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SEP 24 2013

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE)
ADMINISTRATIVE ORDER ON)
CONSENT ISSUED TO)
THE TOWN OF THERMOPOLIS)

Docket No. 5196-13

ADMINISTRATIVE ORDER ON CONSENT

The Town of Thermopolis (Town) owns and operates a municipal solid waste landfill located in Hot Springs County, Wyoming. W.S. 35-11-502(a) requires a permit from the Wyoming Department of Environmental Quality Solid & Hazardous Waste Division (DEQ/SHWD) for the location, design, construction, operation, modification or closure of a solid waste management facility. On June 12, 2012, the DEQ authorized a permit renewal to continue to operate in accordance with W.S. 35-11-502.

On June 16, 2013, the Town determined that they had over-excavated cell number 8, based on as-built surveyed information provided by the Town and compared to the approved operating plan. On June 18, 2013, the Town requested an amendment to the permit following discovery of the over-excavation. Based on a site visit from the DEQ, the cell 8 over-excavation had occurred sometime prior to March 20, 2013. The over-excavation of cell 8 constitutes a violation of W.S. 35-11-502(a)(i) which requires authorization from the DEQ in order to modify the design, construction, or operations of a solid waste management facility.

Pursuant to W.S. 35-11-501 and W.S. 35-11-701, the DEQ issues this Administrative Order on Consent (AOC), with the Town's consent, to establish the following schedule for the Town to take specified actions to bring the Town's municipal solid waste management operations into compliance with applicable permit requirements under W.S. 35-11-502 and Chapters 1 and 2 of the DEQ Solid Waste Rules and Regulations.

WHEREFORE IT IS HEREBY ORDERED THAT:

Cell 8 can now be filled as excavated, based on the June, 2013 as-built survey, with final contours according to the Final Contour Plan, Sheet 5 of 6 the June 12, 2012 previously approved operating plan for waste disposal, with the following stipulations to prevent future over-excavations:

1. No later than sixty (60) days from the effective date of this AOC, the Town shall provide the DEQ with a revised Excavated Cell Contour Plan, Sheet 6 of 6, which shows the actual surveyed elevations of the base of cell 8 for incorporation into the permit application. The Town shall also maintain a copy of this information in the operating record.
2. At least thirty (30) days prior to the excavation of each future cell, the Town shall notify the DEQ / SHWD Casper office by email of their intent to excavate. The Town shall excavate according to the elevations in the approved plan.
3. The Town shall provide the DEQ an as-built survey within sixty (60) days following excavation of each new cell.

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4. The Town shall provide written confirmation to the DEQ of the dates when filling begins and ends in cell 8 and each subsequent future cell within sixty (60) days following filling, and shall also place a copy of the letter in the facility's operating record.
5. By February 2, 2015 the Town shall report to the DEQ with an estimated schedule for the construction of the next cells (cells 9-11) based on landfill scale data, existing site plans, and airspace use estimates. The site's estimated remaining life shall be included in the report along with all assumptions and calculations used as supporting documentation.
6. This AOC shall be filed with the Wyoming Environmental Quality Council (EQC).
7. This AOC may be modified only by written agreement, signed by both parties and approved by the EQC.
8. The effective date of this AOC is the date the final signature is attached.

Authority

The signatories certify that they are duly authorized to bind their respective Parties to this Administrative Order on Consent.

Date: Sept. 23, 2013 By: Alan Edwards
 Alan Edwards, Acting Administrator
 Solid and Hazardous Waste Division

Date: 9/24, 2013 By: Todd Parfitt
 Todd Parfitt, Director
 Department of Environmental Quality

CONSENT BY THE TOWN OF THERMOPOLIS:

Date: 9/18, 2013 By: William Malloy
 Honorable William Malloy, Mayor
 Town of Thermopolis