

BOARD OF COUNTY COMMISSIONERS:

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County of Park

Commissioners' Office
November 20, 2012

PARK COUNTY WYOMING
ORGANIZED 1911

ORIGINAL PARK COUNTY COURTHOUSE
CODY, WYOMING
COMPLETED 1912

FILED

MAR 19 2013

Jim Ruby, Executive Secretary
Environmental Quality Council

Mr. Todd Parfitt, Director
Wyoming Department of Environmental Quality
122 West 25th Street
Cheyenne, WY 82002

**RE: Comments and Formal Written Objections to
Proposed Major Permit Amendment for the North Big Horn #2 Landfill**

Dear Mr. Parfitt:

Park County would like to take this opportunity to formally object to the proposed major permit amendment to the above-referenced landfill. This amendment would allow the North Big Horn #2 Landfill to expand its service area from the northern half of Big Horn County to all of Big Horn, Park, Washakie, Sheridan and Hot Springs Counties, the City of Powell (specifically), and Carbon County, Montana.

The facts of the matter are:

There are currently seven permitted landfills serving the desired area of expansion of the North Big Horn #2 Landfill.

Park County has three permitted landfills - two Type I facilities, one with an engineered containment system (ECS), and one Type II facility. The City of Powell is currently included within two Park County Landfill service areas.

Big Horn County has two permitted active landfills with service areas that are split between the north (North Big Horn #2) and south halves (Big Horn County South) of the county. Both are Type II facilities.

Washakie County has two permitted landfills - one Type II facility permitted by the City of Ten Sleep, and one Type I facility permitted by the City of Worland.

Hot Springs County is served by the Thermopolis Landfill, permitted by the City of Thermopolis.

Sheridan County is serviced by the Sheridan Landfill, operated by the City of Sheridan. This landfill also has an ECS in place. Additionally, most of Sheridan County is separated from Big Horn County by a substantial topographic divide i.e., the Big Horn Mountain Range.

Carbon County, Montana is currently listed within the service area of the Billings Regional Landfill, which is also an ECS facility.

The Wyoming Department of Environmental Quality presented a report entitled *Groundwater Impacts and Remediation Costs (at) Wyoming Solid Waste Disposal Facilities* to the Joint Minerals, Business and Economic Development Interim Committee on June 10, 2010. (This report was eventually presented to the entire Wyoming Legislative Body.)

This report summarized the potential groundwater contamination and provided a cost estimate for remediation at 114 identified operating, closed, and historical landfills in the state of Wyoming. The WDEQ determined that of the 114 sites, 76 had the minimum number of monitoring wells to detect any leachate release. The WDEQ determined that 73 of these 76 landfill sites (96%) had impacts due to leachate and 69 of the 76 sites (91%) had concentrations of one or more constituents that exceeded current groundwater protection standards.

This report lists North Big Horn #2 Landfill as having 9 constituents exceeding groundwater protection standards.

The addition of the City of Powell's Municipal Solid Waste (MSW) will approximately double daily tonnage delivered to North Big Horn #2. Additionally, this increase in tonnage will necessitate the reclassification of North Big Horn #2 as a Type I facility.

Comments:

The request for an increase in service area of North Big Horn #2 Landfill to include the entire Big Horn Basin, Sheridan County and portions of Southern Montana can only be interpreted as a precursor to becoming a regional MSW facility.

A minimum doubling of MSW tonnage (and potentially much more as a regional facility) presents a highly elevated potential for increased impacts to already contaminated groundwater.

An independent determination of a *Performance Based Design* should be performed for this facility taking into account the possible impacts of the MSW tonnage increase. The results of this determination should be evaluated prior to granting this permit amendment.

The expansion of an *unlined*, Type II facility to a regional MSW landfill is contrary to recent and current EPA Subtitle D and WDEQ doctrine.


If this facility is allowed to become a non-ECS regional MSW landfill, it will be able to operate at substantially reduced rates (i.e. lower tipping fees) due to no ECS construction and operation capital expenditures.

This would result in economic hardship to other Type I and/or regional facilities in the proposed service area, especially any entities that have followed the current WDEQ doctrine of closing smaller landfills and installing ECS systems at a central MSW landfill ("Regionalization"). Most of these entities have had to borrow SLIB funds, expend reserves and raise tipping fees to comply with WDEQ regulations and guidelines.

Considering the above facts and comments, the Board of County Commissioners of Park County, Wyoming would request that the major permit amendment for North Bighorn #2 not be granted by WDEQ.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
PARK COUNTY, WYOMING



Tim A. French, Chairman



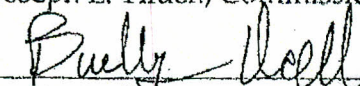
Loren Grosskopf, Vice Chairman



Joseph E. Tilden, Commissioner



Dave Burke, Commissioner



Bucky Hall, Commissioner