

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE)
ADMINISTRATIVE ORDER ON)
CONSENT ISSUED TO THE TOWN)
OF WHEATLAND, WYOMING)

FILED
DEC 01 2010
Jim Ruby, Executive Secretary
Environmental Quality Council

ADMINISTRATIVE ORDER ON CONSENT

W.S. 35-11-502(a) requires a permit from the Wyoming Department of Environmental Quality (DEQ) for construction, operation, modification or closure of a solid waste management facility. Landfill permits are issued for terms of four or eight years and must be periodically renewed. Chapter 1, Section 2(e) of the DEQ Solid Waste Rules and Regulations (SWRR) requires submittal of a permit renewal application at least 180 days prior to expiration of the current permit. The permit for the Town of Wheatland (Town) landfill expired on September 1, 2010, and a renewal or closure permit application has not been submitted. Therefore, the landfill is currently being operated without a valid permit. Operating without a valid permit is a violation of W.S. 35-11-502 (a)(i). The Town has notified the DEQ that it plans to close its landfill and transfer waste to another permitted, but currently unspecified, disposal facility and needs additional time to prepare a closure permit application.

Pursuant to W.S. 35-11-501 and W.S. 35-11-701, the DEQ Solid & Hazardous Waste Division (SHWD) is issuing 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 solid waste management operations into compliance with applicable permit requirements under W.S. 35-11-502 and Chapters 1, 2 and 6 of the SWRR.

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Within thirty (30) days after the effective date of this AOC, the Town shall begin conducting monthly meetings with DEQ/SHWD to discuss and develop the status and technical aspects of the permit application(s). The closure permit application shall be submitted to DEQ/SHWD no later than January 3, 2012. Unless canceled by DEQ, monthly meetings will continue until the DEQ determines that the Town's permit application is complete and technically adequate and the required permit has been issued. The Town shall appoint an individual with properly delegated decision making authority to attend the monthly meetings.
2. The closure permit application submitted to DEQ/SHWD shall incorporate a schedule or schedules under which the landfill closure activities shall be conducted, including a schedule for the construction of final cover.
3. In the event that DEQ/SHWD notifies the Town in writing that any item(s) in the application submitted are incomplete or technically inadequate, the Town shall submit revisions necessary to make the application(s) complete and technically adequate and shall have completed any required public notices by not later than January 2, 2013.
4. Unless an alternate schedule is approved in writing by the DEQ, all waste disposal at the Wheatland Landfill shall cease no later than January 2, 2015. The Town is authorized to operate the landfill in accordance with the existing permit through January 2, 2015.

5. Not later than February 2, 2015, the Town shall begin implementation of approved closure plans in compliance with a permit issued by DEQ/SHWD based on application(s) submitted by the Town in accordance with this AOC unless an alternate closure schedule is approved by DEQ.
6. The signatories are authorized to bind their respective parties to this AOC.
7. When signed by the signatories for both the DEQ and the Town, this AOC shall be filed with the Wyoming Environmental Quality Council (EQC).
8. This AOC is issued with the Town's consent, therefore the Town will not file a request for hearing before the EQC to contest it under W.S. 35-11-701(c)(ii).
9. The effective date of this AOC is the date it has been signed by the signatories for both the DEQ and the Town.
10. The stipulated requirements of this AOC may be modified only by written agreement of both parties.

Authority

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

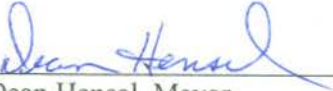
WE HEREBY CONSENT to the provisions of this Administrative Order on Consent:

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:

Date: 11/29, 2010 By: 
Carl Anderson, Administrator
Solid and Hazardous Waste Division

Date: 12/1, 2010 By: 
John Corra, Director
Department of Environmental Quality

FOR THE TOWN OF WHEATLAND:

Date: 10-12-10, 2010 By: 
Dean Hensel, Mayor
Town of Wheatland