



INBERG-MILLER ENGINEERS

10.195

Quality Solutions Through Teamwork

September 30, 2009

1774-RW

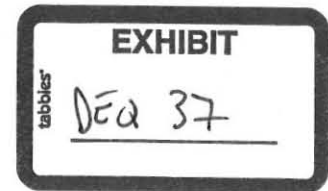
Mr. James Hedges, Chairman
Fremont County Solid Waste Disposal District
P. O. Box 1400
Lander, WY 82520

RECEIVED

OCT 01 2009

Solid & Hazardous Waste Div.
Lander, Wyoming

RE: THIRD QUARTER 2009
JULY 2009 SAMPLING EVENT
SAND DRAW SAN #1 LANDFILL (SHWD # 10.195)
FREMONT COUNTY, WYOMING



Dear Mr. Hedges:

Enclosed are results from the July (third quarter) 2009 sampling event. This is the first sampling event since monitoring wells R-5D, R-13D, R-21, and R-22 were installed in June 2009. Attached are analytical data summary tables, laboratory reports, site map, groundwater elevation data, potentiometric map, and field notes. The analytical summary tables are based on Class I groundwater protection standards. In some cases, the groundwater protection standard is based on background water quality.

Based on the July 2009 potentiometric map, groundwater flows from the northwest to the southeast. Monitoring well R-18 is the up gradient well and R-9D, R-13D, R-20, R-21, and R-22 are down gradient wells. Please refer to our July 15, 2009, subsurface exploration report for well locations and details. Following IME's measurement of water levels in the wells, three well volumes were purged from each well with bailers. Temperature, conductivity, and pH readings were collected to ensure well stabilization had occurred prior to sample collection. Monitoring wells R-9D, R-13D, R-18, R-20, R-21, and R-22 were sampled for baseline inorganic indicator parameters and Appendix A metals and organics. The remaining wells outside of the landfill perimeter were only gauged on July 28, 2009.

Volatile organic compounds (VOCs) were detected in monitoring wells R-9D and R-20. Laboratory results indicate trichlorofluoromethane in groundwater at an *estimated* concentration of 0.5 µg/l in R-9D. The detection limit for trichlorofluoromethane was 1.0 µg/l for this data set and the MCL is 10,900 µg/l.

Acetone was also detected at an *estimated* concentration of 10.0 µg/l in R-9D, and at 7.0 µg/l in R-20. We believe this result is laboratory error. The Lander and Sand Draw landfills were sampled on July 28 and July 29, 2009. Related to the sampling events is the fact that the Lander landfill trip blank also had an acetone concentration of 10 µg/l and acetone was detected in LA-17 (Lander landfill monitoring well) at an *estimated* concentration of 5.0 µg/l.

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The landfills were sampled on consecutive days, delivered to the laboratory on the same day, and each had estimated concentrations of acetone in groundwater wells and one trip blank was contaminated with acetone. Therefore, the acetone detections at R-9D and R-20 are likely a laboratory error and not an impact from the landfill.

Inorganic parameters currently exceeding MCLs include iron, manganese, sulfate, and TDS in all new monitoring wells including the up gradient wells; antimony in R-22; arsenic in R-9D, R-18, R-20, R-21, and R-22; beryllium, cadmium, chromium, thallium, lead and vanadium in R-18; lead in R-9D and R-20; ammonia in R-13D, R-18, and R-22; calcium and magnesium in R-9D and R-20; sodium in R-9D, R-13D, R-20, R-21, and R-22; potassium in R-9D, R-13D, and R-20; bicarbonate in R-9D and R-22; and COD in R-13D and R-21. Monitoring wells R-9D, R-13D, R-18, R-20, R-21, and R-22 will be sampled for baseline inorganic indicator parameters and Appendix A metals and organics during the next anticipated sampling event scheduled for October 2009.

Three copies of this report have been forwarded to Patrick Troxel of the WDEQ-SHWD in Lander, Wyoming followed by an email including the chemical analysis in WDEQ format. A CD is included containing additional copies of the chemical analysis in WDEQ format.

If you have any questions regarding the enclosed information, please give us a call at 307-577-0806.

Sincerely,

INBERG-MILLER ENGINEERS



Kurt Nielsen, E.I.T.

Environmental Engineer

KRN:llm\1774-RW\Quarterly Reports\July 09 Rpt

c: Patrick Troxel, WDEQ-SHWD

Enclosures: CD with WDEQ Spreadsheet

Luke J. Esch (6-4155)
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(307) 777-6946

IN THE DISTRICT COURT FOR THE FIRST JUDICIAL DISTRICT
IN AND FOR LARAMIE COUNTY, STATE OF WYOMING

PEOPLE OF THE STATE OF WYOMING,)
)
 Plaintiffs,)
)
 vs.)
)
 FREMONT COUNTY SOLID)
 WASTE DISPOSAL DISTRICT)
)
 Defendant.)

Civil No. 175-570

FILED

FEB 26 2010

GERRIE E. BISHOP
CLERK OF THE DISTRICT COURT

COMPLAINT

Plaintiffs, People of the State of Wyoming, by the Wyoming Attorney General's Office,
state:

PARTIES, JURISDICTION AND VENUE

1. This civil action is brought by the Wyoming Attorney General's Office in the name of the People of the State of Wyoming as Plaintiffs, pursuant to WYO. STAT. ANN. § 35-11-903(c).

2. Defendant, Fremont County Solid Waste Disposal District (Fremont County SWDD), is a "person" under WYO. STAT. ANN. § 35-11-103(a)(vi).

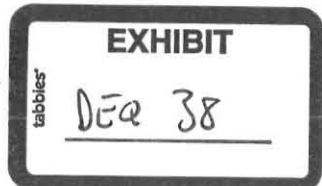
3. This Court has jurisdiction over the parties and the subject matter in this civil action under WYO. STAT. ANN. § 35-11-901(a), and venue is proper in Laramie County pursuant to WYO. STAT. ANN. § 35-11-903(c).

4. The administrative proceedings in the Environmental Quality Council (Council) have been exhausted in this case and this matter is now proper in this Court.

CLAIM FOR RELIEF

5. At the times relevant to the allegations in this complaint, Fremont County SWDD has owned and/or operated the Sand Draw landfill located in Fremont County, Wyoming.

6. On October 28, 2008, the Wyoming Department of Environmental Quality (DEQ) issued Notice of Violation and Order (NOV) # 4384-08 to Fremont County SWDD for violating the Wyoming Solid Waste Rules and Regulations (WSWRR).



7. The purpose of the NOV was to bring the Fremont County SWDD into compliance with the WSWRR and comply with the Wyoming Environmental Quality Act (Act).

8. Both WYO. STAT. ANN. § 35-11-701(c)(ii) and the NOV state that such order is final unless within ten (10) days the party requests a hearing before the Council to appeal the order.

9. Fremont County SWDD did not request a hearing before the Council to appeal NOV # 4384-08.

10. WYO. STAT. ANN. § 35-11-112(a)(ii) provides for the Council to approve all DEQ orders.

11. The Council entered an Order Approving Order, Docket No. 09-5215, on September 16, 2009, based on the expiration of time for Fremont County SWDD to appeal NOV # 4384-08.

12. Fremont County SWDD's failure to appeal NOV # 4384-08 to the Council prevents it from litigating the underlying violations in the NOV in this Court.

13. Fremont County SWDD has continued to operate the Sand Draw landfill facility for over three (3) months after the Council's approval of NOV # 4384-08.

14. Fremont County SWDD's continued operation of the Sand Draw landfill without complying with NOV # 4384-08 violates the express requirements of the NOV as approved by the Council.

15. Fremont County SWDD's continued operation of the Sand Draw landfill without complying with the WSWRR imperils the State of Wyoming's resources.

16. WYO. STAT. ANN. § 35-11-901(a) provides for injunctive relief and penalties assessed by the Court for violations of the Act and orders issued thereunder.

17. Because Fremont County SWDD continues to operate the Sand Draw landfill in violation of the WSWRRs and the Council's order, Fremont County SWDD is liable for penalties.

WHEREFORE, Plaintiffs pray that:

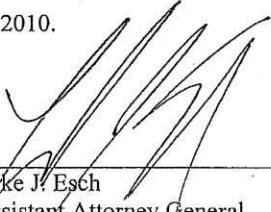
A. This Court enter judgment in favor of the Plaintiffs on the claims asserted.

B. This Court require Defendant to come into compliance with the WSWRRs and the Council's order.

C. This Court assess appropriate penalties against Defendant as provided in Section 901(a) and 903(c) of the Act, WYO. STAT. ANN. §§ 35-11-901(a) and 903(c); and

D. This Court award such other and further relief as it deems appropriate.

DATED this 26th day of February, 2010.



Luke J. Esch
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