

DEC 23 2011

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE)
ADMINISTRATIVE ORDER ON)
CONSENT ISSUED TO THE CITY OF SUNDANCE)

Docket No.

12-5921

FILED
JAN 09 2012

Jim Ruby, Executive Secretary
Environmental Quality Council

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 City of Sundance, Wyoming (City) municipal landfill expired on August 10, 2010. The permit was issued with the condition that a renewal or closure permit application was to be submitted no later than December 1, 2009. A permit application has not yet been submitted. Operating without a valid permit is a violation of W.S. 35-11-502 (a)(i). Subsequently, the City and the DEQ have met to discuss alternatives and their consequences; however at this time the City has not completely finalized its future waste management plans and needs additional time in which to do so.

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 City's consent, to establish the following schedule for the City to take specified actions to bring the City'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. No later than **March 9, 2012** the City shall notify the DEQ/SHWD in writing of the City's decision to proceed by:
 - a) renewing the landfill permit to dispose of municipal solid waste in areas constructed with an engineered containment system;
 - b) renewing the landfill permit to dispose of only construction/demolition waste;
 - c) ceasing disposal of all waste at the landfill and closing the landfill;
 - d) conducting municipal solid waste transfer, treatment, or storage activities;
 - e) or a specified combination of the alternatives listed above.

2. Within 30 days after receiving the City's written notification under item #1 above, unless additional information is needed, the DEQ/SHWD shall notify the City in writing which type(s) of SHWD permit application(s) need(s) to be submitted for the alternative(s) selected by the City.

3. Within thirty (30) days after receiving the DEQ/SHWD's written notification under item #2 above, the City of Sundance shall begin conducting bi-monthly (every two months) meetings with DEQ/SHWD to discuss and develop the status and technical aspects of the permit application(s). The permit applications required per item number 2 above shall be submitted to DEQ/SHWD no later than **January 11, 2013**. Unless canceled with concurrence of both parties, bi-monthly meetings will continue until the DEQ determines that the City's permit application(s) are complete and technically adequate and the required permit(s) have been issued. The City of Sundance shall appoint an individual with properly delegated decision making authority to attend the bi-monthly meetings.

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

5. In the event that DEQ/SHWD notifies the City in writing that any item(s) in the application(s) submitted are incomplete or technically inadequate, the City shall submit revisions necessary to correct the identified deficiencies and to complete any required public notices by no later than **March 7, 2014**.

6. With the exception of application of final cover, the City of Sundance is authorized to operate the landfill in accordance with the existing permit application through **September 30, 2014**. Final cover is not to be applied until a phased reclamation plan has been approved by the Department. No later than **September 30, 2014**, the City shall begin implementation of operating plans in compliance with permit(s) issued by DEQ/SHWD based on application(s) submitted by the City in accordance with this AOC. After September 30, 2014 any municipal solid waste disposal in the Sundance landfill shall occur in cells constructed with approved engineered containment systems, unless an alternate schedule is approved in writing by the Department.

7. The signatories are authorized to bind their respective parties to this AOC.

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

9. This AOC is issued with the City's consent; therefore the City will not file a request for hearing before the EQC to contest the validity of its terms under W.S. 35-11-701(c)(ii). However, the City reserves the right to request a hearing before the EQC to contest the later enforcement of the terms of this order.

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


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

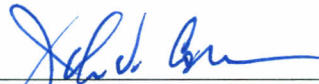
Authority

The signatories certify that they are duly authorized to bind their respective Parties to this Administrative Order on Consent.

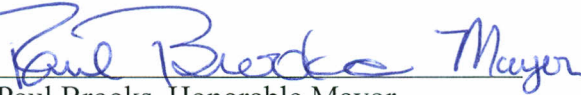
WE HEREBY CONSENT to the provisions of this Administrative Order on Consent:

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:

Date: 1/4, ²⁰¹²~~2011~~ By: 
Carl Anderson, Administrator
Solid and Hazardous Waste Division

Date: 1/5, ²⁰¹²~~2011~~ By: 
John Corra, Director
Department of Environmental Quality

FOR THE CITY OF SUNDANCE:

Date: 12-19, 2011 By: 
Paul Brooks, Honorable Mayor
The City of Sundance