

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

DEC 20 2013

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE)
ADMINISTRATIVE ORDER ON) Docket No. 10-5907
CONSENT ISSUED TO THE TOWN)
OF WHEATLAND, WYOMING)

JOINT STIPULATION FOR SECOND MODIFICATION OF
ADMINISTRATIVE ORDER ON CONSENT

On December 1, 2010, the Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division (DEQ/SHWD) and the Town of Wheatland (Town) entered into an Administrative Order on Consent for the purpose of bringing the Town municipal solid waste management facility operations into compliance with the permit requirements of Wyo. Stat. Ann. § 35-11-502 and the DEQ Solid Waste Rules and Regulations.

~~In order to allow the Town adequate time to purchase property that meets state location standards, on which permitting of the Town facility depends, as well as allow additional time to arrange funding to pay for design and construction of the final cover system and transfer station, the Town and DEQ/SHWD now agree that the original Administrative Order on Consent should be modified as follows:~~

The sixty-second legislature of the State of Wyoming 2013 General Session passed House Bill No. 0066 (Enrolled Act No. 114) creating the municipal solid waste (MSW) facility cease and transfer program and the municipal solid waste facility cease and transfer grant and loan accounts. In part, House Bill No. 0066 included provisions

to provide assistance for closure of small MSW landfills and for the DEQ to develop a general permit for closure of small MSW landfills. No funds may be expended from the municipal solid waste facility cease and transfer accounts for construction of transfer stations or closure of MSW landfills until the legislature has approved a prioritized list of projects that qualify for grants and/or loans from the cease and transfer accounts. Therefore, in order to allow approval by the legislature of the prioritized list of qualifying projects, promulgation of the general permit for cease and closure for small MSW landfills, implementation by DEQ of the MSW facility cease and transfer program, as well as adequate time for the Town to prepare and submit for approval an application for closure under the general permit, the Town and DEQ/SHWD now agree that the AOC should now be modified only as follows:

1. Within thirty ~~sixty~~(630) days after the effective date of this AOC, the Town shall begin conducting bi-monthly meetings with DEQ/SHWD to discuss and develop the status and technical aspects of the permit application(s). ~~The closure permit application shall be submitted to DEQ/SHWD no later than January 6, 2014. Unless canceled by DEQ, bi-monthly meetings will continue until the DEQ determines that the Town's permit application is complete and technically adequate and the required permit has been issued. The Town shall appoint an individual with properly delegated decision making authority to attend the bi-monthly meetings.~~

2. Within sixty (60) days of the general permit being available for public review, the Town shall submit a written commitment to either apply for closure under the general permit or submit a standard closure permit application. The closure permit application shall be submitted to DEQ/SHWD no later than 180 days after the date of the written commitment.

3. The transfer station permit application shall be submitted to the DEQ/SHWD no later than July 1, 2014.

24. The closure permit application submitted to DEQ/SHWD shall incorporate a schedule or schedules under which the landfill closure activities shall be conducted, including a schedule for the construction of final cover.

5. In the event that DEQ/SHWD notifies the Town in writing that any item(s) in the transfer station permit application submitted are incomplete and/or technically inadequate, the Town shall submit revisions necessary to make the application(s) complete and technically adequate and shall have completed any required public notices by not later than 270 days after submittal of the initial transfer station permit application.

36. In the event that DEQ/SHWD notifies the Town in writing that any item(s) in the closure permit application submitted are incomplete and/or technically inadequate, the Town shall submit revisions necessary to make the application(s) complete and technically adequate and shall have completed any required public notices by not later than June 30, 2015 ~~twelve months after submittal of the initial standard closure permit application.~~

~~47.~~ Unless an alternate schedule is approved in writing by the DEQ, all waste disposal at the Wheatland Landfill shall cease no later than September 30, 2016. The Town is authorized to operate the landfill in accordance with the existing permit through September 30, 2016.

~~58.~~ ~~Not later than October 29, 2016, the Town shall begin implementation of approved closure plans in compliance with a permit issued by DEQ/SHWD based on application(s) submitted by the Town in accordance with this AOC unless an alternate closure schedule is approved by DEQ.~~ Within thirty (30) days following cessation of waste disposal, the Town shall place twelve (12) inches of intermediate cover over all waste disposal areas where intermediate or final cover have not already been placed.

~~69.~~ The signatories are authorized to bind their respective parties to this AOC.

~~710.~~ When signed by the signatories for both the DEQ and the Town, this AOC shall be filed with the Wyoming Environmental Quality Council (EQC).

~~811.~~ This AOC is issued with the Town's consent, therefore the Town will not file a request for hearing before the EQC to contest it under W.S. 35-11-701(c)(ii).

~~912.~~ The effective date of the AOC is the date it has been signed by the signatories for both the DEQ and the Town.

~~1013.~~ The stipulated requirements of this AOC may be modified only by written agreement of both parties.

All other terms of the original Administrative Order on Consent not specifically modified above remain unchanged and in effect as originally ordered by the Environmental Quality Council.

Therefore, Town of Wheatland and DEQ now jointly stipulate to the above second modification of their original December 1, 2010, Administrative Order, previously modified December 9, 2011, on Consent and request that the Council enter an order approving, incorporating, and binding the parties to their Joint Stipulation as modified herein.


Dated this 11th day of Nov., 20113.

FOR TOWN OF WHEATLAND:



Jean Dixon, Mayor
Town of Wheatland

FOR WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:



Alan Edwards, Acting Administrator
Solid and Hazardous Waste Division



Todd Parfitt, Director
Department of Environmental Quality