

FILED
SEP 13 2001
Terri A. Lorenzon, Director
Environmental Quality Council

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF
VIOLATION AND ORDER ISSUED TO
THE LINCOLN COUNTY COMMISSION)
925 SAGE AVENUE)
P.O. BOX 670,)
KEMMERER, WY 83101)

EQC DOCKET NO. 00-5202
DEQ DOCKET NO. 3230-00

JOINT STIPULATION REGARDING COMPLIANCE WITH ORDER
FOR THAYNE LANDFILL AND WITHDRAWAL OF REQUEST FOR HEARING

The Department of Environmental Quality ("DEQ"), Solid & Hazardous Waste Division issued Notice of Violation & Order No. 3230-00 to the Lincoln County Commission on November 20, 2000. The Notice described circumstances at the Thayne #1 Landfill which the DEQ considered to be in violation of applicable solid waste management permit requirements, and the Order prescribed measures to abate the alleged violation. Lincoln County timely petitioned the Council for review of the Order.

Previously, on August 29, 1996 the DEQ issued Notice of Violation & Order No. 2778-96 to the Lincoln County Commission alleging that the County was operating the Thayne landfill without a solid waste management permit, which the County appealed. On January 18, 2000 the Lincoln County Commission and the DEQ entered a Stipulation to resolve that matter, whereby the County would submit a permit application by May 31, 2000. On March 31, 2000 the DEQ issued the County an emergency authorization to temporarily continue to dispose of solid waste in the Thayne landfill until September 1, 2000.

Lincoln County and the DEQ have now reached an agreement for resolving the current issues without a hearing. W.S. 16-3-107(n) and Chapter 1, Section 11 of the DEQ Rules of Practice & Procedure provide for disposition of contested cases by stipulation of the parties upon approval of the Council. To that end, the Lincoln County Commission and the DEQ hereby stipulate as follows:

1. Upon the Council's approval of this Stipulation, the County will dispose of municipal solid waste at a permitted solid waste facility and will no longer dispose of such wastes at the Thayne landfill.
2. Disposal of construction and demolition debris wastes only (including combustion ash from the Thayne incinerator) at the Thayne landfill may continue until April 30, 2002, after which the County must either have a permit to operate a landfill for construction and demolition debris wastes or else properly close the facility.
3. The DEQ agrees that Lincoln County's compliance with the terms of this Stipulation will satisfy the concerns addressed in Notice of Violation & Order No. 3230-00.
4. Contingent upon the Council's approval of this Stipulation, the Lincoln County Commission agrees that its request for a hearing in this matter shall be deemed withdrawn. Since compliance with the terms of this Stipulation will resolve the practical issues, the parties find no need to adjudicate the alleged violations, and Lincoln County's agreement to the terms of this Stipulation does not constitute an admission or finding of any violation alleged in the Notice of Violation.