

SOLID AND HAZARDOUS
WASTE DIVISION

NOV 13 2008

Settlement Agreement

The Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division (DEQ/SHWDD) and Sweetwater County Solid Waste Disposal District (SWDD) #1 (Rock Springs Landfill), enter into this Settlement Agreement to fully and finally resolve without litigation the violations alleged in **Notice of Violation (NOV) No. 4340-08, dated August 05, 2008**. The Notice of Violation alleges that (1) Sweetwater County SWDD #1, Rock Springs Landfill, is in violation of the Wyoming Environmental Quality Act (EQA) and applicable Solid (SWRR) and Hazardous Waste Rules & Regulations (HWRR) or permit conditions.

W.S. 35-11-901(a)(ii) authorizes the DEQ to negotiate a stipulated settlement, including payment of a penalty, compliance schedules, or other enforcement conditions, in lieu of litigation. To that end, Sweetwater County SWDD #1 and DEQ/SHWD, hereby stipulate and agree as follows:

1. The DEQ/SHWD is responsible for enforcing the Solid and Hazardous Waste Rules & Regulations.
2. The Sweetwater County SWDD #1, operates a solid waste transfer, treatment and storage facility (TTSF) at the Rock Springs landfill, near Rock Springs, WY.
3. On or about August 5, 2008, Sweetwater County SWDD #1, received the NOV from DEQ/SHWD alleging the following violations of the SWRR:
 - a. Wyoming SWRR, Chapter 6, Section 4(a)(ix)(D) [Chapter 2, Section 4(q)] Open-topped tanks, containers and ponds which contain wastes which are either petroleum-based or have a pH less than 3 or greater than 10 shall be designed and constructed with netting which is adequate to prevent access by migratory birds. Sweetwater County SWDD #1, was in violation of Chapter 6, Section 4(q) of the SWRR, for failure to properly construct pond netting adequate to prevent access by migratory birds resulting in a bird mortality of 38 dead migratory birds.
 - b. Wyoming SWRR, Chapter 2, Section 5(g) Dead animals should be covered daily whenever carcasses are disposed. Dead animals may be disposed with municipal solid waste or in a separate area. This violation has been waived. The facility may not have had adequate time to cover dead animals from the time of disposal until the inspection was conducted.
4. Since receiving the Notice of Violation No. 4340-08 on or about August 05, 2008, the Sweetwater County SWDD, has corrected the above violation. All documentation has been provided to confirm that the violation listed under #3, has now been adequately addressed.
5. Sweetwater County SWDD #1, in accordance with this Settlement Agreement, agrees to pay a total of \$17,790 dollars to the Wyoming Department of Environmental Quality, as a stipulated penalty for the cited violation in the NOV and this Settlement Agreement. Such payments shall be made no later than November 30, 2008, by check made payable to:

Wyoming Department of Environmental Quality and addressed to the Wyoming Department of Environmental Quality, Attention: WDEQ/SHWD, Herschler Building, 4th Floor West Wing, 122 W. 25th Street, Cheyenne, WY 82002.

6. Sweetwater County SWDD #1's full compliance with the terms of this Settlement Agreement shall constitute satisfaction for all present and future claims by DEQ against the Sweetwater County SWDD #1 based on the acts or omissions alleged to be violations in Notice of Violation No. 4340-08 and this Settlement Agreement. Contingent on Sweetwater County SWDD #1's compliance with the terms of this Settlement Agreement, DEQ will refrain from taking further enforcement action against Sweetwater County SWDD #1 for these particular alleged acts or omissions.
7. Sweetwater County SWDD #1 waives any statute of limitations which may apply to an enforcement action by the DEQ/SHWD involving the specific matters described in Notice of Violation No. 4340-08 in the event that Sweetwater County SWDD #1 fails to fulfill its obligations under this Settlement Agreement.
8. This Settlement Agreement shall be admissible by either party without obligation by the other party in any subsequent action between these parties.
9. Each party shall bear its own attorney fees and costs, if any, incurred through the date this Settlement Agreement is signed by both parties.
10. This Settlement Agreement is binding upon Sweetwater County SWDD #1, its successors and assigns, and upon the DEQ.
11. This Settlement Agreement may only be amended in writing, signed by both parties.
12. The State of Wyoming and the Department of Environmental Quality, Solid and Hazardous Waste Division, do not waive sovereign immunity by entering into this Settlement Agreement, and specifically retain all immunity and all defenses to them as sovereigns pursuant to Wyo. Stat. § 1-39-104(a) and all other state law.
13. The persons signing this Settlement Agreement certify that they are duly authorized to bind their respective parties to this Settlement Agreement.

FOR: SWEETWATER COUNTY SWDD #1, ROCK SPRINGS LANDFILL TTSP

Signed: Tom R. Allen Date: 11/10/08

Typed: Thomas R. Allen

Title: Vice Chairman

FOR: THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY

John P. Brun, Director Date: 10/14/08
Department of Environmental Quality (DEQ)

John P. Brun, Administrator Date: 7 Oct 08
DEQ/Solid and Hazardous Waste Division