

10.195

Superintendent  
Donald Connell

FREMONT COUNTY SOLID WASTE DISPOSAL DISTRICT

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

October 8, 2007

**RECEIVED**

OCT 22 2007

Solid & Hazardous Waste Div.  
Lander, Wyoming

Mr. Leroy Feusner, P.E., BCEE, Administrator  
Wyoming Department of Environmental Quality  
Solid and Hazardous Waste Division  
122 West 25<sup>th</sup> Street  
Cheyenne, WY 82002

RE: SOLID WASTE CHAPTER 2  
OPERATING RENEWAL PERMIT EXTENSION  
SAND DRAW LANDFILL  
SHWD FILE #10.195

Rec'd Cheyenne  
22nd Oct.

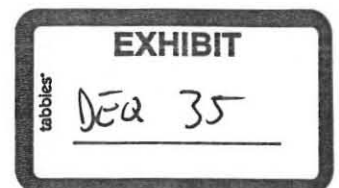
Dear Mr. Feusner:

Thank you for the draft renewal permit letter dated September 19, 2007, for the Riverton Sand Draw Landfill. We have previously discussed the four permit conditions and schedules to meet them.

In order to meet Permit Condition #1, we have discussed with your staff the need to drill three additional borings and construct monitor wells in the borings. The main focus of the discussions has been siting the borings and depths of drilling. The District has reviewed a proposal from Hydro-Geophysics and submitted it to the WYDEQ/SHWD as a work plan. Follow up discussions between the District, WDEQ/SHWD, and Hydro-Geophysics ensued and it was agreed the technology may be a useful tool in locating the monitor wells. WDEQ/SHWD has also agreed a portion of the survey (in the permitted 80 acres) would be eligible for 50% funding through WS 35-11-521.

Hydro-Geophysics was near completion of their scope of work in late July, when they developed in-house, on a large federal project, a hardware and software system that provides a more detailed and accurate 3-D picture of the site. However, additional field information is required to fill-in gaps in current data to improve results. The District Board has authorized this additional work on September 10, 2007, with an expected delivery date of October 15, 2007.

Once the final report is received it will need to be reviewed by the Board, Inberg-Miller Engineers, and WDEQ/SHWD. A technical meeting will then be scheduled as soon as feasible to discuss the results and to select the location for the additional borings. A work plan and cost proposal will be submitted for approval, with the drilling to follow.



Mr. Leroy Feusner, P. E., BCEE, Administrator  
Wyoming Department of Environmental Quality  
Solid and Hazardous Waste Division  
October 8, 2007  
Page 2

The District is diligently pursuing the necessary information to satisfy the permit conditions. At this time we can not meet the schedule for Permit Condition #1 because we can not select the boring locations and develop a work plan. Depending on completion of Permit Condition #1, Permit Condition #3 will also be delayed. We believe Permit Conditions #2 and #4 will be submitted as scheduled.

Your continued understanding and cooperation is greatly appreciated. If you have any questions, or wish to discuss this letter, please contact me at 307-332-7040.

Sincerely,

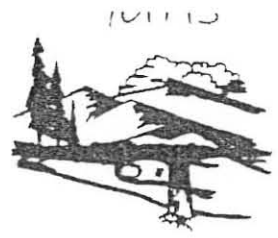
A handwritten signature in cursive script that reads "James Hedges". The signature is written in black ink and is positioned above the printed name and title.

James Hedges  
Chairman

JH:bjh\Dist Ltr-Sand Draw  
c: Patrick Troxel, District #2 Supervisor



# Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

October 28, 2008

Mr. Jim Hedges, Chairman  
Fremont County Solid Waste Disposal District (FCSWDD)  
P.O. Box 1400  
Lander, Wyoming 82520

Certified #7008 0150 0001 1173 7128  
Return Receipt Requested

RE: Issuance of Notice of Violation (NOV) and Order  
Sand Draw Landfill, SHWD File #10.19565

Dear Mr. Hedges:

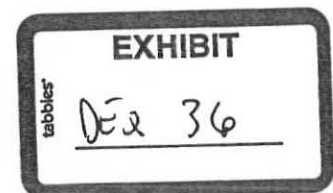
Enclosed is a Notice of Violation (NOV) and Order issued to the Fremont County Solid Waste Disposal District (FCSWDD), for the Sand Draw landfill, for violations of the Wyoming Solid Waste Rules and Regulations (SWRR).

The permit for the Sand Draw landfill originally expired on October 31, 1999. The Department has issued the FCSWDD four (4) permit extensions with the latest expiring on May 1, 2004. Since May 1, 2004, the FCSWDD submitted two (2) renewal applications. The first was submitted on May 10, 2005, and the second on January 10, 2008. The Department determined that both applications were inadequate.

Since the FCSWDD has failed to submit a complete renewal application and receive an operating permit, the FCSWDD is in violation of Chapter 1(f) of the SWRR, which requires new and existing facilities to have a permit.

This NOV contains an Order requiring that the FCSWDD complete the renewal process by submitting an updated application no later than May 31, 2009. The renewal application must include information regarding, but not limited to, the following:

- o A detailed final cover design including a seismic stability evaluation of the final cover design and a construction quality assurance plan.
- o An updated groundwater monitoring and sampling and analysis plan to include the new monitoring wells.



Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7937 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5973	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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Mr. Hedges, 10/28/2008

If you have any questions, please contact Patrick Troxel in our Lander office at 307-335-6950 or me at 307.777.7753.

Sincerely,



LeRoy C. Feusner, P.E. BCEE  
Administrator  
Solid & Hazardous Waste Division

Cc: Bob Doctor, Program Manager, Solid Waste Permitting and Corrective Action  
Patrick Troxel, District #2 Supervisor  
Cheyenne SHWD File #10.195  
Lander SHWD File #10.195

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE  
NOTICE OF VIOLATION  
ISSUED TO:

JIM HEDGES, CHAIRMAN	)	
FREMONT COUNTY SOLID WASTE	)	
DISPOSAL DISTRICT (SWDD)	)	DOCKET NO.# 4384-08
SAND DRAW LANDFILL (10.195)	)	
P. O. BOX 1400	)	
LANDER WY 82520	)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On October 31, 1999, the Fremont County Solid Waste Disposal District (District), Sand Draw landfill permit expired. On March 8, 1999, prior to the permit expiring, the Fremont County SWDD requested a one (1) year extension of the operating permit. On May 3, 1999, the Wyoming Department of Environmental Quality (Department) issued a one (1) year permit extension until October 31, 2000.
2. On October 31, 2000, the Fremont County SWDD, Sand Draw landfill permit extension expired. On May 8, 1999 and September 14, 2000, prior to the permit extension expiring, the District requested an extension of the operating permit. On September 26, 2000, the Department granted a second permit extension from October 31, 2000 until May 31, 2001. This extension stated that this is a one-time extension.
3. On May 31, 2001, the Fremont County SWDD, Sand Draw landfill permit extension expired. On April 19, 2001, prior to the permit extension expiring, the District requested an extension of the operating permit. On May 17, 2001, the Department issued a third one (1) year permit extension until May 31, 2002. The Department advised the District that in order to renew the permit a permit application must be submitted no later than November 30, 2001.
4. On May 31, 2002, the Fremont County SWDD, Sand Draw landfill permit extension expired. On May 16, 2002, prior to the permit extension expiring, the District requested a 180 day extension of the operating permit.
5. On March 17, 2003, the District requested a two (2) year extension of the permit until May 31, 2004. On May 12, 2003, the Department requested a more aggressive schedule for submittal of the renewal permit to include a major amendment for vertical expansion, with a submittal date no later than August 1, 2003. On June 10, 2003, the Department issued a fourth extension until May 1, 2004, with the condition that a renewal application be submitted no later than August 1, 2003.
6. On September 30, 2003, the Department issued a Notice of Violation (Docket NO: 3511-03) to the District for failure to submit a permit application by August 1, 2003, as required as a condition of the June 10, 2003 permit.
7. On May 1, 2004, the permit for the Sand Draw landfill expired.
8. On May 10, 2005, the District submitted an application.
9. On February 13, 2006, the Department issued a review, in the form of a memorandum, to the District which outlined the specific barriers to issuing a renewal permit for the Sand Draw landfill. The memorandum also made recommendations for overcoming these barriers. These barriers included an inadequate groundwater monitoring system and environmental monitoring plan, the lack of a fill sequence plan, and the lack of a final cover design.

10. On September 8, 2006, the Fremont County SWDD, submitted a proposed schedule for completing all the necessary tasks outlined in the February 13, 2006, memorandum.
11. On September 18, 2007, the Department issued an application review and draft permit with conditions. The conditions included completion dates as requested by the District in the September 8, 2006, letter.
12. On October 8, 2007, the Department received a letter from the District indicating that they would not be able to meet all of the conditions in the Draft permit in the Department's correspondence dated September 18, 2007.
13. On February 19, 2008 the Department received a Report titled "High Resolution Resistivity Characterization, Sand Draw Landfill, Fremont County, Wyoming. This report recommended drilling locations for three additional monitoring wells, but did not include a work plan for their installation.
14. On January 10, 2008, the Department met with representatives of the District and Inberg Miller Engineer's (IME) at which time additional permit information was submitted. It was acknowledged during this meeting that the information being submitted was incomplete.
15. On February 27, 2008, the Department issued a letter to the District acknowledging the receipt of incomplete information at the January 10, 2008, meeting. In addition, the letter indicated that additional information related to, but not limited to, proposed final covers, seismic evaluations, and environmental monitoring plans was required and review of the permit would not begin until all the necessary information was submitted.
16. On August 11, 2008 the Department issued a review of the February 19, 2008 "High Resolution Resistivity Characterization" report which required the installation of four (4) additional monitoring wells and the replacement of two (2) existing wells. The Department requested a work plan for the installation of these wells by September 10, 2008, but to date, a work plan has not been received.

17. SWRR, Chapter 1, Section 1(f)(i), states:

(f) Permit required for new and existing facilities:

- (i) A permit or a one-time emergency disposal authorization is required for the location, construction, operation or closure of any new or existing solid waste management facility as specified by Chapter 1, Section 5, or by the applicable chapter (s) of these rules and regulations. All facilities shall be located, designed, constructed, operated and closed in accordance with the permit or disposal authorization issued by the director or administrator.

The permit extension for the Sand Draw landfill, expired on May 1, 2004, and the District, has been operating the Sand Draw landfill without a permit, and, therefore, in violation of SWRR, Chapter 1, Section 1(f)(i).

18. SWRR, Chapter 2, Section 6(b)(i)(B)(I) states:

(B) Groundwater monitoring systems:

- (I) A groundwater system must be installed which consists of a sufficient number of wells to monitor water from the uppermost aquifer which may be affected by leakage from the facility. The system must be capable of monitoring background and downgradient water quality. Well locations must be approved by the administrator, and downgradient wells shall be placed in locations as close as possible but in no case greater than 150 meters from the disposal facility waste boundary on land owned, leased, or otherwise controlled by the operator.

The groundwater monitoring network at the Sand Draw Landfill is inadequate and the District is, therefore, in violation of SWRR, Chapter 2, Section 6(b)(i)(B)(I).

19. SWRR Chapter 2, Section 2(b)(iii)(A)(X) 4 and 5 state:

- (4.) An evaluation of the availability of cover material sufficient to properly operate the facility through the closure period;
- (5.) A detailed description of the facility liners, caps, berms, or other containment devices that will be used, along with the methods of construction and associated construction quality control program;

SWRR Chapter 2, Section 7 (d) and (d)(ii) state:

(d) Final cover: At closure, an infiltration barrier layer of subsoil, or a combination of materials as specified in the permit, a minimum of two (2) feet thick shall be constructed over the refuse or any intermediate cover already in place. This infiltration barrier layer shall be covered with a minimum of six (6) inches of topsoil and graded to prevent erosion or surface water ponding. The infiltration barrier layer shall meet the following minimum specifications:

(ii) The infiltration barrier layer in the final cover for a Type I or Type II sanitary landfill that receives wastes on or after October 9, 1991 shall have a minimum permeability less than or equal to the permeability of the bottom liner or natural subsoil's, or a permeability of  $1 \times 10E-5$  cm/sec (10 ft/yr), whichever is less, or such lower value as specified in the facility permit. The administrator may approve alternative infiltration barrier layer designs which achieve an equivalent reduction in the annual flux of infiltration through the final cover system. The administrator may require monitoring of alternative infiltration barrier layer designs to demonstrate the performance of the designs.

The permit application for the Sand Draw Landfill does not include a detailed final cover design, therefore, Fremont County SWDDd is in violation of SWRR, Chapter 2, Section 2(b)(iii)(A)(X), 4 and 5, and Section 7(d) and (d)(ii).

ANY PERSON who violates any provision of the Environmental Quality Act, or any rules, standard, permit, license, or variance adopted there under is liable to a penalty of ten thousand dollars (\$10,000) for each day of violation which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming; and

THIS NOTICE OF VIOLATION is being sent to you pursuant to Wyoming Statute 35-11-701(c) which requires that in any case of the failure to correct or remedy an alleged violation, the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

#### ORDER

Pursuant to W.S. 35-11-701, the Wyoming Department of Environmental Quality orders as follows:


- A. No later than January 31, 2009, District shall submit a Phase II groundwater investigation work plan, including a detailed cost estimate for construction of the additional wells, in accordance with the Department's August 8, 2008, correspondence.
- B. Within thirty (30) days of the Department's written approval of the work plan described under A., the District shall install all approved groundwater monitoring wells in accordance with the approved plan.
- C. Within thirty (30) days of the installation of the approved monitoring wells, the District shall submit a detailed well installation/groundwater investigation report. The report shall include, at a minimum, the following: boring logs, well construction records, well location map, and a groundwater potentiometric surface map. All newly installed groundwater monitor wells shall become a part of the sampling and analysis program and the groundwater monitoring program shall be conducted in accordance with the Department's following attached Memorandums:
  - a. *October 23, 2006, (revised)-Groundwater monitoring frequency and constituents at facilities determined to have inadequate groundwater monitoring systems.*
  - b. *February 25, 2008, (revised)-Groundwater monitoring data reporting format for municipal solid waste landfills*
- D. No later than May 31, 2009, the District shall submit a renewal application which has been updated to reflect current site conditions and which shall include, but not be limited to, the following:
  - a. A detailed final cover design including a seismic stability evaluation of the final cover design and a construction quality assurance plan.


- b. An updated groundwater monitoring and sampling and analysis plan to include the new monitoring wells.

THIS ORDER is final and binding unless, no later than ten (10) days after the day the notice is served, it is appealed by filing a written request for a hearing before the Environmental Quality Council. The request should be mailed to the Chairman, Environmental Quality Council, Barrett Building, Room 407, 2301 Central Avenue, Cheyenne, Wyoming 82002. A copy of this request should be mailed to John Corra, Director, Wyoming Department of Environmental Quality, Herschler Building, 4<sup>th</sup> Floor, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming, 82002.

NOTHING IN THIS ORDER shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this order be interpreted as being a condition precedent to any other enforcement action.

Signed this 28th day of October, 2008.

  
LeRoy C. Feusner, P.E. BCEE  
Administrator  
Solid & Hazardous Waste Division

  
John V. Corra  
Director  
Dept. of Environmental Quality

Attachments:

- October 23, 2006 Memorandum - Groundwater monitoring frequency and constituents at facilities determined to have inadequate groundwater monitoring systems.
- May 6, 2008 Memorandum - Groundwater monitoring data reporting format for MSW LFs