

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
OF THE STATE OF WYOMING

IN THE MATTER OF THE APPEAL OF)
SUBLETTE COUNTY FROM THE)
FINAL DETERMINATION FOR) Docket No.: 09-5601
REQUIREMENT OF AN ENGINEERED)
CONTAINMENT SYSTEM)
MARBLETON #2 LANDFILL)

JOINT STIPULATION TO MODIFY SETTLEMENT AGREEMENT

On February 8, 2010, Sublette County and the Wyoming Department of Environmental Quality (DEQ), Solid and Hazardous Waste Division filed a Settlement Agreement (dated February 8, 2010) for disposition and dismissal of Sublette County's appeal in the above-captioned matter, Docket No. 09-5601, before the Wyoming Environmental Quality Council (EQC). Also on February 8, 2010, Sublette County and the DEQ filed a Joint Stipulation for Disposition and Dismissal of Appeal, which requested that the EQC enter an Order approving, incorporating and binding the parties to their Settlement Agreement and dismissing Sublette County's appeal. Sublette County and the DEQ are the only Parties in this case. Pursuant to Chapter 1, Section 11 of the DEQ Rules of Practice & Procedure, which provides for disposition of contested cases by stipulation of the parties upon approval of the EQC; on March 12, 2010, the EQC entered an Order Approving Joint Stipulation and Dismissing Appeal, which approved, incorporated and bound the Parties to their Settlement Agreement.

As a result of subsequent discussions regarding implementation of the terms of the Settlement Agreement, Sublette County and the DEQ now stipulate and agree that original "Covenants" c.3. & c.4. of their Settlement Agreement should be modified only as follows:

c.3. [modify "Covenant" c.3. to read as follows:]

c.3. The Parties stipulate and agree that Sublette County shall submit a complete renewal permit application for the Landfill to DEQ within **one hundred eighty (180)** days following the date **(March 12, 2010)** this Settlement Agreement and Joint Stipulation for dismissal of Sublette County's appeal in Docket No. 09-5601 **were originally** approved by the EQC. **The submittal shall include a complete application form as required in Chapter 2, Section 2(c) of the DEQ Solid Waste Rules.**

c.4. [Immediately following the existing text of original "Covenant" c.4., add:]

Sublette County's permit renewal application shall include all required information for the cross-hatched area (approximately 20 acres) labeled "Permitted Landfill Expansion" on the map (Exhibit 1). To enable DEQ to evaluate how the approximately 20 acre "Permitted Landfill Expansion" will fit into the orderly

development and use of the Landfill through the life of the Landfill, in addition to the permit renewal application Sublette County agrees to submit at the same time a conceptual site plan for the "future landfill disposal areas" identified on Exhibit 2. The conceptual site plan shall consist of the following:

1. An estimated allocation of the future landfill disposal areas by use (lined cells, unlined construction debris cells, drainageways, total containment ponds).
2. Estimated surface water routing locations.
3. Estimated waste cell arrangement that allows for installation of future monitoring wells.
4. Estimated final closure grading plan with estimated final elevations.
5. Estimates of total municipal solid waste capacity (cubic yards), and soil excavation and embankment requirements.

All other terms of the Settlement Agreement not specifically identified above remain unchanged and in effect as originally approved by the EQC.

THEREFORE Sublette County and the DEQ now jointly stipulate and agree to the above-specified modification of "Covenants" c.3 & c.4. of their February 2, 2010 Settlement Agreement and request that the EQC enter an Order approving, incorporating and binding the Parties to their Settlement Agreement as so modified.

DATED this _____ day of July, 2010.

FOR THE BOARD OF COUNTY
COMMISSIONERS OF SUBLETTE,
SUBLETTE COUNTY, WYOMING:

FOR WYOMING DEQ:

William W. Cramer, Chairman
Sublette County Commissioner

John Corra, Director
Wyoming DEQ

Joel Bousman
Sublette County Commissioner

Carl Anderson, Administrator
Wyoming DEQ, Solid & Hazardous
Waste Division

John P. Linn
Sublette County Commissioner

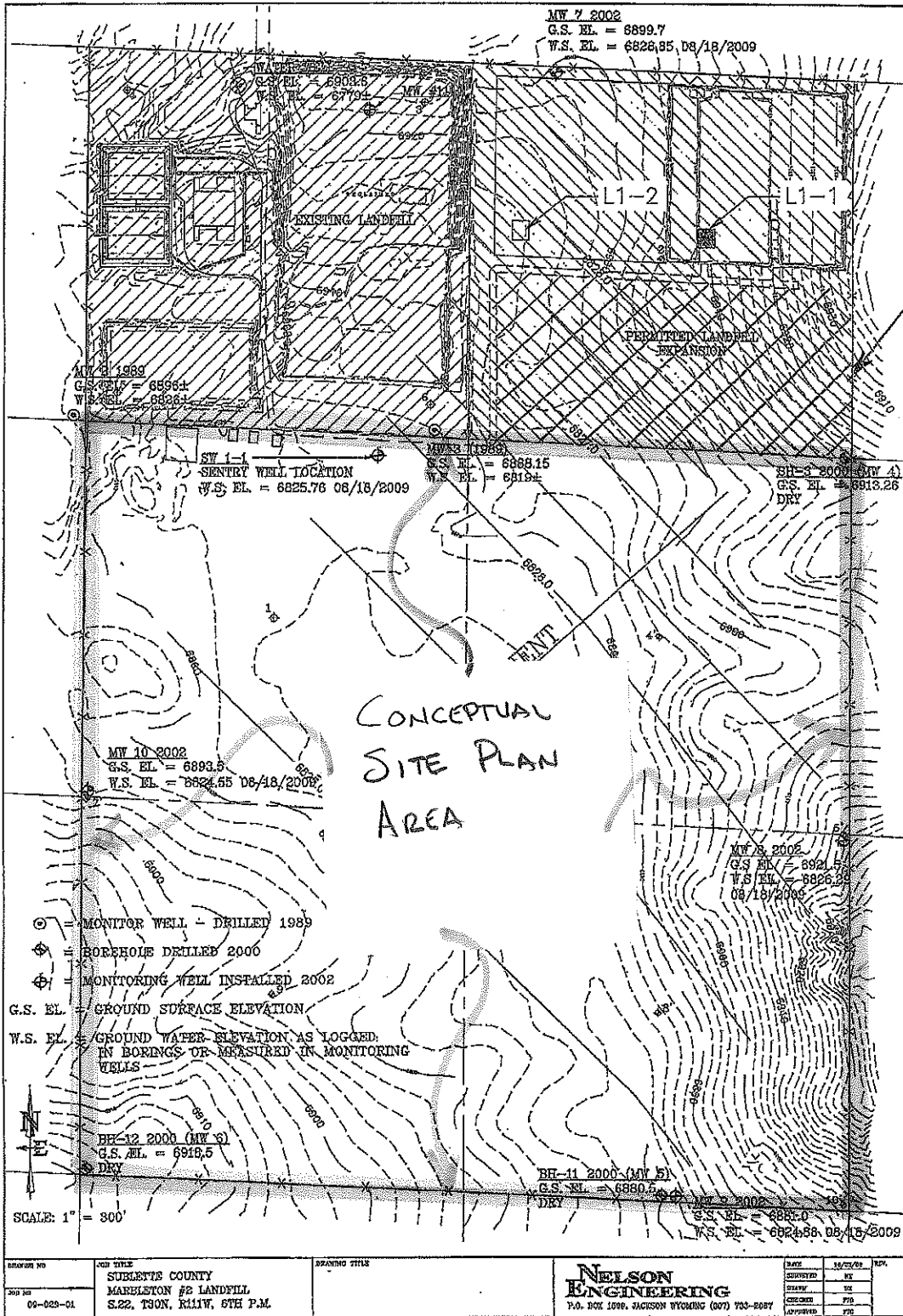
APPROVED AS TO FORM:

Lucketta McMahon (Bar No. _____)
County and Prosecuting Attorney
For Sublette County, Wyoming

J. Mark Stewart (Bar No. 6-4121)
DAVIS & CANNON, LLP
Attorney for Sublette County, Wyoming

APPROVED AS TO FORM:

Mike Barrash (Bar No. 5-2310)
Senior Assistant Attorney General
Attorney for Wyoming DEQ



FUTURE LANDFILL DISPOSAL AREAS

PROJECT NO	JOB TITLE	DRAWING TITLE	DATE	REV.
09-029-01	SUBLETTE COUNTY MARELETON #2 LANDFILL S.22, T.09N, R.11W, 6TH P.M.		10/23/09	
NELSON ENGINEERING P.O. BOX 1096, JACKSON WYOMING (307) 733-2087			DESIGNED	JK
			DRAWN	JK
			CHECKED	JK
			APPROVED	JK

EXHIBIT 2