

**FILED**

**FEB 08 2010**

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

J. Mark Stewart (Wy. Bar No. 6-4121)  
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Attorney for Petitioner

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
OF THE STATE OF WYOMING**

IN THE MATTER OF THE APPEAL OF )  
SUBLETTE COUNTY FROM THE )  
FINAL DETERMINATION FOR ) Docket No.: 09-5601  
REQUIREMENT OF AN ENGINEERED )  
CONTAINMENT SYSTEM )  
MARBLETON #2 LANDFILL )

**JOINT STIPULATION FOR DISPOSITION AND DISMISSAL OF APPEAL**

On January 14, 2009, the Wyoming Department of Environmental Quality – Solid and Hazardous Waste Division (DEQ) issued a letter to Sublette County, Wyoming making a final determination that all future cells in the Marbleton #2 Landfill (Landfill) would be required to be constructed with an Engineered Containment System (ECS) and that any permit renewal applications would be required to include an ECS design. DEQ’s decision to require an ECS was based on the presence of three (3) volatile organic compounds (VOCs) in groundwater collected from sentry well SW1-1 as measured during routine monitoring of the Landfill groundwater monitoring network which indicates that the Landfill may have impacted underlying groundwater.

Sublette County filed a Petition for Review of Final Determination and Request for Hearing before the Wyoming Environmental Quality Council (EQC) in Docket No. 09-5601 on March 23, 2009. DEQ filed its response on April 23, 2009. In its Scheduling Order of September 8, 2009, the EQC set the matter for hearing on March 11 and 12, 2010.

WHEREAS the dispositive issue in this matter is whether DEQ Solid and Hazardous Waste Regulations require that all future landfill cells at the Landfill be constructed with an ECS; and

WHEREAS Chapter 1, Section 11 of the DEQ Rules of Practice and Procedure provides for disposition of contested cases by stipulation of the parties upon approval of the EQC; and

WHEREAS Sublette County and DEQ, the only parties in Docket No. 09-56001, now wish to resolve this appeal; and

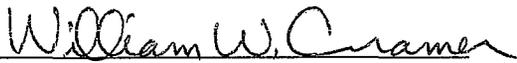
WHEREAS Sublette County and DEQ have agreed to settle all disputes between the parties arising from DEQ's January 14, 2009 determination that all future cells at the Landfill shall be constructed with an ECS;

THEREFORE Sublette County and DEQ now jointly stipulate and agree to the terms for disposition and dismissal of this contested case prior to hearing as described in that Settlement Agreement dated February 3 2010, which is incorporated herein by reference and request that the EQC enter an Order approving, incorporating and binding the parties to the Settlement Agreement and dismissing Sublette County's appeal in Docket No. 09-5601.

DATED this 2<sup>nd</sup> day of February, 2010.

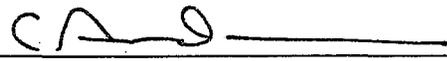
FOR THE BOARD OF COUNTY  
COMMISSIONERS OF SUBLETTE,  
SUBLETTE COUNTY, WYOMING:

FOR WYOMING DEQ:

  
William W. Cramer, Chairman  
Sublette County Commissioner

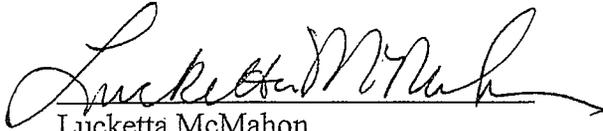
  
John Corra, Director  
Wyoming DEQ

  
Joel Bousman  
Sublette County Commissioner

  
Carl Anderson, Administrator  
Wyoming DEQ, Solid & Hazardous  
Waste Division

  
John P. Linn  
Sublette County Commissioner

APPROVED AS TO FORM:

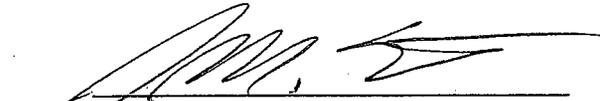


Lucketta McMahon  
County and Prosecuting Attorney  
For Sublette County, Wyoming

APPROVED AS TO FORM:



Mike Barrash (Bar No. 5-2310)  
Senior Assistant Attorney General  
Attorney for Wyoming DEQ



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