

**FILED**

**FEB 12 2015**

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

Jim Ruby, Executive Secretary  
Environmental Quality Council

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

Docket No. 11-5905

JOINT STIPULATION TO MODIFY  
ADMINISTRATIVE ORDER ON CONSENT

On August 22, 2011, the Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division (DEQ/SHWD) and the Town of Kaycee (Town) entered into an Administrative Order on Consent (AOC) for the purpose of bringing operation of the Town's municipal solid waste (MSW) management facility into compliance with the permit requirements of Wyo. Stat. Ann. §35-11-502 and the DEQ Solid Waste Rules and Regulations.

The sixty-second legislature of the State of Wyoming's 2013 General Session passed House Bill No. 0066 (Enrolled Act No. 114) creating the MSW facility cease and transfer program and the MSW facility cease and transfer grant and loan accounts. In part, House Bill No. 0066 included provisions to provide assistance for closure of small MSW landfills and for the DEQ to develop a general permit for closure of small MSW landfills. The general closure permit was finalized August 25, 2014.

Currently no funds may be expended from the MSW facility cease and transfer accounts for construction of transfer stations or closure of MSW landfills ranked lower than 21 on the approved prioritized list of projects that qualify for grants and/or loans from the cease and transfer accounts. The Kaycee landfill currently is ranked 38<sup>th</sup> on the prioritized list. Therefore, in order to allow time for Kaycee to be deemed eligible for funding assistance as well as adequate time for the Town to prepare and submit for DEQ approval an application for closure, the Town and the DEQ/SHWD now agree that this AOC (see Attachment 1) is amended in the following ways:

3. No later than ~~January 15, 2014~~ March 1, 2015, the Town and the Department shall begin conducting ~~bi-monthly~~ quarterly meetings to discuss the closure permit application for the Kaycee landfill. The Town shall appoint an individual with properly delegated decision making authority to attend the ~~bi-monthly~~ quarterly meetings. Unless cancelled by agreement of the Department and the Town, the ~~bi-monthly~~ quarterly meetings will continue until the Department determines that the Town's closure permit application is complete and technically adequate in accordance with Department rules and regulations and the required permit has been issued.

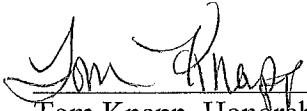
4. Not later than ~~January 15, 2015~~ March 1, 2016, the Town shall submit a closure permit application for the Kaycee landfill to the Department.

All other terms of the original Administrative Order on Consent not specifically modified above remain unchanged and in effect as originally ordered by the Environmental Quality Council.

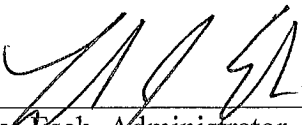
Therefore, the Town of Kaycee and the DEQ now jointly stipulate to the above modification of their original AOC approved by the Environmental Quality Council (EQC) on August 22, 2011 and request that the EQC enter an order approving, incorporating, and binding the parties to their Joint Stipulation as modified herein.

Dated this 12<sup>th</sup> day of February, ~~2014~~ <sup>2015</sup>

FOR THE TOWN OF KAYCEE:

  
\_\_\_\_\_  
Tom Knapp, Honorable Mayor  
Town of Kaycee

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:

  
\_\_\_\_\_  
Luke Esch, Administrator  
Solid and Hazardous Waste Division

  
\_\_\_\_\_  
Todd Parfitt, Director  
Department of Environmental Quality

Attachment 1

11-5905

DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

**FILED**  
AUG 25 2011

Jim Ruby, Executive Secretary  
Environmental Quality Council

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

Docket No. 4888-11

ADMINISTRATIVE ORDER ON CONSENT

W.S. 35-11-502(a) requires a permit from the Wyoming Department of Environmental Quality (Department) for construction, operation, modification or closure of a solid waste management facility. The current operating permit for the Kaycee landfill expired on February 1, 2011 and has been in the process of being renewed since June 16, 2010. Information developed during the renewal process revealed that the facility has been disposing of waste outside the permitted facility boundary. The Town plans to cease disposal in the landfill within the next several years. Toward that end the Town has permitted and constructed a transfer station for the management of solid waste. Chapter 1, Section 2(h) of the DEQ Solid Waste Rules and Regulations calls for submittal of a closure permit application containing the information required under Chapter 2 between 270 and 180 days prior to the anticipated facility closure. Because the facility has not yet established a date to close, a closure permit has not yet been submitted.

Pursuant to W.S. 35-11-501 and W.S. 35-11-701, the DEQ Solid & Hazardous Waste Division (SHWD) 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 solid waste management operations of the Kaycee landfill into compliance with applicable permit requirements under W.S. 35-11-502 and the DEQ Solid Waste Rules and Regulations.

WHEREFORE IT IS HEREBY ORDERED THAT:

1. No later than **October 1, 2011**, the Town shall ensure that facility boundary corners are surveyed and marked with permanent survey caps. No later than **October 1, 2011**, facility perimeter boundaries shall be delineated and no waste disposal shall occur within 20 feet of the facility boundary, and the twenty (20) foot buffer zone required around the perimeter of the facility shall be maintained
2. Until the facility ceases receipt of waste the facility shall be operated in compliance with the most recently submitted revisions to the permit application.
3. No later than **January 15, 2014**, the Town and the Department shall begin conducting bi-monthly meetings to discuss the closure permit application for the Kaycee landfill. The Town shall appoint an individual with properly delegated decision making authority to attend the bi-monthly meetings. Unless cancelled by

agreement of the Department and the Town, the bi-monthly meetings will continue until the Department determines that the Town's closure permit application is complete and technically adequate in accordance with Department rules and regulations and the required permit has been issued.

4. Not later than **January 15, 2015**, the Town shall submit a closure permit application for the Kaycee landfill to the Department.
5. Application(s) submitted to the Department shall incorporate a schedule or schedules under which the closure plan shall be fully implemented, including a schedule for the construction of final cover on solid waste disposal areas.
6. The Department shall review and comment on the closure permit application in accordance with the Wyoming Environmental Quality Act and the Wyoming Solid Waste Rules and Regulations. In the event that Department notifies the Town in writing that any item(s) in the application are incomplete or technically inadequate according to Department rules and regulations, the Town shall submit revisions necessary to correct the identified deficiencies. The Department and the Town agree that the Environmental Quality Council (EQC) retains jurisdiction to determine appeals of final Department decisions regarding completeness and technical adequacy.
7. The Kaycee landfill shall cease disposal of all wastes no later than **January 2, 2017**, or when the remainder of the currently excavated trench is full, whichever comes first.
8. After execution by the DEQ and the Town, this AOC shall be filed with the Wyoming EQC.
9. The effective date of this AOC is the date the final signature is attached.
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: 8/22, 2011 By: CAO  
Carl Anderson, Administrator  
Solid and Hazardous Waste Division

Date: 8/22, 2011 By: John Corra  
John Corra, Director  
Department of Environmental Quality

FOR KAYCEE:

Date: Aug 9, 2011 By: Tom Knapp  
Tom Knapp, Mayor  
Town of Kaycee