

MAY 23 2018

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE)
ADMINISTRATIVE ORDER ON CONSENT)
ISSUED TO UINTA COUNTY FOR)
BRIDGER VALLEY LANDFILL) Docket No. 5856-18

ADMINISTRATIVE ORDER ON CONSENT

House Bill 0066, commonly referred to as the Cease and Transfer bill, was enacted by the Wyoming legislature in the 2013 general session. Under this bill, Wyoming Statutes (W.S.) 35-11-528 through W.S. 35-11-532 were enacted enabling municipal solid waste (MSW) facility operators to receive funds to assist in the building of MSW transfer stations and for closure of small landfills. To be eligible for funding, operators must enter into a Memorandum of Agreement (MOA) with the Wyoming Department of Environmental Quality (DEQ), Solid and Hazardous Waste Division (SHWD); implement and revise the community's solid waste management plan; cease disposal of all MSW streams at the closing facility; and conform with applicable statutes (cited above).

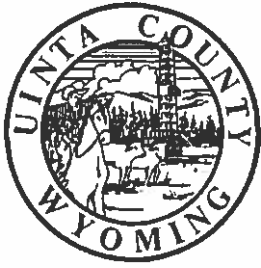
The MOA requires the operator to enter into an Administrative Order on Consent (AOC) with the DEQ within 180 days from the effective date of the MOA. The AOC is an agreement between the DEQ and Uinta County (County) issued for the purpose of establishing a schedule for the County to take specified actions to maintain compliance with solid waste regulations and with the MSW Cease and Transfer Program requirements.

Therefore, pursuant to W.S. 35-11-501 and W.S. 35-11-528 through 35-11-532, the DEQ is issuing this AOC, with the County's concurrence, to establish the following schedule which requires the County to take specified actions to ensure compliance with applicable regulatory requirements.

WHEREFORE IT IS HEREBY ORDERED THAT:

1. No later than August 1, 2018, the County shall submit a permit application for a MSW transfer station to the DEQ unless an alternate date is approved in writing by the Administrator. The permit application shall contain a project schedule including the following items:
 - a. Date by which contract documents are to be submitted to DEQ staff for approval.
 - b. Date by which all permits, easements, rights of way, are to be approved or finalized/signed,
 - c. Date by which the published call for bids are approved by DEQ staff.
 - d. Construction start date
 - e. Substantial completion date
 - f. Construction end date

12. In the event the County is unable to draw all funds from the State Land and Investment Board (SLIB) for the transfer station project by May 30, 2020 (see SLIB Loan and/or Grant Agreement(s) with County the County may request an extension from the Office of State Lands and Investments (OSLI) and/or DEQ, at least ninety (90) days prior to this date.
13. In the event that archaeological artifacts or historical resources are unearthed during construction excavation, the County shall stop, or cause to be stopped, construction activities, notify the superintendent of the State Historical Preservation Office and the DEQ of such unearthing, and follow all applicable state and federal laws and regulations governing such occurrences.
14. The DEQ shall file this AOC with the Wyoming Environmental Quality Council (EQC) after all parties execute the AOC.
15. This AOC is issued with the County's consent, therefore the County will not file a request for hearing before the EQC to contest the validity of its terms under W.S. 35-11-701(c)(ii). However, the County reserves the right to request a hearing before the EQC to contest the later enforcement of terms of this order.
16. The effective date of this AOC is the date the final signature is attached.
17. Neither the County nor DEQ shall have any claim against the other for attorneys' fees nor other costs incurred throughout the process outlined above, including costs incurred in the preparation of this AOC. Each party shall bear its own attorney fees and costs, if any, incurred through the date that both parties sign this AOC. Each party assumes the risk of any liability arising from its own conduct. Neither party agrees to insure, defend, or indemnify the other.
18. The parties do not intend to create in any other individual or entity the status of third party beneficiary, and this AOC shall not be construed to create such status. The rights, duties, and obligations contained in this AOC shall operate only between the parties to this AOC and shall inure solely to the benefit of the parties to this AOC. The parties to this AOC intend and expressly agree that only parties signatory to this AOC shall have any legal or equitable right to seek to enforce this AOC, to seek any remedy arising out of a party's performance or failure to perform any term or condition of this AOC, or to bring an action for the breach of this AOC.
19. The State of Wyoming and the DEQ do not waive sovereign immunity by entering into this AOC and specifically retain immunity and all defenses available to them as sovereigns pursuant to Wyo. Stat. Ann. § 1-39-104(a) and all other state law.
20. Either party may request changes to this AOC. Any changes, modifications, revisions, or amendments to this AOC that are mutually agreed upon by the parties shall be incorporated by written instrument, executed, and signed by all parties to this AOC.



UINTA COUNTY

Maintenance

* * * * *
225 9th Street, Evanston, Wyoming 82930
(307) 783-0415
Fax: (307) 783-0417

DEQ
Solid and Hazardous
Waste Division

MAY 21 2018

DEQ
Solid and Hazardous
Waste Division

MAY 23 2018

May 17, 2018

Luke Esch, Administrator
Solid and Hazardous Waste
200 West 17th Street
Cheyenne, Wyoming 82002

RE: AOC Bridger Valley Transfer Station

Luke


Craig McOmie and I worked through some odd and tough questions to put this AOC together for the Bridger Valley Transfer station to participate in the cease and transfer program. Our landfill lifetime permit contradicted much of the intent of the cease and transfer program, and the Uinta County commissioners were reluctant to give up on the permit language. We appreciate Craig's participation in the process, and you should know that he worked very hard to understand and write this AOC to reconcile the program with our permit.

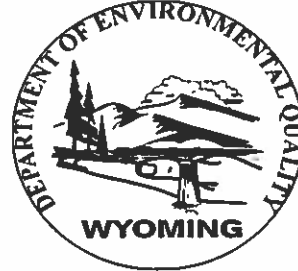
I am sending you the signed and attested AOC and a copy of the proceedings from the regular commission meeting where the AOC was approved by the Uinta County commissioners. Please countersign and pass on to Todd for his signature. We would appreciate a copy back.

Please let me know if you need anything else from us.

Clay Baird
Public Works Director

**MEMORANDUM
SOLID AND HAZARDOUS WASTE PROGRAM
WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY**

TO: Todd Parfitt, Director
FROM: Luke Esch, SHWD Administrator 
DATE: May 22, 2018
SUBJECT: Uinta County AOC



Todd,

Attached please find Uinta County's Administrative Order on Consent (AOC) with regard to the Cease and Transfer Program. As you are aware, the Department uses AOCs to incorporate deadlines for ceasing receipt of waste, providing design plans and ultimately closure for facilities in the Municipal Solid Waste Cease and Transfer Program (Program).

Uinta County was approved for funding to construct a transfer station. This AOC specifies the dates by which Uinta County needs to submit information on project schedules and closure dates for the landfill.

Please execute the agreement and return to me, so I can get it to James LaRock at the AG's Office. If you have any questions, please feel free to contact me.

Thanks,

Official Proceedings of the Uinta County Commissioners

Evanston, Wyoming
May 15, 2018

The Uinta County Commissioners met in regular session on May 15, 2018 in the commission chambers, 225 9th Street, Evanston, Wyoming. Chairman Eric South convened meeting at 2:00 p.m.; also present were Commissioner Wendell Fraughton, Commissioner Craig Welling, Amanda Hutchinson, County Clerk and Loretta Howieson, County Attorney.

Agenda

Motion Welling, second Fraughton to approve the agenda amended to include Clay Baird with an MOU and engineering contract; Kim Proffit with 2 contracts and a request; Bridger Feuz with an operating agreement and Loretta Howieson with a resolution. 3 yes votes, passed.

Elected Officials Salaries

Motion Fraughton, second Welling to approve Resolution 18-09 setting the elected officials' salaries for the next four years presented by Amanda Hutchinson, County Clerk as follows: 3 yes votes, passed.

Salaries for County Clerk, Treasurer, Assessor, Clerk of Court and Sheriff:

Calendar year beginning January 2019:	\$70,050
Calendar year beginning January 2020:	\$72,450
Calendar year beginning January 2021:	\$72,450
Calendar year beginning January 2022:	\$72,450

Salaries for the County Attorney:

Calendar year beginning January 2019:	\$100,000
Calendar year beginning January 2020:	\$100,000
Calendar year beginning January 2021:	\$100,000
Calendar year beginning January 2022:	\$100,000

Salaries for County Commissioners:

Calendar year beginning January 2019:	\$29,460
Calendar year beginning January 2020:	\$29,460
Calendar year beginning January 2021:	\$29,460
Calendar year beginning January 2022:	\$29,460

Salary for the County Coroner:

Calendar year beginning January 2019:	\$11,008
Calendar year beginning January 2020:	\$13,408
Calendar year beginning January 2021:	\$13,408
Calendar year beginning January 2022:	\$13,408

Transfer of Entitlements

Motion Welling, second Fraughton to approve transfer of \$150,000 for Fiscal Year 2018 from Evanston-Uinta County Airport/Burns Field entitlements to Fort Bridger Airport as requested by Gary Welling, Planning/Economic Development. 3 yes votes, passed.

Cooperative Law Enforcement Agreement

Motion Fraughton, second Welling to approve the annual Cooperative Law Enforcement Agreement for \$3,000 with the U.S. Forest Service to reimburse the county for patrolling on Forest Service Land as requested by Rowdy Dean, Chief Deputy. 3 yes votes, passed.

WellDyne Plan Document

Motion Welling, second Fraughton to authorize Chairman South to sign a plan document with WellDyne to incorporate prescription savings on the employee health plan upon Hutchinson's resolution of several details within the plan document as requested by Hutchinson. 3 yes votes, passed.

Bridger Valley Landfill

Motion Welling, second Fraughton to approve an Administrative Order on Consent establishing a schedule of specified actions required to ensure compliance with the MSW Cease and Transfer Program requirements as requested by Clay Baird, Public Works Director. 3 yes votes, passed.

Parking Structure

Motion Welling, second Fraughton to approve hiring Reavely Engineers & Associates to provide a study of the complex parking structure contingent upon results of study being provided to County within 60 days as presented by Baird. 3 yes votes, passed.

Public Health Officer

Motion Fraughton, second Welling to approve an agreement with the Wyoming Department of Health appointing Dr. Michael Adams as the County Health Officer for \$800 per month from July 1, 2018 to June 30, 2019 as requested by Kim Proffit, Public Health Nurse Manager. 3 yes votes, passed.

Office Closure

Motion Welling, second Fraughton to approve a request to close the Public Health Office from 3pm to 5pm on May 16, 2018 to staff the Community Baby Shower as requested by Proffit. 3 yes votes, passed.

Public Health Nursing Services

Motion Welling, second Fraughton to approve a contract with the Wyoming Department of Health to provide public health nursing services to Uinta County from July 1, 2018 to June 30, 2020 as presented by Proffit. 3 yes votes, passed.

Fair Operating Plan

Motion Welling, second Fraughton to approve the Annual Operating Plan between University of Wyoming Extension and Uinta County Fair outlining responsibilities as presented by Bridger Feuz, Extension Coordinator. 3 yes votes, passed.

Uinta County and Prosecuting Attorney Resolution

Motion Welling, second Fraughton to approve Resolution 18-10 designating the Uinta County and Prosecuting Attorney as full time positions as requested by Loretta Howieson, County Attorney. 3 yes votes, passed.

Martin Subdivision

Kent Williams, Planner, requested to hold the public hearing for the Martin Subdivision at a future date.

Minutes

Motion Welling, second Fraughton to approve the minutes of the May 1, 2018 meeting. 3 yes votes, passed.

Vouchers

Motion Welling, second Fraughton to approve warrants 433030 through 433147. 3 yes votes, passed.

Meeting adjourned at 3:15 p.m.

Eric South, Chairman
BOARD OF UINTA COUNTY COMMISSIONERS

Attest:

Amanda Hutchinson
UINTA COUNTY CLERK