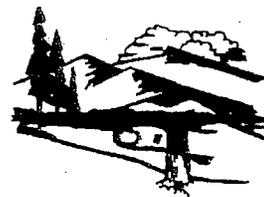




Department of Environmental Quality



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 6589

Return Receipt Requested

Jim Hedges, Chairman
Fremont County SWDD, Lander (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 State Solid Waste Rules and Regulations (SWRR).

On March 15, 2008, the Fremont County Solid Waste Disposal District (SWDD), Lander landfill (10.190), permit extension expired. As of this date, Fremont County SWDD, has been operating without a permit or a permit extension. Prior to the permit extension expiring, the Fremont County SWDD failed to meet permit conditions as required in the permit extension.

Specifically, the NOV with Order has been issued for the following violations:

1. Failure to properly address Permit Condition #2. The operator of this facility shall submit a work plan for the installation of an adequate groundwater monitoring system, and drill and install the approved monitoring wells prior to the December 15, 2007, renewal submittal discussed in permit condition #3.
2. Failure to properly address Permit Condition #3. The operator of this facility shall submit a complete renewal application by December 15, 2007. The renewal application must address all necessary renewal requirements to include the installation of the new groundwater monitoring system, an updated environmental monitoring plan (to include the new monitoring wells), a proposed bale filling sequence plan, leachate evaporation pond design, and final cover elevation and design details. Including all necessary construction quality assurance (CQA) plans.
3. Failure to have a permit. The permit extension for the Lander landfill expired on 03/15/2008; therefore, FCSWDD has been operating without a permit and is in violation of SWRR, Chapter 1, Section 1 (f)(i):

(f) Permit required for new and existing facilities: (i) A permit or a one-time or emergency disposal authorization is required for the location, construction, operation or closure of any new or existing solid waste management facility as specified by Chapter 1, Section 5, or by the applicable chapter(s) of these rules and regulations. All facilities shall be located, designed, constructed, operated and closed in accordance with the permit or disposal authorization issued by the director or administrator.



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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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The enclosed NOV constitutes an Order under Article 7 of the Wyoming Environmental Quality Act.

Due to the previous enforcement and compliance history of the Fremont County SWDD, Lander landfill, and the failure of the FCSWDD to properly address the violations, the department is issuing this NOV with an Order containing a timeline for regulatory compliance.

If you have any questions regarding the letter or the attached NOV and Order, please feel free to contact Bob Doctor at (307) 473-3468 or Patrick Troxel at (307) 335-6950. I am also available in Cheyenne at 307-777-7752.

Sincerely,



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

Enclosure: Copy of NOV and Order

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.# 4351-08.
LANDER LANDFILL (10.190))
P. O. BOX 1400)
LANDER WY 82520)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On March 15, 2008, the Fremont County SWDD, Lander landfill (10.190) permit extension expired. Prior to the permit extension expiring, the Fremont County SWDD failed to meet permit conditions required to obtain a permit.
2. The July 26, 2007, Lander landfill permit extension letter, permit condition #2, states: "The operator of this facility shall submit a work plan for the installation of an adequate groundwater monitoring system, and drill and install the approved monitoring wells prior to the December 15, 2007, renewal submittal discussed in permit condition #3."

Fremont County SWDD is in violation of permit condition #2, for not submitting the required work plan and for not drilling and installing the approved monitoring wells prior to the required December 15, 2007, submittal.

3. The July 26, 2007, Lander landfill permit extension letter, permit condition #3, states: "The operator of this facility shall submit a complete renewal application by December 15, 2007. The renewal application must address all necessary renewal requirements to include the installation of the new groundwater monitoring system, an updated environmental monitoring plan (to include the new monitoring wells), a proposed bale filling sequence plan, leachate evaporation pond design, and final cover elevation and design details. Including all necessary construction quality assurance (CQA) plans."

Fremont County SWDD is in violation of permit condition #3, for not submitting the required renewal permit application by December 15, 2007, containing the required items.

4. SWRR, Chapter 1, Section 1(f)(i), states:

(f) Permit required for new and existing facilities:

- (i) A permit or a one-time emergency disposal authorization is required for the location, construction, operation or closure of any new or existing solid waste management facility as specified by Chapter 1, Section 5, or by the applicable chapter(s) of these rules and regulations. All facilities shall be located, designed, constructed, operated and closed in accordance with the permit or disposal authorization issued by the director or administrator.

The permit extension for the Fremont County SWDD, Lander landfill, expired on 03/15/2008, and Fremont County SWDD, has been operating the Lander landfill without a permit and, therefore, in violation of SWRR, Chapter 1, Section 1(f)(i).

ANY PERSON who violates any provision of the Environmental Quality Act, or any rules, standard, permit, license, or variance adopted there under 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

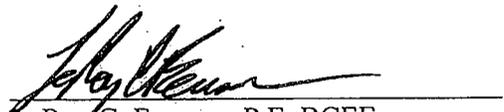
Pursuant to W.S. 35-11-701, the Wyoming Department of Environmental Quality orders as follows:

- A. Effective immediately, the Fremont County SWDD shall not laterally extend the use of Phase 4 to the south, permitted for the disposal of only construction and demolition waste, as defined by the SWRR, beyond the area of exposed waste as depicted in the attached photographs.
- B. Within thirty (30) days of the date of this Order, Fremont County SWDD shall submit a work plan for the installation of additional groundwater monitoring wells in order to establish an adequate groundwater monitoring system.
- C. Within thirty (30) days of the Department's written approval of the work plan described under B., Fremont County SWDD shall install all approved groundwater monitoring wells in accordance with the approved plan.
- D. Within thirty (30) days of the installation of the approved monitoring wells, Fremont County SWDD shall submit a detailed well installation/groundwater investigation report. The report should include, at a minimum, the following: boring logs, well construction records, well location map, and a groundwater potentiometric surface map. All newly installed groundwater monitor wells shall become a part of the sampling and analysis program and groundwater sampling shall commence during the next regularly scheduled event.
- E. Within ninety (90) days of the date of this Order, Fremont County SWDD shall submit all information necessary to complete the current renewal application. The following information is necessary in order to complete the current renewal application:
- 1) The Department previously determined that limited use of Phase 4 for the disposal of only construction and demolition waste, as defined by the SWRR, is acceptable. The Department has determined that the lateral expansion and use of Phase 4 beyond that area depicted in the attached photographs, is not approved. Therefore, the renewal application must be updated to identify limited use of Phase 4 in accordance with the attached photos. This includes but is not limited to an updated final cover plan sheet.
 - 2) A detailed final cover design including a construction quality assurance plan.
 - 3) An updated groundwater monitoring and sampling and analysis plan to include the new monitoring wells.
 - 4) An updated bale filling sequence plan.
 - 5) A seismic stability evaluation of the final cover design.
- F. The Lander landfill shall cease receipt of waste and complete all approved closure activities no later than August 1, 2024.

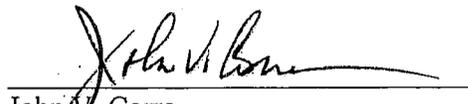
THIS ORDER is final and binding unless, no later than ten (10) days after the day the notice is served, it is appealed by filing a written request for a hearing before the Environmental Quality Council. The request should be mailed to the Chairman, Environmental Quality Council, Barrett Building, Room 407, 2301 Central Avenue, Cheyenne, Wyoming 82002. A copy of this request should be mailed to John Corra, Director, Wyoming Department of Environmental Quality, Herschler Building, 4th Floor, 122 West 25th Street, Cheyenne, Wyoming, 82002.

NOTHING IN THIS ORDER shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this order be interpreted as being a condition precedent to any other enforcement action.

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

Attachments: Photos