

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

JUL 03 2008

Terri A. Lorenzon, Director
Environmental Quality Council

IN RE: THE FINAL DETERMINATION)
OF REIMBURSEMENT OF FUNDS TO) Docket No. 07-3216
LINCOLN COUNTY LANDFILLS)

JOINT STIPULATION FOR DISMISSAL OF APPEAL

Petitioner Lincoln County and Respondent Wyoming Department of Environmental Quality (DEQ), pursuant to Chapter I, Section 11 of the DEQ Rules of Practice & Procedure, jointly stipulate to the following terms for dismissal of Petitioner's appeal in the above-captioned contested case before the Wyoming Environmental Quality Council's (EQC).

1. DEQ will award to Lincoln County the grant it requested under W.S. 35-11-521 & 522 totaling \$1,053.90 for reimbursement of costs of preparing the DEQ-approved June 28, 2006 Work Plan for 2 additional monitoring wells at Kemmerer #1 landfill and the DEQ-approved July 3, 2006 Work Plan for 1 additional monitoring well at Cokeville #1 landfill.
2. Installation of the additional monitoring wells in accordance with the DEQ-approved Work Plans for Kemmerer #1 and Cokeville #1 landfills will qualify for a grant under W.S. 35-11-521 & 522 for reimbursement of up to 50% of eligible costs.
3. Costs for installation of the additional monitoring wells in accordance with the DEQ-approved Work Plans for Kemmerer #1 and Cokeville #1 landfills which are eligible for reimbursement will be determined in accordance with the "Municipal Solid Waste Landfill Monitoring Program Grant Criteria" dated October 21, 2006, revised September 14, 2007 (copy attached).
4. Lincoln County shall provide to DEQ written schedules and itemized cost estimates for installation of the additional monitoring wells in accordance with the DEQ-approved Work Plans for Kemmerer #1 and Cokeville #1 landfills prior to commencement of work.
5. The additional monitoring wells shall be subject to the sampling and testing protocols specified in DEQ's two March 5, 2007 letters and October 23, 2006 revised Memorandum (copies attached).
6. The parties agree to dismissal of Lincoln County's appeal in the above-captioned contested case, contingent upon the EQC's approval of this Joint Stipulation pursuant to Chapter I, Section 11 of the DEQ Rules of Practice & Procedure.

7. Each party shall bear its own costs and attorney fees incurred through the EQC's decision on this Joint Stipulation.

DATED this 30th day of June, 2008.

FOR LINCOLN COUNTY:

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:



Joseph Cole 6-3185
Deputy Lincoln County Attorney
421 Jefferson St., Suite 201
Afton, Wyoming 83110
307-885-0164

Mike Barrash
Sr. Assistant Attorney General
123 State Capitol Building
Cheyenne, Wyoming 82002
307-777-6946

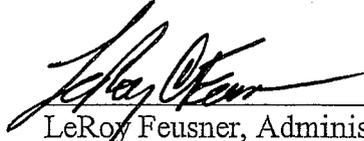
7. Each party shall bear its own costs and attorney fees incurred through the EQC's decision on this Joint Stipulation.

DATED this 30th day of June, 2008.

FOR LINCOLN COUNTY:

Joseph Cole
Deputy Lincoln County Attorney
421 Jefferson St., Suite 201
Afton, Wyoming 83110
307-885-0164

FOR THE WYOMING DEPARTMENT
OF ENVIRONMENTAL QUALITY:



LeRoy Feusner, Administrator
DEQ, Solid & Hazardous Waste Div.
Herschler Building, 4th Floor West
122 W. 25th Street
Cheyenne, Wyoming 82002
307-777-7753



Mike Barrash #5-2310
Senior Assistant Attorney General
123 State Capitol Building
Cheyenne, Wyoming 82002
307-777-6946



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

March 5, 2007

Certified # 7003 1680 0007 0438 5604
Return Receipt Requested

RECEIVED

Received

MAR 07 2007

JUL 02 2007

Mr. Bob Rawlings
Lincoln County Landfill Manager
P.O. Box 670
Kemmerer, WY 83101

Solid & Hazardous Waste Div.
Lander, Wyoming

Casper DEQ

Re: Final groundwater monitoring network adequacy determination, Kemmerer #1 Landfill, SHWD File # 10.345

Dear Mr. Rawlings:

As you know, the Department of Environmental Quality (Department) has designated a Landfill Assessment Team to evaluate groundwater monitoring systems at all landfills in the state. The Department's draft determination for the Kemmerer # 1 Landfill was that the current groundwater monitoring network is adequate. Since that time we have not received any additional information from the County to supplement the information available to the Department. Therefore, the Department's final determination is that the groundwater monitoring network at the Kemmerer # 1 Landfill is adequate to detect groundwater impacts from the landfill. Assessment monitoring was recommended as the next step by the Landfill Team. The County responded in a letter dated January 20, 2006, to the Department's November 16, 2005, letter with arguments regarding whether the groundwater is impacted. The County followed this January 20, 2006, letter with a *Subsurface Investigation Workplan (Workplan)*, dated June 28, 2006. Please be apprised that the Department has not requested any additional investigation for purposes of detection of impact to groundwater nor the subsurface investigation activities proposed per the Workplan. Therefore, these activities are not considered reimbursable under W.S. § 35-11-521.

Enclosed is information regarding the analyses that need to be conducted on samples collected from the wells. Groundwater monitoring plans should be updated to include both the baseline constituents (Chapter 2, Section 6(b)(ii) (D)(I)) and Chapter 2, Appendix A. constituents. No distinctions in the list of analytes will be made for Type I and Type II facilities. The short list of constituents (Chapter 2, Section 6(b)(ii) (D)(II)) will no longer be considered adequate.

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ADMIN/OUTREACH
(307) 777-7937

ABANDONED MINES
(307) 777-6145

AIR QUALITY
(307) 777-7391

INDUSTRIAL SITING
(307) 777-7369

LAND QUALITY
(307) 777-7756

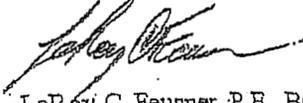
SOLID & HAZ. WASTE
(307) 777-7752

WATER QUALITY
(307) 777-7781



If you have any questions or need further clarification, please contact Deborah Harris at (307) 335-6980.

Sincerely,



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

- Enc: 1. Memorandum: Municipal Landfill Reimbursement Request
 2. Groundwater Monitoring Grant Criteria 10-21-06
 3. Groundwater Monitoring Program Grant Application Form 10-23-06
 4. Taxpayer ID Form
 5. Monitoring network memo v. 11-13-06
 6. Monitoring frequency and constituent memo v.10-23-06

Cc: Patrick Troxel & Deborah Harris & Lander SHWD File # 10.345
 Bob Doctor, Program Manager
 Laura Daye, Casper Office
 Cheyenne SHWD File # 10.345



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

March 5, 2007

Certified # 7003 1680 0007 0438 5581
Return Receipt Requested

Mr. Bob Rawlings
Lincoln County Landfill Manager
PO Box 670
Kemmerer, WY 83101

RECEIVED

MAR 07 2007

Received

JUL 02 2007

Casper DEQ

Solid & Hazardous Waste Div.
Lander, Wyoming

Re: Final groundwater monitoring network adequacy determination, Cokeville #1 Landfill,
SFWDE File # 10.335 -

Dear Mr. Rawlings:

As you know, the Department of Environmental Quality (Department) has designated a Landfill Assessment Team to evaluate groundwater monitoring systems at all landfills in the state. The Department's draft determination for the Cokeville #1 Landfill was that the current groundwater monitoring network is adequate. Since that time we have not received any additional information from the County to supplement the information available to the Department. Therefore, the Department's final determination is that the groundwater monitoring network at the Cokeville #1 Landfill is adequate to detect groundwater impacts from the landfill. Assessment monitoring was recommended as the next step by the Landfill Team. The County responded in a letter dated January 20, 2006, to the Department's November 16, 2005, letter with arguments regarding whether the groundwater is impacted. The County followed this January 20, 2006, letter with a *Subsurface Investigation Workplan (Workplan)*, dated July 3, 2006. Please be apprised that the Department has not requested any additional investigation for purposes of detection of impact to groundwater nor the subsurface investigation activities proposed per the Workplan. Therefore, these activities are not considered reimbursable under W.S. § 35-11-521.

Enclosed is information regarding the analyses that need to be conducted on samples collected from the wells. Groundwater monitoring plans should be updated to include both the baseline constituents (Chapter 2, Section 6(b)(ii) (D)(I)) and Chapter 2, Appendix A constituents. No distinctions in the list of analytes will be made for Type I and Type II facilities. The short list of constituents (Chapter 2, Section 6(b)(ii) (D)(II)) will no longer be considered adequate.

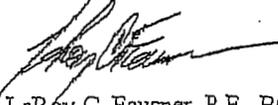
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ADMIN/OUTREACH (307) 777-7937	ABANDONED MINES (307) 777-6145	AIR QUALITY (307) 777-7391	INDUSTRIAL SITING (307) 777-7369	LAND QUALITY (307) 777-7756	SOLID & HAZ. WASTE (307) 777-7752	WATER QUALITY (307) 777-7781
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If you have any questions or need further clarification, please contact Deborah Harris at
(307) 335-6980.

Sincerely,



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

Enc: Monitoring frequency and constituent memo v.10-23-06

Cc: Patrick Troxel & Deborah Harris & Lander SHWD File # 10.335
Bob Doctor, Program Manager
Laura Daye, Casper office
Cheyenne SHWD File # 10.335

MEMORANDUM

To: Interested Parties
Through: LeRoy Feusner, Administrator, Solid and Hazardous Waste Division
From: Bob Doctor, Program Manager, Solid Waste Permitting and Corrective Program
Date: October 21, 2005, Revised October 23, 2006
Re: Groundwater monitoring frequency and constituents at facilities determined to have inadequate groundwater monitoring systems.

This is a summary of the monitoring analyses that have been determined to be appropriate for facilities with inadequate monitoring networks. These analyses should generally be conducted at all facilities, unless a more stringent plan is already in place at the facility or there are other site specific considerations such as a long history of data, slow groundwater travel, etc. For permitted facilities and those with approved monitoring plans, DEQ staff should review the currently approved plan before sending out a letter with sampling requirements. In the near future we will work with all facilities to ensure that their monitoring plans include both the baseline constituents (Chapter 2, Section 6(b)(ii) (D)(I)) and Chapter 2, Appendix A constituents. No distinctions in the list of analytes will be made for Type I and Type II facilities. The short list of constituents (Chapter 2, Section 6(b)(ii) (D)(II)) will no longer be considered adequate. The baseline list of constituents from Chapter 2, Section 6(b)(ii) (D)(I) includes:

pH, Total Dissolved Solids (TDS), Chemical Oxygen Demand (COD), Total Organic Carbon (TOC), Ammonia as N, Nitrate as N, Bicarbonate, Carbonate, Chloride, Fluoride, Calcium, Magnesium, Potassium, Sodium, Sulfate, Copper, Iron, Manganese, Nickel, Zinc, Arsenic, Barium, Cadmium, Chromium, Cyanide, Lead, Mercury, Selenium, and Silver. Water temperature, specific conductance, pH, and static water level measurements shall also be taken in the field during each monitoring event. Groundwater samples shall not be field filtered prior to laboratory analysis.

Laboratory analytical data needs to be reported at the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility. In addition, analytical detection limits must be at least as low as, and preferably lower than, maximum contaminant levels (MCLs) for those constituents which have established MCLs.

Sampling will need to be conducted four (4) times per year (quarterly) at facilities that currently have no monitoring wells or less than three wells, but again, site specific details for permitted landfills with approved plans should be reviewed before making any changes. At the first sampling event, samples should be analyzed for the baseline constituents and the Appendix A list. At the second and subsequent sampling events, samples should be analyzed for the baseline constituents and the Appendix A list if any Appendix A constituent not already in the baseline list has been detected.

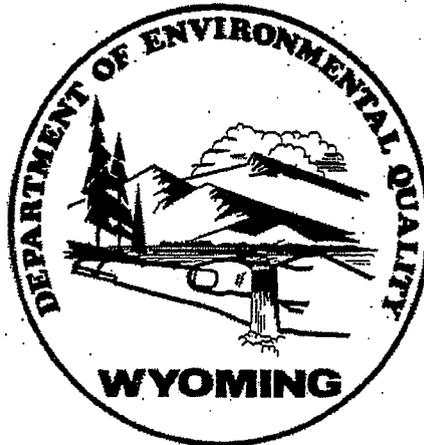
Table of sampling requirements:

Constituent List	1 st Sampling Event	2 nd Sampling Event	3 rd Sampling Event	4 th Sampling Event
Baseline	Yes	Yes	Yes	Yes
Appendix A	Yes	Add any Appendix A metal detected and add all Appendix A VOCs if any Appendix A VOC is detected	Add any Appendix A metal detected and add all Appendix A VOCs if any Appendix A VOC is detected	Add any Appendix A metal detected and add all Appendix A VOCs if any Appendix A VOC is detected

END OF MEMORANDUM

**Municipal Solid Waste
Landfill Monitoring Program
Grant Criteria**

**October 21, 2006
Revised September 14, 2007**



What is the Landfill Monitoring Grant Program?

The Landfill Monitoring Grant Program was established in Senate File 0038 during the 2006 legislative session. Senate File 0038 added § 35-11-521 and § 35-11-522 to Article 5 of the Environmental Quality Act. The program provides partial reimbursement for the cost incurred by local governments to install monitoring systems at existing or closed municipal solid waste landfills. Operators of landfills that ceased receipt of waste before September 13, 1989, may be reimbursed for a portion of their groundwater sampling and analysis costs for a period of time sufficient to determine if their landfill has polluted groundwater.

What is the purpose of this document?

The purpose of this document is to answer questions and provide information about how local governments can apply for reimbursement under Article 5, § 35-11-521 and § 35-11-522 of the Environmental Quality Act. To read Senate File 0038, please visit the Wyoming Legislature's web page at <http://legisweb.state.wy.us>. For more information on reimbursement or solid waste management in general, please visit the Department of Environmental Quality (DEQ) web site at <http://www.deq.state.wy.us> and the Wyoming Solid Waste and Recycling Association (WSWRA) web site at <http://www.wswra.com>.

What is the eligibility criteria?

To be eligible for funding, you must be a local government entity who owns or is responsible for a municipal solid waste landfill. Subject to the availability of funds, projects are eligible where a work plan has been submitted to the department for work performed after July 1, 2005.

Why are local governments being asked to install groundwater monitoring networks at historical, closed and operating municipal landfills?

Municipal landfills could contain almost every substance known to man. Many of these substances pose a significant threat to human health and the environment. Substances leaking from landfills can enter and migrate with groundwater, presenting a threat to the environment and users of that groundwater. Landfill gas leaving unlined landfills can also contribute to groundwater pollution. Modern landfill designs include liners and leachate collection systems to contain waste and prevent the release of these substances. Unfortunately, landfills in Wyoming have historically not been constructed with liners and leachate collection systems so groundwater pollution is being detected at a growing number of landfill sites.

Groundwater monitoring data collected over a number of years indicates that at least one-third (1/3) of approximately sixty (60) municipal landfills currently being monitored in Wyoming have polluted groundwater to some extent. Pollution exceeds groundwater protection standards at fourteen (14) of these facilities. The rate at which groundwater contamination occurs is a function of many factors; most importantly, depth to groundwater, the type of soils between the bottom of the landfill and groundwater, and precipitation rates at the landfill. Because of this, the time needed to identify a release varies from one landfill site to another. Therefore, over time, the number of landfills with polluted groundwater is expected to increase.

DEQ has identified approximately 135 municipal landfills in the state. Data from the State Engineer's office indicates that approximately 2,600 permitted water supply wells are located within one mile of these landfills. A detailed investigation by DEQ found that monitoring networks are inadequate or nonexistent at approximately 85% of these 135 municipal landfills. Unfortunately, without adequate monitoring data, we can only estimate how many of our landfills have polluted groundwater, how significant that pollution might be and whether or not nearby wells are threatened by landfill pollution. The DEQ has been working with local governments to install more wells and collect the data needed to determine the nature and extent of pollution from Wyoming's municipal landfills.

However, the cost of well installation and groundwater monitoring places a significant financial burden on local governments and slows progress toward understanding the nature of the problem. Fortunately, the legislature recognized these issues and passed Senate File 0038 which provides \$7,970,000.00 to help local communities collect the data needed to determine if their landfills have polluted groundwater. This legislation was supported by the Wyoming Solid Waste and Recycling Association (WSWRA) and the Citizens' Advisory Group on Solid Waste (CAG). These organizations have been studying solid waste issues in earnest since early in 2004.

What are the objectives of installing wells and monitoring groundwater?

The first objective is to install monitoring systems, consisting of a sufficient number of wells to monitor water from the uppermost aquifer which may be affected by leakage from the landfill. The system must be capable of monitoring background and downgradient water quality, with downgradient wells as close to waste as possible, but no more than 150 meters from the waste disposal boundary.

The second objective is to determine the nature and extent of a release.

What reimbursement criteria will DEQ evaluate?

Preference may be given to facilities working to achieve the first objective, especially when reimbursement funds are diminished. This is one reason why applicants are being asked to provide an estimate of the cost to implement their work plans. This information will help DEQ estimate the total statewide cost and allow the most effective and equitable allocation of funds. The following criteria will be considered:

- * Compliance with approved work plans
- * Remaining funds
- * Whether or not pollution has been detected and if so, it's severity
- * Proximity to water supply wells in general
- * Number and proximity to downgradient water supply wells
- * Proximity and threats to surface water
- * Proximity to occupied buildings
- * Depth to groundwater
- * Adequacy of the existing monitoring system
- * The local Aquifer Sensitivity Rating provided by DEQ's Water Quality Division

What activities are eligible for funding?

- * Surface or subsurface geophysical investigations to determine monitor system placement;
- * Preparation of plans for the installation of monitoring systems to detect pollution;
- * Monitoring system installation;
- * Collection and analysis of groundwater samples for the length of time needed to determine if a release has occurred, for landfills which ceased receipt of wastes before September 13, 1989.

How much financial assistance might a local governmental entity receive?

Reimbursement is subject to availability of funds. Applicants might receive:

- * Up to 50% of eligible costs; or
- * Up to 75% of eligible costs under the following circumstances:
 - * The applicant is a municipality with a population of less than one thousand three hundred (1,300) according to the latest federal decennial census or located within a county where the three (3) year average of the total local

government share of state sales and use tax per capita is less than 70% of the statewide per capita average; or

- * The applicant is a county, solid waste disposal district, joint powers board, or special purpose district is located within a county with a total assessed valuation of less than two and one-half percent (2.5%) of the state's total assessed valuation.

What is the start date for eligibility?

Funds are available for work performed or initiated after July 1, 2005, provided the work has been or will be approved by DEQ.

How will grant applications be considered for work conducted before these criteria were established?

Consideration will be given on a case-by-case basis to work performed before this guidance was prepared.

Will funds be provided before work is conducted?

No, funds will only be distributed as reimbursements for actual work performed.

What funding options are available to local governments?

Local governments may choose to seek funding from the State Land and Investment Board (SLIB), from the Clean Water State Revolving Fund (SRF), or from conventional lending institutions.

How will the reimbursement application process work?

1. Local government entities will need to submit reimbursement requests, with supporting documents, to the DEQ following completion of each of the three main steps described below.
2. The DEQ will review the applications, determine eligibility, and provide recommendations for reimbursement to the Water and Waste Advisory Board (WWAB).

3. Following a public hearing, the WWAB will provide recommendations for making reimbursements to the director of the DEQ.
4. The director of DEQ will award reimbursements in consideration of recommendations provided by DEQ staff and the WWAB.

What is the basic process for the installation of monitoring systems?

The process to install monitoring systems will consist of three steps including at least one subsurface investigation to install monitoring wells. Local governments will be able to apply for reimbursement for expenses following completion of each step. Additional investigations or phases may be needed if data indicates the need for more monitoring wells. These expenses are also eligible for reimbursement, although all work is subject to the availability of funds.

Phase I (primary investigation):

- Step 1: Prepare a work plan
- Step 2: Conduct field work and prepare report
- Step 3: Monitor groundwater and prepare report -- All landfills will need to sample and analyze groundwater after monitoring wells have been installed, but only landfills that ceased receipt of waste before September 13, 1989 are eligible for reimbursement, up to the applicable maximum, for the collection and analysis of samples.

Phase II+ (subsequent investigations - if necessary):

- Steps 1-3: Same as above

What is the detailed process for installing monitoring systems and applying for reimbursement?

Step 1: Prepare a work plan

DEQ will contact you, if they have not already done so, to let you know whether or not you need to install monitoring wells. Much of this work will require the services of a qualified professional engineer or geologist. Therefore, at this time, you should consider implementing a competitive selection process to hire a qualified consulting firm. DEQ strongly urges a competitive selection process as a cost containment measure. Please refer to the process outlined in the Wyoming Professional Services Procurement Act, W.S. 9-2-1027 through 9-2-1033. A copy of this Act may be found online at <http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title9/Title9.htm> DEQ's

recommendation for reimbursement to the WWAB will take into consideration the relative cost of plan preparation, understanding that more complex sites require more complex and costly investigation plans. Document the process and prepare an explanation of why a particular consultant or consultants were selected. DEQ will work with you and your consultant(s) to prepare a work plan. The plan needs to include a cost estimate for implementation of the plan, as well as a schedule for implementation.

After receiving written approval of your work plan from DEQ, you may apply to the DEQ for reimbursement of the eligible expenses for work plan preparation, as applicable. A reimbursement request form, with a checklist for the information that needs to accompany your application, will be provided to you by DEQ. Information you provide with the application form will be reviewed by DEQ and, if requirements have been met, a recommendation for reimbursement will be submitted to the WWAB. Following a public hearing, the WWAB will forward its funding recommendations to the director of the DEQ who will award grants in consideration of the DEQ staff and the WWAB's recommendations.

Step 2: Conduct field work and prepare report

Following written DEQ approval of your work plan, you will need to conduct the work specified in the plan. Unless this work was included in the initial competitive process, DEQ strongly urges you to use a competitive bid process to select a qualified consultant(s) or contractor(s). (Please refer to the process outlined in the Wyoming Professional Services Procurement Act: W.S. 9-2-1027 through 9-2-1033) DEQ's recommendation for reimbursement to the Water and Waste Advisory Board will take into consideration the cost of the investigation relative to others conducted for similar work. Whether or not a competitive selection process is used, you should document the process and prepare an explanation of why a particular consultant(s) or contractor(s) was selected. After the field work is completed, an investigation report will need to be submitted to DEQ for review and approval.

After receiving written approval of your investigation report from DEQ, you may apply for reimbursement of the eligible expenses, as applicable. A reimbursement request form, with a checklist for the information that needs to accompany your application, will be provided to you by DEQ. Information you provide with the application form will be reviewed by DEQ and, if requirements have been met, a recommendation for reimbursement will be submitted to the WWAB. Following a public hearing, the WWAB will forward its funding recommendations to the director of the DEQ who will award grants in consideration of the DEQ staff and WWAB's recommendations.

Step 3: Monitor groundwater and prepare report

The DEQ will work with you to establish a groundwater monitoring plan or modify the one you already have, using standards established by the department under the Environmental Quality Act and the Solid Waste Rules and Regulations. The same

consultant(s) or contractor(s) can be used for the groundwater collection as selected for the field work, or you may choose to select a different consultant or contractor. If you choose to select another consultant or contractor you should consider implementing a competitive selection process to hire a qualified consulting firm. Samples must be collected using procedures approved by DEQ, and laboratory analytical methods and detection limits must comply with the standards described in Chapter 2 of the Solid Waste Rules and Regulations. You will need to collect a sufficient number of groundwater samples to determine if groundwater has been impacted. A statistical evaluation of groundwater data may be necessary. If a groundwater impact is detected, statistical methods will be used to determine if groundwater protection standards have been exceeded. If groundwater protection standards have been exceeded, additional investigation and sampling may be required to determine the nature and extent of contamination. In general, a minimum of four independent samples will be needed from each well, however more may be necessary. The number of samples required is dependent on the nature of the data and the statistical method or methods selected, as appropriate to analyze the data.

Operators of landfills that ceased receipt of waste before September 13, 1989 are eligible for reimbursement for the collection and analysis of samples, up to the applicable maximum, for a period of time sufficient to determine if the landfill has polluted groundwater. The DEQ will reimburse operators for the cost of preparing and submitting the groundwater data, but not for any statistical analysis or data interpretation, since small (Type II) landfills are not required to conduct their own statistical evaluations. Operators of these facilities will need to provide documentation of eligibility on the application form provided by the DEQ.

To be eligible for full funding, samples must be collected using procedures approved by DEQ. Laboratory analytical methods and detection limits must comply with the standards described in Chapter 2 of the Solid Waste Rules and Regulations. Reports and their contents must be submitted in a manner and format approved by DEQ. Facilities eligible for sample collection and analysis reimbursement may submit an application when they submit the monitoring report for each sampling event.

A reimbursement request form, with a checklist for the information that needs to accompany your application, will be provided to you by DEQ. Information you provide with the application form will be reviewed by DEQ and, if requirements have been met, a recommendation for reimbursement will be submitted to the WWAB. Following a public hearing, the WWAB will forward its funding recommendations to the director of the DEQ who will award grants in consideration of the DEQ staff and WWAB's recommendations.

What types of activities and expenses will be considered eligible for reimbursement?

Reimbursements are for time and materials only; therefore, payment will only be made for work actually performed at the rates/costs identified in the work plan. No payment will be made for services performed before the date of the DEQ's authorization, unless specifically identified in the work plan. Any change that would increase the total project cost by more than 20% should not be implemented without prior DEQ approval.

Non-labor costs chargeable to the work plan include sub-contractor's costs, disposable materials, equipment, and services directly required for the performance of the approved work.

The landfill owner/operator must establish and maintain a procedure for time and cost accounting that assures that direct labor hours and authorized direct costs are properly charged. These records need to be available to the DEQ for audit for a period of three (3) years after completion of the work. Invoices need to be submitted to the DEQ in an itemized spreadsheet format that delineates all claimed costs. Invoices need to provide adequate detail to account for all services rendered. Please remember to include detail for all items, such as mileage, per diem charges, and non-labor costs.

For clarity, please be aware that costs associated with the following items are NOT eligible for reimbursement:

- * All non-cash costs except:
 - Labor, materials, equipment, and services provided by the applicant, and used for project purposes, valued at reasonable, actual cost;
 - Labor, materials, equipment, and services provided to the applicant by others, at no cost to the applicant, used for project purposes and valued at reasonable, actual cost;
- * Costs for preparation or presentation of grant or loan applications for any source of funding, excluding this Landfill Reimbursement Request;
- * Costs for transportation, meals and lodging incurred anywhere away from the site of the project or DEQ offices;
- * Costs for furnishings;
- * Legal Fees;
- * Costs related to issuance of bonds;
- * Costs to establish and form special districts or joint powers boards;
- * Costs to select consultants or contractors;
- * Contingency costs;
- * Weather delays (short delays may be appropriate, please check with DEQ);
- * Equipment delays;
- * Crew change charges;
- * General "down time";

- * Costs for work NOT pre-approved by the WDEQ;
- * Repetitive mobilization and/or de-mobilization charges;
- * Contractor work delays due to labor disputes or work stoppages;
- * Markup or handling charges will not be reimbursed. All overhead costs associated with negotiating subcontracts, managing subcontractors, insurance, purchase and storage of materials or supplies, etc. should be included in direct labor rates.

Customary work plan preparation expenses will be eligible for reimbursement, including:

- * Review of existing site information;
- * Meeting with DEQ & operator to discuss the scope of work;
- * Preparation of plan documents;
- * Assessment of potential geophysical methods and their usefulness at the site (not necessary at all sites);
- * Preparation of a site Health and Safety Plan (HASP).

Customary investigation expenses that are performed in accordance with a DEQ-approved work plan will be eligible for reimbursement, including:

- * Geophysical investigations;
- * Utility clearances ("locates");
- * Well drilling, construction, and development (drilling needs to be invoiced by the foot or hour);
- * Surveying;
- * Drill rig mobilization and demobilization;
- * Preparation of an investigation report;
- * Field oversight by a qualified geologist or engineer, as appropriate;
- * Field monitoring (including health and safety monitoring during field activities);
- * Personal protective equipment (PPE);
- * Field supplies.

Customary sampling and analysis expenses will be eligible for reimbursement, including:

- * Labor, equipment, and material costs for the field work to collect samples
- * Conventional bailer sampling methods and equipment (funds shall not be used to purchase dedicated pumps and other permanent sampling devices)
- * Laboratory analytical charges
- * Reporting expenses

What about in-kind services we conduct ourselves, without the assistance of a consultant?

Except as described above, work that local governments conduct using their own resources is eligible for reimbursement in the same manner as work conducted by consultants and outside contractors. Work must be performed using DEQ approved methods by properly trained personnel. A detailed and itemized list of work items and expenses will need to be submitted with other reimbursement request documents.

Field conditions aren't always predictable. What if I need to change my approved work plan during field work?

Any change that would increase the total project cost by more than 20% should not be implemented without prior DEQ approval. It's hard to anticipate every possibility, but changes such as deleting or adding a well, moving a well location, changing drilling methods, or not sampling a well would warrant prior DEQ approval. If you are unsure, call DEQ when confronted with this problem so that agreement can be reached quickly.

What input do I have during the reimbursement process and what recourse do I have if I am not satisfied with the amount awarded to me by the Director of the DEQ?

In consideration of time needed for DEQ's application review and WWAB public notice requirements, reimbursement recommendations will regularly be submitted to the WWAB by DEQ. You may attend these meetings and provide input. If unsatisfied with the final reimbursement awarded to you by the director, you may appeal the director's final award to the Wyoming Environmental Quality Council in accordance with the DEQ's rules of practice and procedure.

What will come of all this work?

By June 30, 2010, the department will evaluate all available groundwater monitor data from municipal solid waste disposal facilities and provide a report to the Joint Minerals, Business and Economic Development Interim Committee describing the extent to which such facilities cause or contribute to pollution of groundwater. The report will contain an estimate of the statewide groundwater remediation cost obligation faced by local governmental owners of such facilities and recommend one (1) or more means to fund those costs.