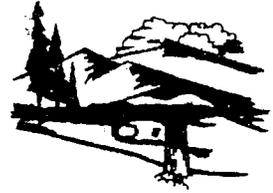




# Department of Environmental Quality



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, September 3, 2008

Certified #7008 0150 0001 1173 6572

Return Receipt Requested

Cindy Langston  
Manager of Solid Waste  
City of Casper Balefill (10.070)  
200 N. David  
Casper, WY 82601

**RE: Issuance of Notice of Violation (NOV), City of Casper Balefill (10.070)**

Dear Ms. Langston:

Enclosed is a Notice of Violation (NOV) issued to your facility for violation of the Wyoming Environmental Quality (EQA) and the Wyoming Solid Waste Rules and Regulations (SWRR).

On May 12, 2008, the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD), received a letter from Golder Associates, Titled, "Draft Revised Closure Plan, Existing City of Casper Balefill, Casper, Wyoming-Project No. 04-09". On the bottom of page 2 of the letter it is stated:

"Additionally, Golder estimated the approximate difference in air space between the original final cover grades, as of November 2005, and the revised final cover grades presented herein. Since little is known of the base grades for the facility, Golder compared the difference in air space between the two final cover grading plans with the original site topography based on the USGS Casper Quadrangle map. Compared to the contours presented on the Casper Quadrangle map, the revised final cover grades present an approximate increase in the air space of the balefill of 10 percent.

Chapter 1, Section 1(e), Definitions: (i), defines "Major change" means a change to any solid waste management facility location, design or construction, or to any operating, monitoring, closure or post-closure activities, involving one or more of the following items: The total permitted volumetric capacity of the facility is to be increased by more than five percent (5%).

Chapter 1, Section 3(a), Permit amendments:, of the SWRR, states: "For amendments describing a major change, the operator shall submit a written application, describing the major amendments sought, including additional plates and/or drawings as necessary to completely describe the proposed amendment."

§35-11-502 (a) of the Wyoming Environmental Quality Act (EQA) states: (a) No person, except when authorized under the permit system established pursuant to this act, shall: (i) Locate, construct, operate or close a solid waste management facility; or (ii) Modify the design, construction or operation of a solid waste management facility.

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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On 1/25/2007, the department approved the final closure plan for closure of the Casper Balefill site. As stated in the May 12, 2008, Golder Associates letter, the Casper Balefill increased the final disposal capacity at the balefill by 10 percent, thereby exceeding the 1/25/2007, final closure approved design capacity. Therefore, the Casper Balefill was in violation of §35-11-502(a)(ii), for modifying the approved design and not being authorized for this modification.

The WDEQ does not intend to seek a penalty for this matter at this time. These violations are currently being resolved as part of the current application amendment.

If you have any questions regarding this letter or the attached NOV, please feel free to contact Patrick Troxel in Lander at (307) 335-6950 or Tim Link in Cheyenne at (307) 777-7164.

Sincerely,



LeRoy C. Feusner, P.E., BCEE  
Administrator  
Solid and Hazardous Waste Division  
Enclosure: NOV

C: Patrick Troxel, SWR&CA, WDEQ/SHWD Lander District Office, Lander→File 10.360  
Bob Doctor, SWP&CA Program Manager, WDEQ/SHWD Casper District Office, Casper→Bob  
Breuer, I&C Program Manager→Casper File  
10.070

**BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL**

**STATE OF WYOMING**

IN THE MATTER OF THE  
NOTICE OF VIOLATION  
ISSUED TO:

CINDY LANGSTON, MGR. OF SOLID WASTE )  
CITY OF CASPER BALEFILL (10.0700) )  
200 N. DAVID ) DOCKET NO. 4348-08  
CASPER WY 82601 )  
)

**NOTICE OF VIOLATION**

NOTICE IS HEREBY GIVEN THAT:

1. On May 12, 2008, the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD), received a letter from Golder Associates, Titled, "Draft Revised Closure Plan, Existing City of Casper Balefill, Casper, Wyoming-Project No. 04-09". On the bottom of page 2 of the letter it is stated:

"Additionally, Golder estimated the approximate difference in air space between the original final cover grades, as of November 2005, and the revised final cover grades presented herein. Since little is known of the base grades for the facility, Golder compared the difference in air space between the two final cover grading plans with the original site topography based on the USGS Casper Quadrangle map. Compared to the contours presented on the Casper Quadrangle map, the revised final cover grades present an approximate increase in the air space of the balefill of 10 percent."

2. Chapter 1, Section 1(e), Definitions: (i), defines "Major change" means a change to any solid waste management facility location, design or construction, or to any operating, monitoring, closure or post-closure activities, involving one or more of the following items:

The total permitted volumetric capacity of the facility is to be increased by more than five percent (5%).

Chapter 1, Section 3(a), Permit amendments:, of the SWRR, states: "For amendments describing a major change, the operator shall submit a written application, describing the major amendments sought, including additional plates and/or drawings as necessary to completely describe the proposed amendment."

Therefore, as reported in the May 12, 2008, letter from Golder Associates, the Casper Balefill increased the final disposal capacity at the balefill by 10 percent prior to submitting the required permit amendment application. Therefore, the Casper Balefill exceeded the total permitted volumetric capacity of the facility by more than 5% and is, therefore, in violation of SWRR, Chapter 1, Section 3(a), for not submitting the required permit amendment.

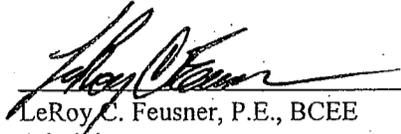
3. §35-11-502 (a) of the Wyoming Environmental Quality Act (EQA) states: (a) No person, except when authorized under the permit system established pursuant to this act, shall: (i) Locate, construct, operate or close a solid waste management facility; or (ii) Modify the design, construction or operation of a solid waste management facility.

On 1/25/2007, the department approved the final closure plan for closure of the Casper Balefill site. As stated in the May 12, 2008, Golder Associates letter, the Casper Balefill increased the final disposal capacity at the balefill by 10 percent, thereby exceeding the 1/25/2007, final closure approved design capacity. Therefore, the Casper Balefill was in violation of §35-11-502(a)(ii), for modifying the approved design and not being authorized for this modification.

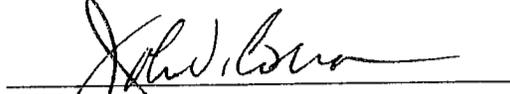
ANY PERSON who violates any provision of the Environmental Quality Act, or any rules, standard, permit, license, or variance adopted thereunder is liable to a penalty of ten thousand dollars (\$10,000) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney 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 3rd day of SEPTEMBER, 2008



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



John V. Corra  
Director  
Dept. of Environmental Quality