

FILED

MAR 20 2009

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

**Jim Ruby, Executive Secretary
Environmental Quality Council**

In the Matter of the Appeal of)
NOV & Order 4351-08 Issued to)
Jim Hedges, Chairman, Fremont County) Docket No. 08-5202
Solid Waste Disposal District (SWDD))
Lander Landfill (10.190))

JOINT STIPULATION FOR DISPOSITION AND DISMISSAL OF APPEAL

Petitioner Fremont County Solid Waste Disposal District (FCSWDD) filed a Petition for Review and Request for Hearing before the Wyoming Environmental Quality Council (EQC) on September 18, 2008 in the above-captioned matter. Respondent Wyoming Department of Environmental Quality (DEQ) filed a Response on October 17, 2008. Petitioner FCSWDD and Respondent DEQ are the only parties in this contested case. Chapter I, Section 11 of the DEQ Rules of Practice & Procedure provides for disposition of contested cases by stipulation of the parties upon approval of the EQC. In order to resolve this matter prior to hearing, FCSWDD and DEQ now jointly stipulate to disposition and dismissal of this appeal as follows:

1. FCSWDD's compliance with the following terms of this Joint Stipulation shall constitute compliance with the corresponding terms of contested DEQ Order No. 4351-08:

A. During the interim between dismissal of this appeal and DEQ approval of a complete renewal permit application for the Lander landfill submitted by FCSWDD in accordance with the stipulated schedule, FCSWDD's disposal of only construction and demolition (C&D) waste in Phase 4 shall be contingent upon:

- i) immediately implementing interim measures aimed at screening of all C&D waste prior to disposal in accordance with DEQ's August 24, 2007 C&D waste screening criteria memorandum, and implementing further measures if needed, based on results;
- ii) disposing of pre-screened C&D only waste in Phase 4 in a manner that is consistent with achieving final cover depths and contours by the August 1, 2024 deadline for completion of all landfill closure activities;
- iii) maintaining adequate surface water drainage along the south side of landfill to control runoff and prevent infiltration into the disposal area.

B. FCSWDD's January 21, 2009 submittal to DEQ of a work plan and cost estimate for installation of additional groundwater monitoring wells at the

Lander landfill prepared by Inberg-Miller Engineers (IME) dated January 20, 2009 satisfies work item B in DEQ Order No. 4351-08, except for the adequacy of the plan, which remains to be determined.

C. Completion of work item C in DEQ Order No. 4351-08 within the timeframe specified for item C in the January 30, 2009 letter from IME to James Hedges, FCSWDD Chairman, **(attached hereto and incorporated herein)** will satisfy item C in DEQ Order No. 4351-08.

D. Submittal of the report identified in item D in DEQ Order No. 4351-08 within the timeframe specified for item D in the January 30, 2009 letter from IME to James Hedges will satisfy that portion of item D in DEQ Order No. 4351-08. All newly installed groundwater monitor wells shall become part of the sampling and analysis program and groundwater sampling from the new wells shall commence during the next regularly scheduled event.

E. Submittal of a complete renewal permit application for the Lander landfill, including but not limited to the information identified in work item E in DEQ Order No. 4351-08, within the timeframe specified for item E in the January 30, 2009 letter from IME to James Hedges will satisfy item E in DEQ Order No. 4351-08, with the following stipulated modification to clarify that a complete renewal permit application also includes the following submittals:

- i) a plan for screening of all C&D waste prior to disposal in accordance with DEQ's August 24, 2007 C&D waste screening criteria memorandum;
- ii) a plan to achieve final cover depth and contours by the August 1, 2024 deadline for completion of all landfill closure activities;
- iii) submittal of the same information for Phase 5, if the FCSWDD proposes to use Phase 5 for disposal of only C&D waste, subject to the same conditions as Phase 4.

F. The Lander landfill shall cease receipt of all wastes on a schedule that provides adequate time to complete all closure activities no later than August 1, 2024 and in accordance with an approved closure plan under the renewal permit.

2. This Joint Stipulation does not constitute prior approval by DEQ of FCSWDD's renewal permit application for the Lander landfill, to be submitted for DEQ review on the schedule stipulated herein, nor does it constitute FCSWDD's prior agreement with any decision to be made by DEQ based on review of that application, and FCSWDD reserves its right to timely contest such decision.

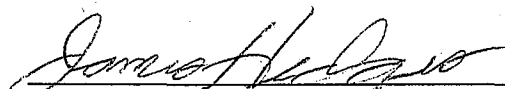
3. The parties jointly stipulate that the EQC should enter an Order approving, incorporating and binding them to this joint stipulation and dismissing FCSWDD's appeal in Docket No. 08-5202.

4. Each party shall bear its own costs and attorney fees through the filing of this joint stipulation.

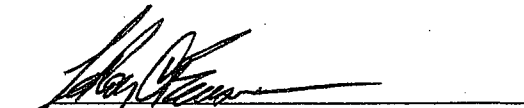
WHEREFORE, FCSWDD and DEQ request that the EQC enter an Order approving, incorporating and binding them to this joint stipulation and dismissing FCSWDD's appeal in Docket No. 08-5202.

DATED this 20 day of March, 2009.

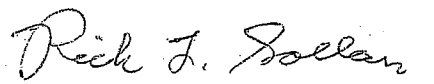
FOR FREMONT COUNTY SOLID
WASTE DISPOSAL DISTRICT


James Hedges, Chairman
Fremont County Solid Waste
Disposal District


FOR WYOMING DEPARTMENT
OF ENVIRONMENTAL QUALITY


LeRoy Feusner, Administrator
DEQ Solid & Hazardous Waste Div.

APPROVED AS TO FORM:


Rick L. Sollars (Bar No. 5-2394)
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307-332-4331
Attorney for FCSWDD

APPROVED AS TO FORM:


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Cheyenne, Wyoming 82002
307-777-6946
Attorney for DEQ



JAN 29 2009

January 30, 2009

1861-RE

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

RE: NOTICE OF VIOLATION (N.O.V.) DOCKET NO. 4351-08
DATED SEPTEMBER 8, 2008

Gentlemen;

This letter is written to follow up on a request by attorney Rick Sollars to prepare a schedule for completion of work items listed in the "Order" portion of the above N.O.V. Mr. Sollars requires this information in order to communicate with the State of Wyoming. We believe that the following schedule is reasonable:

- B. A work plan and cost estimate for installation of additional groundwater monitoring wells was prepared by Inberg-Miller Engineers on January 20, 2009, and submitted to the Wyoming Department of Environmental Quality Solid and Hazardous Waste Division (WDEQ-SHWD) on January 21, 2009, by Fremont County Solid Waste Disposal District (FCSWDD).
- C. Upon approval of the work plan and cost estimate by WDEQ/SHWD we propose to install the approved additional monitoring wells within 60 days. The reason for this is based on possible adverse weather conditions (winter and spring drilling) that complicate execution of a continuous drilling program.
- D. Upon completion of field work to install the approved additional monitoring wells we propose to prepare an investigation report within 60 days. The reason for this is based on time to perform certain required laboratory tests, and carefully inspect the continuously sampled field cores by a geologist, and to obtain multiple groundwater elevation readings to assure the levels have stabilized in order to prepare a potentiometric surface map, if enough data is available to reasonably interpolate.

Mr. James Hedges, Chairman
Fremont County Solid Waste Disposal District
January 30, 2009
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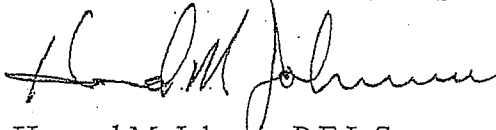
1861-RE

E. A renewal permit would be completed for the site within 120 days of approval by WDEQ/SHWD of the investigative report set forth in D above.

If you require any additional information please contact us at 307-856-8136.

Sincerely,

INBERG-MILLER ENGINEERS



Howard M. Johnson, P.E.L.S.
C.E.O. / Corporate Treasurer

HMJ:bjh\1861 Letter-Violation 1-30-09.doc

c: Rick Sollars