

FILED

FEB 18 2015

Jim Ruby, Executive Secretary  
Environmental Quality Council

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE )  
ADMINISTRATIVE ORDER ON )  
CONSENT ISSUED TO THE CITY )  
OF SUNDANCE, WYOMING )

Docket No. 12-5901

JOINT STIPULATION TO MODIFY  
ADMINISTRATIVE ORDER ON CONSENT

On January 5, 2012, the Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division (DEQ/SHWD) and the City of Sundance (City) entered into an Administrative Order on Consent (AOC) for the purpose of bringing operation of the City's municipal solid waste (MSW) management facility into compliance with the permit requirements of W.S. § 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 completed August 25, 2014.

Entities applying for funding under the cease and transfer program must meet certain eligibility requirements. Therefore, in order to allow time for the Town to meet eligibility requirements for the cease and closure for small MSW landfills, as well as adequate time for the City to prepare and submit for DEQ approval an application for closure under the general permit if desired, the City and the DEQ/SHWD now agree that this AOC (see Attachment 1) is amended in the following ways:

- ~~3. Within thirty (30) days after receiving the DEQ/SHWD's written notification under item #2 above, No later than July 1, 2015 the City of Sundance shall begin conducting bi-monthly (every two months) quarterly (every three months) meetings with DEQ/SHWD to discuss and develop the status and technical aspects of the a closure permit application(s). The permit applications required per item number 2 above shall be submitted to DEQ/SHWD no later than January 11, 2013. A closure permit application shall be submitted to the DEQ/SHWD no later than September 1, 2016. Unless canceled with concurrence of both parties, bi-monthly quarterly meetings will continue until the DEQ determines that the City's permit application(s) are complete and technically adequate and the required permit(s) have been issued. The City of Sundance shall appoint an individual with properly delegated decision making authority to attend the bi-monthly quarterly meetings.~~

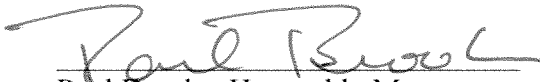
5. In the event that DEQ/SHWD notifies the City in writing that any item(s) in the application(s) submitted are incomplete or technically inadequate, the City shall submit revisions necessary to correct the identified deficiencies and to complete any required public notices by no later than March 7, 2014. to DEQ/SHWD comments within 60 days of receipt, unless the DEQ/SHWD agrees that additional time is warranted. If the permit application is not complete and technically adequate after the second DEQ/SHWD review, the DEQ/SHWD may propose permit conditions to address any outstanding deficiencies, or continue the permit application process with the City as described above.

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.

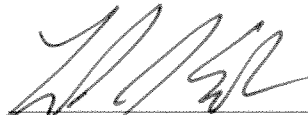
Therefore, the City of Sundance and DEQ now jointly stipulate to the above modification of their original January 5, 2012, AOC and request that the Council enter an order approving, incorporating, and binding the parties to their Joint Stipulation as modified herein.

Dated this 4 day of February, 2015

FOR CITY OF SUNDANCE:

  
Paul Brooks, Honorable Mayor  
City of Sundance

FOR WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:

  
Luke Esch, Administrator  
Solid and Hazardous Waste Division

  
Todd Parfitt, Director  
Department of Environmental Quality

Attachment 1

DEC 23 2011

DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

IN THE MATTER OF THE \_\_\_\_\_ )  
ADMINISTRATIVE ORDER ON \_\_\_\_\_ )  
CONSENT ISSUED TO THE CITY OF SUNDANCE) Docket No. \_\_\_\_\_

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. The current permit for the City of Sundance, Wyoming (City) municipal landfill expired on August 10, 2010. The permit was issued with the condition that a renewal or closure permit application was to be submitted no later than December 1, 2009. A permit application has not yet been submitted. Operating without a valid permit is a violation of W.S. 35-11-502 (a)(i). Subsequently, the City and the DEQ have met to discuss alternatives and their consequences; however at this time the City has not completely finalized its future waste management plans and needs additional time in which to do so.

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 City's consent, to establish the following schedule for the City to take specified actions to bring the City's municipal solid waste management operations into compliance with applicable permit requirements under W.S. 35-11-502 and Chapters 1, 2 and 6 of the DEQ Solid Waste Rules and Regulations.

## WHEREFORE IT IS HEREBY ORDERED THAT:


1. No later than **March 9, 2012** the City shall notify the DEQ/SHWD in writing of the City's decision to proceed by:
  - a) renewing the landfill permit to dispose of municipal solid waste in areas constructed with an engineered containment system;
  - b) renewing the landfill permit to dispose of only construction/demolition waste;
  - c) ceasing disposal of all waste at the landfill and closing the landfill;
  - d) conducting municipal solid waste transfer, treatment, or storage activities;
  - e) or a specified combination of the alternatives listed above.
  
2. Within 30 days after receiving the City's written notification under item #1 above, unless additional information is needed, the DEQ/SHWD shall notify the City in writing which type(s) of SHWD permit application(s) need(s) to be submitted for the alternative(s) selected by the City.

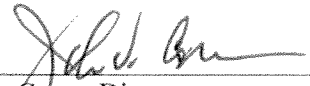
**Authority**

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: 1/4, <sup>2012</sup>~~2011~~ By:   
Carl Anderson, Administrator  
Solid and Hazardous Waste Division

Date: 1/5, <sup>2012</sup>~~2011~~ By:   
John Corra, Director  
Department of Environmental Quality

FOR THE CITY OF SUNDANCE:

Date: 12-19, 2011 By:   
Paul Brooks, Honorable Mayor  
The City of Sundance