

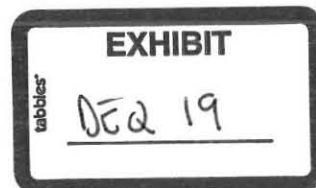
BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:
FREMONT COUNTY SOLID WASTE
DISPOSAL DISTRICT
P.O. BOX 1400
LANDER, WYOMING 82520

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DOCKET NO.: 3511-03

NOTICE OF VIOLATION



NOTICE IS HEREBY GIVEN THAT:

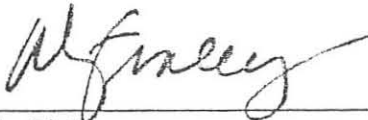
1. The Fremont County Solid Waste Disposal District (FCSWDD) operates several solid waste management facilities, including the "Lander Landfill", which is located approximately 3 miles east/northeast of the City of Lander in Sections 9 and 10, Township 33 North, Range 99 West, Fremont County, Wyoming, and the "Sand Draw Landfill" which is located approximately 10 miles south/southeast of the City of Riverton in Section 26, Township 34 North, Range 96 West, Fremont County, Wyoming.
2. On June 10, 2003, the Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division (WDEQ) issued a permit for the Sand Draw Landfill containing a condition which required that a permit renewal application be submitted by August 1, 2003. FCSWDD did not appeal the permit.
3. On June 10, 2003, WDEQ issued a permit for the Lander Landfill containing a condition which required that a permit renewal application be submitted by September 1, 2003. FCSWDD did not appeal the permit.
4. FCSWDD has failed to submit permit renewal applications for both the Sand Draw

and Lander Landfills by the dates listed in the permits issued June 10, 2003.
FCSWDD is therefore in violation of a term or condition of both permits.

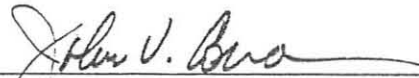
ANY PERSON who violates any provision of the Environmental Quality Act, or any rules, standard, permit, license, or variance adopted thereunder is liable to a penalty of ten thousand dollars (\$10,000) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney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

Signed this 30th day of September, 2003.



David A. Finley
Administrator
Solid & Hazardous Waste Division



John V. Corra
Director
Dept. of Environmental Quality

Superintendent
Donald Connell

FREMONT COUNTY SOLID WASTE DISPOSAL DISTRICT

10.195

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

November 28, 2003

Patrick Troxel
Senior Environmental Analyst
WY Dept. of Environmental Quality
Solid and Hazardous Waste Div.
250 Lincoln Street
Lander, WY 82520

RECEIVED

DEC 10 2003

Solid & Hazardous Waste Div.
Lander, Wyoming

RE: Documentation of permit pursuit

Dear Patrick Troxel,

As you know, the WDEQ/SHWD has sent the FCSWDD two Notice of Violations for not having permits submitted for both the Lander landfill and the Riverton- Sand Draw lanfill. A follow up letter form the District was sent to the WDEQ/SHWD explaining the position of the District. A phone conversation between John Corra, Dave Finley, and myself was held on November 4, 2003 at which time I was told that if the District could show that work is being done to obtain a permit, the WDEQ/SHWD would consider removing the NOV's letter. I am submitting the following information at this time and will also send this same information to Dave Finley in Cheyenne.

Included are copies of the minutes taking at the Solid Waste District Board meetings. A list of these minutes will be noted below. Following the list, additional documentation will be listed and grouped as they relate to specific items. The minutes include many issues therefore they will be noted when they pertain to the specific items.

MINUTES LIST (non-specific):

<u>Meeting Year</u>	<u>Date of Minutes:</u>
2000:	2) September 11, 2000
2001:	1) March 12, 2001 2) April 9, 2001 3) May 7, 2001 4) May 30, 2001 5) June 11, 2003 6) July 16, 2001 7) September 10, 2001 8) October 15, 2001 9) November 12, 2001 10) December 10, 2001
2002:	1) January 31, 2002 2) February 11, 2002 3) February 18, 2002 4) March 11, 2002 5) April 8, 2002 6) May 13, 2002 7) July 8, 2002 8) July 24, 2002 9) August 22, 2002 10) October 14, 2002 11) December 9, 2002
2003:	1) February 10, 2003 2) March 10, 2003 3) April 14, 2003 4) May 12, 2003 5) July 14, 2003 6) August 11, 2003 7) September 8, 2003 8) October 13, 2003 9) November 10, 2003 (draft)

EXHIBIT

tabbles

DEA 20

ITEM SPECIFIC:

LANDER PERMITTING

Inberg-Miller Engineers

Amendment #7 (October 15, 2001)-

Evaluate 40 acres North of District office in Lander for a possible expansion.

Class 3 Cultural Resource

Inventory (June 1991)-

Shows the cultural for the property which has been cleared. For a quick reference, you can go to page 2, figure 1 and see that two sites 48FR3117 and 48FR1169 are located in close proximity of the proposed power line easement. Pages 5-12 under Methodology states site 48FR1169 is not eligible for nomination to the National Register of Historic Places. Page 51 also states that site 48FR3117 is not eligible for nomination to the National Register of Historic Places.

Inberg-Miller Engineers

Amendment #15 (December 9, 2002)-

To prepare a permit for Lander and with a vertical expansion. Eliminate phases 4 & 5 at Lander for municipal solid waste and convert to C&D waste.

Contract with PacifiCorp-

Copy of the signed and approved contract between FCSWDD and PacifiCorp for the scheduled re-location of the "Riverton-Atlantic City Transmission line". The agreement has been in negotiation for some time and this approved contract was finalized on September 16, 2003.

Copy of check payment-

The first payment from the FCSWDD to PacifiCorp as stated in Section 3: Payment of the contract. This shows that the District has made the investment towards the project which now gives the District the ability to add the capacity and make design changes in the permit that will be submitted.

Inclusions in Contract-

Section 1: Line Relocation - 1.2 of the contract states the District is responsible for the acquisition of all necessary right of ways, easements, permits, and/or licenses required. We have met with Mr. Jack Studley, Real Property Engineer/Master Planner of the Wyoming National Guard. Mr. Studley has started the process of granting the easement on behalf of the Wyoming National Guard and has given his approval at this time. Mr. Studley has presented the application for easement to the Army Core of Engineers and we are currently awaiting their reply.

**Survey map generated
from the District-**

Identified as power line relocation (sheet 1 of 1). Shows the proposed area of the ROW. This map shows two potential routes on the South end for the power line relocation. It is not known if the PacifiCorp engineers will use one of those options or create a different route. The second map (sheet 3 of 3) shows the elevation. The cultural inventory does not appear to show any significant findings in the area so changing the route should not hold up the project by requiring any additional cultural excavation and clearance.

Inberg-Miller Engineers

Amendment #21 (November 3, 2003)- Construction/design of a solid waste baler facility at the Lander landfill.

Legal Description-

Legal description of the Lander Baler Site.

Minutes:	March 12, 2001-	Discussion on the use of the Lander landfill
	April 9, 2001-	Discussions on Lander's evaporation ponds and the favorable ground water test results.
	May 30, 2001-	Special Meeting with WDEQ which discussed Lander landfill issues.
	June 11, 2001-	Reviewed Lander issues discussed during the May 30, 2001 Special Meeting and submission of letter to WDEQ concerning uses of phases 4 & 5.
	July 16, 2001-	Discussion on meeting with WDEQ concerning phase 4 & 5.
	Sept. 10, 2001-	Addresses no answer on Lander yet from WDEQ and draft of long term plans with worse case scenario for Lander until an answer is heard from the WDEQ.
	Feb. 10, 2003-	Due to denied grant, possible options for Lander and WDEQ rules of the required 5 year plan for landfills were reviewed. Approval to pursue negotiations with power company to relocate the power lines to help extend landfill life.
	March 10, 2003-	Notice that Pacific Power has stated that relocating the power lines should not be a problem and proposal will be reviewed by head office. Review of meeting with WDEQ and discussion on permit approval.
	April 14, 2003-	Proposal to increase landfill life submitted to WDEQ but no answer yet.
	May 12, 2003-	Discussions on power line relocation. Landfill proposals approved by WDEQ and permit extensions granted.
	July 14, 2003-	Power line draft agreement received.
	August, 2003-	Update on power line agreement and relocation.

- Oct. 13, 2003- Review of meeting with WY National Guard regarding the path of relocating the power line across Army land and awaiting final approval from Army Core of Engineers.
- Nov. 10, 2003- No word from Army Core of Engineers.

SAND DRAW PERMITTING

Inberg-Miller Engineers

- Amendment #3 (January 21, 2002)-** Additional subsurface exploration ground water levels.

Inberg-Miller Engineers

- Amendment #10 (January 21, 2002)-** Additional subsurface exploration in order to further evaluate the vertical expansion on existing 80 acres at Sand Draw.

Inberg-Miller Engineers

- Amendment #15 (December 9, 2002)-** To prepare a permit for Sand Draw with a vertical expansion.

- Minutes:**
- Sept. 11, 2000- Sand Draw permit application and ground water discussed.
- March 12, 2001- Sand Draw permit application and ground water discussed.
- April 9, 2001- Discussed the ground water issues at Sand Draw, the possibility of increasing the volume of the landfill to extend the life, and the permit renewal date.
- May 7, 2001- Refers to Inberg-Miller Eng. Amendment #3 monitor well boring and testing required for the permit.
- May 30, 2001- Special Meeting with WDEQ which discussed Sand Draw landfill issues.
- June 11, 2001- Reviewed Sand Draw issues discussed during the May 30, 2001 Special Meeting and submission of work plan.
- July 16, 2001- Noted submission of minor permit amendment to WDEQ.
- Feb. 11, 2002- Review of WDEQ draft of guideline #17 and submission of work plan for vertical expansion based on the draft guideline.
- March 11, 2002- Review of well drilling and sampling for vertical expansion.
- April 8, 2002- Discussion on vertical expansions in which Dave Finley stated he had not seen any barriers not to allow the expansion.
- May 13, 2002- Submission of vertical expansion proposal.
- Feb. 10, 2003- Due to denied grant, possible options for Sand Draw and WDEQ rules of the required 5 year plan for landfills were reviewed.
- March 10, 2003- Review of meeting with WDEQ and discussion on permit approval.
- April 14, 2003- Proposal to increase landfill life submitted to WDEQ but no answer yet.
- May 12, 2003- Landfill proposals approved by WDEQ and permit extensions granted.
- Sept. 8, 2003- Decision was made to locate bale facility in the City of Riverton.

1% CAPITOL FACILITIES TAX

Long Term Planning

Meeting History-

Documents all the public meetings and work session to plan and gain voting support for the facilities tax.

Commissioners's Minutes:

January 15, 2002-

Extensive discussion on facilities tax. Motion made but failed to put tax on May 7, 2002 special election ballot.

Minutes:

March 12, 2001-

Reviews planning session that discussed alternative disposal methods and the possibility of securing a Capitol Facilities tax.

June 11, 2001-

Discussed financing options including Capitol Facilities tax.

October 15, 2001-

Discussions on a Political Action Committee and educating public of landfill problems to help with support of facilities tax.

Nov. 12, 2001-

Review of election process for facilities tax and plan components.

Dec. 10, 2001-

Review of District options if facilities tax failed.

July 8, 2001-

Statement that District will drop facilities tax proposal.

ECONOMIC ANALYSIS STUDY

Economic Analysis

Executive Summary-

Executive summary of the Final report for the economic study done by Rick Giardina & Associates.

Minutes:

Jan. 31, 2002-

First notice of hiring a consultant to perform an independent economic study.

Feb. 18, 2002-

It was approved to enter into negotiations with Rick Giardina & Associates.

Dec. 9, 2002-

Discussion on final report from Rick Giardina & Associates.

STATE GRANT/LOAN

**Fremont County Association
of Governments' Letter-**

This letter documents that the grant application has been reviewed by the Fremont County Association of Governments and meets all county standards.

**Office of State Lands and
Investments' Letter-**

Explains how to read attached spreadsheet to see if the District was selected for funding or not. The District was denied.

Minutes: July 8, 2002- Discussions on applying for 50% matching state grant and a 20 year state loan for the remaining 50%.
Oct. 14, 2002- Approval of grant submission and discussion on the need for the state loan also.
Feb. 10, 2003- State grant denied.

BANK LEASE/PURCHASE

Letter of Request for Quotes

from Financial Institutions- This letter was sent out to all financial institutions in Fremont County for funding. Just the addresses were changed.

Minutes: Sept. 8, 2003- Opening of bank proposals and discussion. Discuss legalities concerning governmental entities borrowing from banks.
Oct. 13, 2003- Bank selected and approved to begin financial arrangements.
Nov. 10, 2003- Financial contract being negotiated.

OTHER FUNDING OPTIONS

Inberg-Miller Engineers

Amendment #14 (August 12, 2002)- Development of Concept Plan.

Minutes: April 9, 2001- Discussion on possible funding from the Reservation Tribes.
July 16, 2001- Discussion on funding options and end decision up to Fremont County Commissioners.
July 14, 2003- Long term plan priorities are set to aid in locating funding options. Discussions on Northern Arapaho Utilities representative.
August 11, 2003- Discussions on funding options including possible help from the tribes.
Sept. 8, 2003- It was agreed that the paperwork for the State Clean Water Act be reviewed.
Oct. 13, 2003- Review of USDA grant application.

CITY OF RIVERTON LEASE NEGOTIATION

Inberg-Miller Engineers

Amendment #20 (November 3, 2003)- Construction/design of a solid waste baler facility in the City of Riverton.

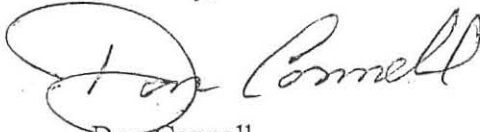
Legal Description- Legal description of the Riverton Baler Site.

**Lease Agreement with
City of Riverton-** Signed lease agreement for a term of 50 years for the Riverton bale facility.

Minutes: July 24, 2003- Beginning discussions on possible site for bale facility in the City of Riverton.
August 22, 2002- Further discussions on bale facility sites and balers.
Dec. 9, 2002- Discussion and approval of land lease with the City of Riverton.
April 14, 2003- Discussion on where to locate the bale facility site and how the City of Riverton could help.
May 12, 2003- Pros and Cons of locating bale facility in Riverton discussed.
Sept. 8, 2003- Further discussions on the Riverton site.
Nov. 10, 2003- Term of lease with City of Riverton was changed. Board approved new lease.

If there are any questions or more information is needed, please feel free to contact me at 307-332-7040. Thank you for your time and consideration in this matter.

Sincerely,



Don Connell
Superintendent