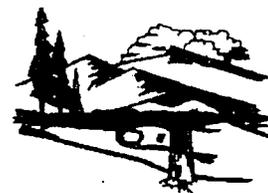




Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

Monday, August 4, 2008

Certified #7005 1820 0005 1478 3496
Return Receipt Requested

Denis Peterson
Supt of Public Works
Town of Lusk (10.360)
P.O. Box 390
Lusk, WY 82225

RE: Issuance of Notice of Violation (NOV), Lusk Landfill (10.360)

Dear Mr. Peterson:

Enclosed is a Notice of Violation (NOV) issued to your facility for violation of the Wyoming State Solid Waste Rules and Regulations (SWRR). Specifically, the NOV has been issued for the following violation:

Count 1: Chapter 2, Section 2(5)(r), of the SWRR, states: "**Intermediate cover:** For any area where wastes will not be disposed for a period of 180 days, that area shall be covered with the required six (6) inches of cover material and an additional twelve (12) inches of intermediate cover." The June 19, 2008, inspection revealed that portions of previous disposal trench #2 and all of previous disposal trench #1 that was completed prior to 1998, did not have the required intermediate cover applied. This same violation was also noted during the following successive inspections of the facility on: 10/9/2007; 6/12/2007; 7/19/2006; 5/26/2005; 6/3/2004; and 6/10/2003.

As indicated above, during several inspections over a 5 year period, department personnel have noted this significant violation (SNC) at the Lusk landfill. The division is aware that the Town is working with the department to install a proper final cover over the completed trenches at the landfill. However, as stated previously after the inspections and in inspection follow up letters, the Town is still required to assure that adequate intermediate cover is applied over areas which will not receive wastes for 180 days or longer. Also, since it has been determined that groundwater underlying the Lusk landfill has been impacted, it is imperative that the intermediate cover requirement be addressed to reduce further infiltration of moisture into the deposited wastes and the potential for leachate generation.

Therefore, to prevent further enforcement action being taken, the department is requesting that within ninety (90) days of your receipt of the attached NOV, adequate intermediate cover be applied over the remaining portions of closed trench #2 and all of closed trench #1, to properly address the violation.

If you have any questions regarding this letter or the attached NOV, please feel free to contact Tim Link at (307) 777-7164 or Bob Breuer at (307) 473-3454.

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7937 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5973	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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**BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:

DENIS PETERSON, SUPT OF PUBLIC WORKS)
LUSK (TOWN OF), LUSK (10.360))
P.O. BOX 390) DOCKET NO. 4337-08
LUSK WY 82225)
)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

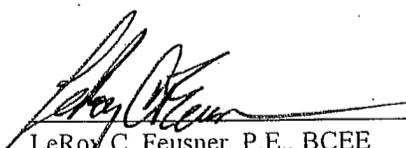
1. On June 19, 2008, the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) personnel, Mr. Tim Link, conducted an inspection of the Town of Lusk landfill (10.360) located in Section 36, T33N, R64W, or approximately 2 miles NW of the town of Lusk, Wyoming, off TwentyEight Road. The inspection was conducted to evaluate compliance with the Wyoming Solid Waste Rules and Regulations (SWRR).
2. The inspection revealed the following violation of the Wyoming SWRR:

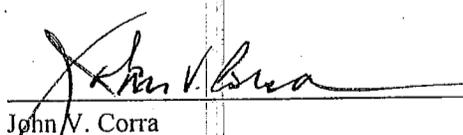
Count 1: Chapter 2, Section 2(5)(r), of the SWRR, states: "**Intermediate cover:** For any area where wastes will not be disposed for a period of 180 days, that area shall be covered with the required six (6) inches of cover material and an additional twelve (12) inches of intermediate cover." The June 19, 2008, inspection revealed that portions of previous disposal trench #2 and all of previous disposals trench #1 that was completed prior to 1998, did not have the required intermediate cover applied. This same violation was also noted during the following successive inspections of the facility on: 10/9/2007; 6/12/2007; 7/19/2006; 5/26/2005; 6/3/2004; and 6/10/2003.

ANY PERSON who violates any provision of the Environmental Quality Act, or any rules, standard, permit, license, or variance adopted thereunder is liable to a penalty of ten thousand dollars (\$10,000) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming; and

THIS NOTICE OF VIOLATION is being sent to you pursuant to Wyoming Statute 35-11-701(c) which requires that in any case of the failure to correct or remedy an alleged violation the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

Signed this 5th day of August, 2008


LeRoy C. Feusner, P.E., BCEE
Administrator
Solid & Hazardous Waste Division


John V. Corra
Director
Dept. of Environmental Quality