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THE STATE OF WYOMING



JIM GERINGER  
GOVERNOR

# Department of Environmental Quality

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002

ADMINISTRATION (307) 777-7758 FAX 777-7682	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7368 FAX 777-6937	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZARDOUS WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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January 18, 2002

**RECEIVED**

Brian Livingston  
Chair, Fremont County Solid Waste Disposal District  
P. O. Box 1400  
Lander, WY 82520

JAN 22 2002

Solid & Hazardous Waste Div.  
Lander, Wyoming

Dear Mr. Livingston:

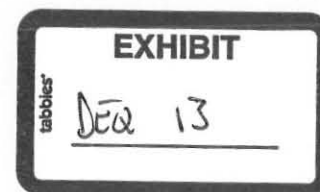
I was disappointed to hear that the Fremont County Commission did not allow your proposed capital facilities tax question to be placed on a special election ballot. I know that you are concerned about remarks made at Tuesday's commission meeting by Patrick Troxel and Jeff Hermansky, both DEQ employees, and I wanted to write to you and give you DEQ's views on the need for supplemental funding for the Fremont County Solid Waste Disposal District.

First, on the matter of the urgency of obtaining additional funding to relieve the District's disposal capacity emergency, I believe that the District is acting prudently and responsibly by undertaking efforts (including seeking the capitol facilities tax) to secure additional capacity. We have been working with the District for several years now to resolve the question of whether the remaining unused disposal capacity at the Lander landfill can continue to be used without lining that remaining area, and just recently communicated our final decision to you. As a result of that decision, available disposal capacity at the Lander landfill dropped from 16 years to 4.3 years. (Conflicts with a power line are also estimated to reduce Lander's capacity an additional 0.8 years—so the current projected life of the landfill is 3.5 years.) I know you were disappointed with our decision about the Lander landfill, but we believe it was justified in view of the continuing groundwater contamination that is being caused by the landfill.

*Link*

In the case of the Sand Draw landfill, the recent discovery of shallow groundwater in the expansion area has caused DEQ to call into question the District's prior plan to continue with unlined landfill trenches in that area. If that area cannot be used without liners, and the District cannot afford to construct liners, then disposal capacity at the Sand Draw landfill will be decreased from 28 years to 2.8 years.

In response to this disposal capacity crisis, your District board did what anyone who is responsible for solid waste in a political jurisdiction would do: you entered into discussions with



DEQ to find ways to secure additional emergency disposal capacity, and you created a solid waste plan for the future—and identified a way to fund it.

Clearly, future operations of the District will entail, under any reasonable scenario, the need to locate and construct one or more new landfills, and the need to provide funding for monitoring and perhaps corrective actions at any closed District landfills that are impacting groundwater. I believe that any future district operations should also address the need to more strictly control access to the District's disposal facilities to prevent disposal of unsuitable wastes and minimize the District's long-term liability. Future plans should also emphasize diversion of recyclable wastes to extend landfill life as long as possible. These latter needs are not the result of any rule or law, but should be done (first) as a good management practice to minimize creation of future contamination problems for the District and (second) to reclaim reusable materials while limiting the need for more and more landfills.

As a result of discussions with DEQ to secure additional emergency disposal capacity, Patrick Troxel has been working with the District to develop a plan for a vertical expansion at the Sand Draw landfill. The vertical expansion is not yet permitted, but we have reviewed preliminary plans for it and have not identified any reasons to deny the request. There will be a 45-day public comment opportunity when we receive a final proposal, and the public certainly has a right to comment, but as of this date we believe the vertical expansion is permissible. This expansion when approved would add an estimated 10 to 14 years of life to the Sand Draw landfill.

We have also offered to work with the District to expedite the steps needed to permit a new 40-acre landfill near Lander landfill which could provide much needed emergency disposal capacity. We met with your engineering firm and District Manager on January 11 and will continue discussions with you and your engineer about how to expedite the site characterization and permitting of this emergency addition. No projection has been made, to our knowledge, about the additional capacity this landfill would bring. Additionally, no demonstration has yet been made about whether a landfill in this specific location could qualify for a waiver of the liner requirements.

While it may seem to some that these steps to secure additional emergency disposal capacity at Lander and Sand Draw have solved the District's capacity and funding problems, I do not concur with that view. In my estimation, your District is acting responsibly to plan for the future—not only for the future solid waste management system design, but for how to adequately fund it. If the District is successful in its efforts to permit additional emergency disposal capacity at Lander and Sand Draw it will have averted a short-term crisis, but the District should continue taking the necessary steps to ensure the longer term availability of capacity for Fremont County's wastes.

Further, the District will face significant costs as it undertakes to find one or more suitable sites for one or more new landfills, and for the subsurface characterization of those sites, and for design, permitting and construction of any new landfills, while at the same time the District will need to fund its current operations, and also take on the financial burden of closing

the existing Lander and Sand Draw landfills and monitoring and corrective action costs as well. Most of these significant new costs will occur over a multi-year period before any new landfill is permitted, at the same time the District is required to fund existing operations.

I don't know every reason that the Fremont County Commission turned down your request to have a capital facilities tax question placed on a special election ballot, but I've spoken with some who attended the meeting. I would hope that the District responds to the concerns raised by some of the Commissioners and citizens of Fremont County by asking your contractor to pull together information on the different alternatives, and their costs, for the alternatives that were considered by the District before it selected its desired option—and to have that information presented in a written report. Presenting this information would help both the Commission and any objecting parties to see the cost basis for the desired alternative, and to also see cost comparisons with other reasonable alternatives you considered.

I would also urge that you maintain the status quo while preparing this additional information, and that you approach the Commission on the capital facilities tax question again after people have had a chance to reach their own conclusions about whether the proposed solid waste system is best suited to address Fremont County's solid waste disposal needs for the future.

I understand that you are upset with the Commission's decision, and probably with DEQ as well. I truly regret any hard feelings that testimony of DEQ employees may have created. I wanted to write to you to reaffirm our commitment to work with the District to help in any way we can to solve both the District's short-term and long-term solid waste capacity problems. In the aftermath of the Commission's decision, I also believe that I needed to make clear DEQ's position on the District's proposal to seek approval of a capital facilities tax.

First, on the issue of urgency, DEQ believes that it is appropriate for the District to seek a funding source to allow it to plan for, and create, much needed future solid waste disposal capacity for Fremont County. We cannot predict the duration of all the activities that must be carried out to adequately position the District to provide long-term disposal capacity. Many things can go wrong, resulting in delays in securing that capacity. We should not count on being able to do it in a specific time period.

Second, on the issue of whether the proposed system is the best that could be selected for Fremont County's long-term solid waste disposal needs, we believe that your District and its consultant have reviewed a number of alternate systems and can justify its selection. I would suggest that you document information about the alternative systems you considered and their costs, so that others can come to the same conclusion you did.

Finally, on the issue of whether the individual elements of the District's proposal are too costly, DEQ has not reviewed specific cost-estimating details or methodologies used by your engineer to make those cost estimates. Neither, we believe, have any of the citizens who have objected to your proposal. Your release of a report documenting the alternatives you considered, and their associated costs, should allow anyone to make their own evaluation about whether the

District's cost estimation is gold plated, or is as reasonable as you can make it.

I also feel compelled to comment on the issue of whether Wyoming's laws regarding pollution of groundwater should be modified to allow new landfills to pollute groundwater—hence allowing the District to build cheaper unlined landfills. This concept that I believe has been attributed to Steve Gerber (a former DEQ employee) and Jeff Hermansky (a current DEQ employee) does not represent the position of DEQ. Wyoming's laws recognize that groundwater is too precious a resource to allow facilities to be constructed that pollute groundwater and then to use risk assessment as a way to justify leaving that pollution behind, destroying the utility of that groundwater for future generations. DEQ does believe that if, after designing and permitting a new landfill (or any other waste pit, pond or lagoon) that is intended to be contained, the landfill does not work as planned and contaminates groundwater—and that contamination can't be cleaned up using available technology—risk assessment should be a factor that is considered in setting alternate groundwater cleanup standards. That concept is embodied in the state's new law governing voluntary remediation of contaminated sites.

We continue to be committed to providing any assistance we can to help your District plan for and secure both its needed emergency disposal capacity, and longer term capacity as well. Please do not hesitate to contact me if you want further discussion of any of the matters I've included in this letter.

Sincerely,



David Finley  
Administrator  
Solid & Hazardous Waste Division

c: Scott Luther, Chair, Fremont County Commission  
Dennis Hemmer

FREMONT COUNTY SOLID WASTE DISPOSAL DISTRICT

P.O. Box 1400  
LANDER, WY 82520  
telephone 332-7040  
fax 332-5013

MEETING MINUTES  
OF THE  
FREMONT COUNTY SOLID WASTE DISPOSAL DISTRICT BOARD

DATE: Monday, November 12, 2001  
TIME: 9:30 a.m.  
PLACE: F/C Commissioner's Chambers  
Fremont County Courthouse  
Lander, WY 82520

Public Hearing

District Rules and Regulations- Chairman Bryan Livingston opened the hearing at 9:30 a.m. for public comment regarding District Rules and Regulations changes. There being no public comment, Bryan closed the public hearing at 9:31 a.m.

OPENING OF THE MEETING

The regular monthly meeting of the Solid Waste District was called to order at 9:32 a.m. by Chairman Bryan Livingston with the following persons present:

Board Members: Bob Campbell, Bob Engstrom, Jim Hedges, Eugene Leonardi, Bryan Livingston, Bill Urbigkit. Also present was Howard Johnson of Inberg-Miller Engineers and Attorney Keith Gingery.  
Staff: Superintendent Don Connell, Office Manager Tracy Chand  
Guests: Paula McCormick (McCormick Marketing), Meredith Taylor (Wind River Recycling Center), Ernie Over (Riverton Ranger/Wyoming State Journal)  
Absent: Bill Davis, and Floyd Phillips

Chairman Bryan Livingston opened the floor for public comment. There being no comments, Bryan moved on.

AGENDA APPROVAL

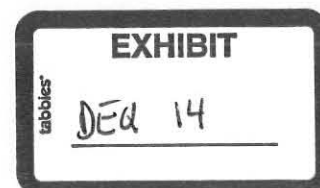
Bryan Livingston noted a correction was needed for the meeting time and place of the October meeting. EUGENE LEONARDI moved and JIM HEDGES seconded the motion to approve the consent agenda as mailed including the meeting minutes of October 15, 2001 with the noted changes and the approval of October bills to be paid (list in office). MOTION CARRIED UNANIMOUSLY.

DISTRICT BUSINESS

**Recycling-** Meredith Taylor who is the president of the Wind River Recycling Center (Dubois) was present. She thanked the District for all the help given to promote recycling in Dubois and noted her approval with the recycling baler and the recycle corrals at the Dubois transfer station.

She discussed the problems with the public disposing of refuse for free resulting with out of county waste being disposed in Fremont County and suggested tipping fees at the county landfills. Meredith also suggested the District hire a ½ time employee for recyclable pickup in Dubois. In addition to tipping fees, she stated a recycling incentive could be established by not charging for recyclables.

Bill Urbigkit thanked Meredith Taylor for her support and input. He stated the Board has reviewed different options. He explained that due to the large size of the county, it is very difficult to implement a program county wide. There was also discussion on recycling county wide.



**District Rules & Regulations Approval-** Attorney Keith Gingery stated the 45 day comment period was completed for the proposed Rules and Regulations changes for disposal of construction/demolition waste. He noted that since there weren't any comments before or during the public hearing, the Board was able to vote on the District Rules & Regulations amendment. Keith reviewed the changes and discussion followed.

BILL URBIGKIT moved and BOB ENGSTROM seconded the motion to accept the District Rules and Regulations amendment. MOTION CARRIED UNANIMOUSLY.

**Marketing-** Paula McCormick (McCormick Marketing) informed the Board that she had placed ads in the Wyoming Journal and Riverton Ranger newspapers for America Recycles Day. She stated the paper was offering the ads for free along with free public service announcements on the radio. She then reviewed information on further advertisement/education and political action committee (PAC) information.

There was discussion on lack of control if there were too many PAC members. Bill Urbigkit suggested 2 PACs be formed to allow for better coverage. Paula was supportive of 2 PACs.

Don inquired of displaying the District information display at the Riverton Airport. The Board was in support of moving the display to the airport.

Chairman Bryan Livingston recessed the meeting at 10:30 a.m. and stated the meeting will reconvene in the Sheriff's meeting room.

**Landfill Capacity Audit-** Howard Johnson (IME) presented the new District Landfill Capacity Audit to the Board. He explained that the audits will now be completed with the District's fiscal years. He noted this year's audit is more accurate due to more information and better records. Based on the information given, Howard stated he was able to confirm that the average person produces 9 pounds of waste daily.

He reviewed the information related to the remaining capacity and stated the findings are based on the worst case scenarios for the District and current approved capacity. He noted that groundwater and archaeological issues are a big contributor to the shortened landfill lives. Howard reviewed the estimated landfill life for each landfill taking into account the transfer station wastes:

Lander landfill:	3.5 years	Dubois landfill:	31.5 years (C/D waste only)
Shoshoni landfill:	49.4 years	Sand Draw/Riverton:	2.8 years

Howard noted that the Shoshoni landfill life does not take into account the amount of waste being disposed from the Lysite gas plant. He and Don stated that the landfill is filling up at 8 times the previous rate and there is no indication when the Lysite gas plant will be completed. With this in mind, Howard stated that the life expectancy of the landfill could be 6.2 years at the current rate.

After some discussion, BILL URBIGKIT moved and BOB CAMPBELL seconded the motion to accept the District Landfill Capacity Audit as presented. MOTION CARRIED UNANIMOUSLY.

There was discussion on distributing the landfill audit to Fremont County legislators, mayors, and other people and organizations.

Attorney Keith Gingery informed the Board that Judge Nicholas has inquired about trading right-of-ways. He reviewed the properties of Judge Nicholas, Marlene Young, the District. Keith stated that Judge Nicholas would like to grant the District a 60' access right-of-way for the portion of Beebe Road which is on his land which leads to the landfill. The trade would be an access right-of-way from the District for a road through District property which leads to Quickenstead Ranch which he owns. Both Keith and Don stated that Judge Nicholas is willing to pay for the cost of relocating the cattle guard and placement of a culvert. Don reported that Judge Nicholas had also agreed to fence the right-of-way and that the District

needs to make sure all the required waivers are included. There was discussion concerning District property and right-of-way conditions.

BILL URBIGKIT moved to authorize Keith Gingery to draft a right-of-way swap with the District and Quickstead Ranch with stipulations: a) Judge Nicholas sign release of liability waiver to the District due to the close proximity of private and District land, b) 60 foot right-of-way to improve the road to county standards. BOB ENGSTROM seconded the motion. MOTION CARRIED UNANIMOUSLY.

**Proposition to impose a 1% Sales tax for the purpose of implementing the Fremont County comprehensive Solid Waste Management Plan: Overview of election process-**

Keith reviewed the capital facilities tax packet with the Board Members. He stated that the packet explains the statutes and the process of getting the facilities tax on a county wide ballot. He informed the Board that a resolution needs to be approved with specific reasons and costs for the facilities tax which will be presented to the Fremont County Commissioners on November 20, 2001.

While reviewing the packet, Keith stated that if the ballot were to fail, the District would have to wait 12 months before trying again. He also said that if the ballot passes and if the monetary goals are met before the full amount is collected, the sales tax collection will cease.

BOB ENGSTROM moved and BOB CAMPBELL seconded to adjourn for lunch at 12:30 pm. MOTION CARRIED UNANIMOUSLY.

The Solid Waste Board reconvened the meeting at 1:55 p.m.

**New Landfill Site-** Howard Johnson informed the Board that 4 wells were drilled at the proposed new landfill site and water was found in all 4 wells. He suggested that if all landfills have to be lined, the Board may want to review the other 2 possible sites near Hudson instead. There was discussion on the amount of land needed for a 100 year site with a buffer zone and WDEQ/SHWD requirements. Howard noted that 320 acres would allow for a 130 year life but suggested not going less than that.

JIM HEDGES moved and BILL URBIGKIT seconded the motion to authorize Inberg-Miller Engineers to perform exploratory drilling at one of Hudson's possible sites based on Don's preference. MOTION CARRIED UNANIMOUSLY.

Don stated that if water was discovered at one site, then the other site needs to be explored. Howard suggested exploring other sites closer to larger waste generation points but the proposed original site may be backup if needed.

**Superintendent's Report-**No comment. Report in Office.

**Proposition to impose a 1% Sales tax continued-** There was lengthy discussion on master plan components for sales tax proposal. During discussion, Bill Urbigkit noted that if WDEQ/SHWD were to back off on the use of liners for landfills, then that would be less money required from the facilities tax collection. The following options were discussed if the sales tax were to fail:

- 1) Pay as you throw (2 options):
  - a) Every vehicle would pay a rate for disposal
  - b) Every vehicle would be weighed upon entering and leaving the site then pay accordingly.

It was noted that an incentive to recycle would be to not charge for recyclable items. It was also noted that either the County transfer stations would have to be closed or the hours limited in order to man the sites. Other options were to truck the waste out of county or for companies such as WY Waste Systems to operate/buy the landfills.

The following components were discussed and agreed on for presentation to the Fremont County Commissioners:

Master Plan Components (1% Sales/Use Tax)	
Landfill Capacity	\$ 6,500,000
Balers, Recycling, Appurtenances:	
Lander (1 baler)	\$ 2,000,000
Riverton (2 balers)	\$ 2,400,000
Shoshoni (1 baler)	\$ 1,200,000
Dubois (1 baler)	\$ 700,000
Equipment	\$ 2,200,000
Closure	\$ 4,000,000
<u>Endowment Fund</u>	<u>\$ 6,000,000</u>
GRAND TOTAL	\$25,000,000

JIM HEDGES moved and BILL URBIGKIT seconded the motion to approve the master plan component resolution with the discussed changes. MOTION CARRIED UNANIMOUSLY.

Keith explained that the meeting on November 20 with the F/C Commissioners will be to present the District's resolution and to discuss the funding for the special election. He stated that if the F/C Commissioners approve of the District's plan, then the Board will need to meet with the incorporated municipalities for support. The Board will need to get 4 out of 6 municipalities support to get the facilities tax on the ballot. There was discussion on full Board Member attendance to these meetings. Bill Urbigkit commended Howard, Keith, Don, and Tracy for all the work they have done.

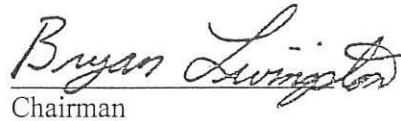
EUGENE LEONARDI moved and BILL URBIGKIT seconded the motion to adjourn the meeting at 3:40 p.m. MOTION CARRIED UNANIMOUSLY.

The next scheduled Board meeting will be held on December 10, 2001 at 9:30 a.m. at the Riverton City Hall Council Chambers, 816 N. Federal Blvd., Riverton.

Respectfully Submitted

  
Tracy Chand, Secretary

APPROVED

  
Chairman