 26 2011

Jim Ruby, Executive Secretary
Environmental Quality Council

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE ADMINISTRATIVE)
ORDER ON CONSENT ISSUED TO)
THE TOWN OF HULETT, WYOMING) Docket No. 4905-11

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 Hulett landfill expired on January 2, 2011. The town believes all disposal capacity has been used, and the facility ceased disposal of all waste in the facility in 2007. Because the operating permit for the facility has expired, all disposal capacity has been used, and all waste disposal has ceased, a closure permit application is needed for the facility. Chapter 1, Section 2(h) 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 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 the Town's consent, to establish the following schedule for the Town to take specified actions to bring the Hulett 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 sixty (60) days after execution of this AOC, the Town and the DEQ/SHWD shall begin conducting bi-monthly (every two months) meetings to discuss the closure permit application for the Hulett landfill. The Town shall appoint an individual with properly delegated decision making authority to attend the monthly meetings. Unless cancelled by the DEQ the bi-monthly meetings will continue until the DEQ determines that the Town'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 **January 31, 2013**, the Town shall submit a closure permit application for the Hulett 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 Town in writing that any item(s) in the application(s) submitted are incomplete or technically inadequate

according to DEQ/SHWD rules and regulations, the Town shall submit revisions necessary to correct the identified deficiencies. DEQ/SHWD and the Town 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. After execution by the DEQ and the Town, this AOC shall be filed with the Wyoming EQC.
6. The effective date of this AOC is the date the final signature is attached.
7. 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: 9/23, 2011 By: 
Carl Anderson, Administrator
Solid and Hazardous Waste Division

Date: 9/23, 2011 By: 
John Corra, Director
Department of Environmental Quality

FOR TOWN OF HULETT:

Date: 9-20-, 2011 By: 
Shawn Tabke, Honorable Mayor
Town of Hulett