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. # 4385-08
DUBOIS LANDFILL (10.T65))
P.O. BOX 1400)
LANDER WY 82520

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On May 3, 1999, the Department issued a one (1) year permit extension to the Fremont County Solid Waste Disposal District (District), Dubois landfill (10.165), permit which expired on August 28, 1999. The permit extension expired on August 28, 2000.

2. On July 24, 2000, the Department approved and issued, with conditions, a major amendment to the landfill permit. The Department reminded the District that the major amendment must be incorporated into the renewal application which expires on August 28, 2000.

3. On September 26, 2000, the Department approved an extension to the permit renewal submittal date, at the request of the District, until January 8, 2001.

4. On January 8, 2001, the Permit extension expired.

5. On May 7, 2001, the District submitted a renewal application.

6. On November 18, 2003, the Department determined the application was incomplete.

7. On February 13, 2004, the District submitted a 2nd renewal application.

8. On May 24, 2004, the Department determined the application was incomplete.

7. On February 13, 2006, the Department issued a memorandum to the District which outlined the specific barriers to issuing a renewal permit for the Dubois landfill. The memorandum also made recommendations for overcoming these barriers. To date, the District has not submitted a renewal permit application to address these deficiencies.

8. 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 Dubois landfill, expired on January 8, 2001, and the District, has been operating the Dubois landfill without a permit and, therefore, in violation of SWRR, Chapter 1, Section 1(f)(i).

9. SWRR Chapter 2, Section 2(b)(iii)(A)(X) 4 and 5 state:

(4.) An evaluation of the availability of cover material sufficient to properly operate the facility through the closure period;

(5.) A detailed description of the facility liners, caps, berms, or other containment devices that will be used, along with the methods of construction and associated construction quality control program;

SWRR Chapter 2, Section 7 (d) and (d)(ii) state:

(d) Final cover: At closure, an infiltration barrier layer of subsoil, or a combination of materials as specified in the permit, a minimum of two (2) feet thick shall be constructed over the refuse or any intermediate cover already in place. This infiltration barrier layer shall be covered with a minimum of six (6) inches of topsoil and graded to prevent erosion or surface water ponding. The infiltration barrier layer shall meet the following minimum specifications:

(ii) The infiltration barrier layer in the final cover for a Type I or Type II sanitary landfill that receives wastes on or after October 9, 1991 shall have a minimum permeability less than or equal to the permeability of the bottom liner or natural subsoils, or a permeability of 1 x 10E-5 cm/sec (10 ft/yr), whichever is less, or such lower value as specified in the facility permit. The administrator may approve alternative infiltration barrier layer designs which achieve an equivalent reduction in the annual flux of infiltration through the final cover system. The administrator may require monitoring of alternative infiltration barrier layer designs to demonstrate the performance of the designs.

The permit application for the Dubois landfill does not include a detailed final cover design, therefore, Fremont County SWDD is in violation of SWRR, Chapter 2, Section 2(b)(iii)(A)(X) 4 and 5, and Section 7(d) and (d)(ii).

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. No later than August 31, 2009, the District shall submit a renewal application which has been updated to reflect current site conditions and which shall include, but not be limited to, the following:

- A detailed final cover design for the areas containing Municipal Solid Waste (MSW) including a seismic stability evaluation of the final cover design and a detailed construction quality assurance plan.
- An updated groundwater monitoring and sampling and analysis plan.
- Facility plot plans shall be submitted as necessary to show orderly development and use of the facility through the life of the site. These plot plans shall contain, but not necessarily be limited to the information required in Chapter 2, Section 2(b)(iii)(E) of the Solid Waste Rules and Regulations.

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 28th day of October, 2008.

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

John V. Corra
Director
Dept. of Environmental Quality