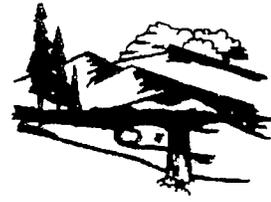


Department of Environmental Quality



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 8, 2008

Certified #7008 0150 0001 1173 6596

Return Receipt Requested

Jim Hedges, Chairman
Fremont County Solid Waste Disposal District (SWDD)
Lander Landfill (10.190)
P. O. Box 1400
Lander, WY 82520

RE: Issuance of Notice of Violation and Order

Enclosed is a Notice of Violation (NOV) and Order issued to your facility for violations of the Wyoming Solid Waste Rules and Regulations (SWRR).

On July 8, 2008, the Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division inspector, Mr. Charles Plymale, conducted an inspection of the Fremont County SWDD, Lander landfill, in Lander, WY, for the purpose of evaluating compliance with the SWRR.

The inspection revealed the following violations of the SWRR:

1. The facility has not adequately controlled surface water run-off to prevent ponding and surface water contact with wastes. [SWRR, Chapter 2, Section 4(i), 5(u)] Erosion has been documented throughout the facility with photos to show the facility is not controlling surface water run on/run off to prevent contact with wastes. The July 8, 2008 inspection photo log documents erosion depicting exposed waste. The Fremont County SWDD Lander landfill was also found in violation of not adequately controlling surface water run on/ run off during inspections conducted on the following dates: July 22, 2004, February 11, 2005, April 25, 2006, February 13, 2007, July 19, 2007, April 28, 2008 and July 8, 2008.
2. The facility has not adequately prevented waste from contacting groundwater. [SWRR, Chapter 2, Section 5(w)] Groundwater monitoring reports show that groundwater has been impacted. On March 15, 1994 Amy Boyle from WDEQ sent a letter to Jeff Hermansky of the WDEQ Water Quality Division and to Fremont County personnel. The letter states under Section 6(b)(iv)(C) of the permit application review that: "Department analysis of all information which is currently available indicates that the operation of this facility has impacted the local GW system to some degree. The extent and severity of the contamination, however, cannot be evaluated based on the limited amount of data currently available." Since the March 15, 1994 letter was sent to Fremont County indicating groundwater had been impacted, all groundwater monitoring reports from this date



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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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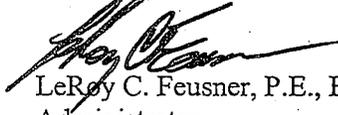
to present indicate that the Fremont County SWDD Lander landfill has impacted groundwater.

3. Intermediate cover has not been placed on areas not used after 180 days with 18 inches of cover material. [SWRR, Chapter 2, Section 5(r)] The east side of the facility had exposed bales of waste. This is in a former disposal area where wastes had not been disposed during a period of 180 days or longer.

Due to the repeated violations of surface water run-on and run-off control, erosion of landfill, cover, and the continued failure by the District to properly address the violations, the department is issuing this NOV and Order.

If you have any questions regarding this letter or the attached NOV and Order, please contact Bob Breuer at (307) 473-3454, or Charles Plymale at (307) 335-6951. I am also available in Cheyenne at 307-777-7752.

Sincerely



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

Enclosure: NOV and Order, Copy of 7/8/2008 inspection photo-log

cc: Bob Breuer, SHWD/Casper File # 10.190
Charles Plymale, SHWD/Lander
Patrick Troxel, SHWD/Lander File # 10.190
John Burbridge, AG Office

**BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL**

STATE OF WYOMING

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:

JIM HEDGES, CHAIRMAN)
FREMONT COUNTY SOLID WASTE)
DISPOSAL DISTRICT (SWDD)) DOCKET NO.#4350-08
LANDER LANDFILL (10.190)
P. O. BOX 1400)
LANDER, WY 82520)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On July 8, 2008, the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) inspector, Mr. Charles Plymale, conducted an inspection of the Fremont County Solid Waste Disposal District's (SWDD), Lander landfill, in Lander WY, for the purpose of evaluating compliance with the Wyoming Solid Waste Rules and Regulations (SWRR).
2. The facility has not adequately controlled surface water run-off to prevent ponding and surface water contact with wastes. [SWRR, Chapter 2, Section 4(i), 5(u)] Erosion has been documented throughout the facility to show that the facility is not controlling surface water run-on/run-off in a manner to prevent contact with wastes. The Fremont County SWDD, Lander landfill, was also found in violation of not adequately controlling surface water run-on/ run-off during inspections conducted on the following dates: July 22, 2004, February 11, 2005, April 25, 2006, February 13, 2007, July 19, 2007, April 28, 2008 and July 8, 2008.
3. The facility has not adequately prevented waste from contacting groundwater. [SWRR, Chapter 2, Section 5(w)] Groundwater monitoring reports indicate that the Lander landfill has impacted groundwater. On March 15, 1994, Amy Boyle from WDEQ, sent a letter to Jeff Hermansky, of the WDEQ Water Quality Division, and to Fremont County personnel. The letter states under Section 6(b)(iv)(C) of the permit application review form, that: "Department analysis of all information which is currently available indicates that the operation of this facility has impacted the local GW system to some degree. The extent and severity of the contamination, however, cannot be evaluated based on the limited amount of data currently available." Since the March 15, 1994, letter, was sent to Fremont County indicating groundwater had been impacted, all groundwater monitoring reports from this date up to the present date, indicate that the Fremont County SWDD Lander landfill, has impacted groundwater.
4. Intermediate cover has not been placed on areas not used after 180 days, with 18 inches of cover material. [SWRR, Chapter 2, Section 5(r)] The east side of the facility had exposed bales of waste, a former area of waste disposal where wastes had not been disposed for a minimum of 180 days or longer.

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.



ORDER

Pursuant to W.S. 35-11-701, the Wyoming Department of Environmental Quality orders as follows:

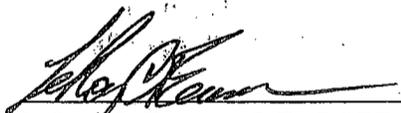
1. Within thirty (30) days of the date of this Order, the Fremont County SWDD, must repair all erosion caused by surface water run-on and run-off, and maintain the cover over waste areas to prevent surface water run-on and run-off from contacting the wastes.
2. Within thirty (30) days of the date of this Order, the Fremont County Solid Waste Disposal District shall place eighteen (18) inches of intermediate cover over waste areas that have not been used after 180 days.

THIS NOV AND ORDER is final and binding unless, not later than ten (10) days after it's effective date, it is appealed by filing a written petition requesting a hearing before the Environmental Quality Council. Such petition shall be mailed to the Chairman, Environmental Quality Council, Room 1714 Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. A copy of the petition shall be mailed to John Corra, Director, Wyoming Department of Environmental Quality, Herschler Building, 4th Floor, 122 West 25th Street, Cheyenne, Wyoming, 82002.

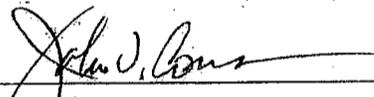
IT IS SO ORDERED:

WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:

Signed this 8th day of SEPTEMBER, 2008



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



John V. Corra
Director
Dept. of Environmental Quality