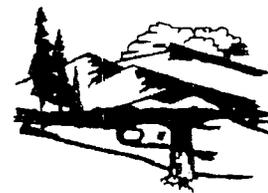




# Department of Environmental Quality



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, June 15, 2009

Certified #7008 0150 0001 1173 9641  
Return Receipt Requested

Sue Rigano  
Landfill Manager  
Sweetwater County Solid Waste Disposal District (SWDD) #2  
Wamsutter #2 Landfill (10.681)  
P. O. Box 88  
Bairoil, WY 82322

RE: Issuance of Notice of Violation

Dear Ms. Rigano:

Enclosed is a Notice of Violation (NOV) issued to your facility for violations of the Wyoming Solid Waste Rules and Regulations (SWRR). Specifically, the NOV has been issued for the following violations:

On April 7, 2009, the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD), inspector Mr. Charles Plymale, inspected the Sweetwater County SWDD # 2, Wamsutter landfill. The purpose of this inspection was to evaluate compliance with the SWRR:

The inspection revealed the following violations of the SWRR:

**Count 1:** The facility has not provided adequate firelanes and adequate emergency protection. [SWRR, Chapter 2, Section 4(e), 5(k)]

**Count 2:** The facility has not adequately controlled run-off to prevent ponding and surface water contact with wastes. [SWRR, Chapter 2, Section 4(i), 5(u)]

**Count 3:** The facility has not taken adequate measures to control windblown litter. [SWRR, Chapter 2, Section 4(n), 5(l)]

**Count 4:** The facility does not have an adequate hazardous waste screening program in place and has not made the necessary Department notifications. [SWRR, Chapter 2, Section 5(f)]



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ADMIN/OUTREACH (307) 777-7937 FAX 777-6610	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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**Count 5:** Cover for the landfill has not been placed according to the frequency and application requirements. [SWRR, Chapter 2, Section 5(q)]

**Count 6:** Intermediate cover has not been placed for areas not used more than 180 days and did not meet the 18 inch requirement (6 inches of specified frequency cover and 12 inches of intermediate). [SWRR, Chapter 2, Section 5(r)]

**Count 7:** Landfill areas have not been promptly reclaimed. [SWRR, Chapter 2, Section 5(s)]

**Count 8:** The operator has not properly maintained the following required records onsite:

A) Adequate log of litter collection activities. [SWRR, Chapter 2, Section 5(y)(i)(A)]

B) Adequate log to identify areas of compaction and cover activities. [SWRR, Chapter 2, Section 5(y)(i)(B)]

C) Adequate records of special waste disposal. [SWRR, Chapter 2, Section 5(y)(i)(C)]

D) Adequate log of random screenings to detect hazardous and/or PCB wastes and does not maintain copies of notifications to the Department. [SWRR, Chapter 2, Section 5(y)(ii)(C)]

E) Required groundwater monitoring records either onsite or an approved site location. [SWRR, Chapter 2, Section 5(y)(ii)(F)]

F) Records of reclamation activity dates. [SWRR, Chapter 2, Section 5(y)(ii)(M)]

G) Records of methane analysis. [SWRR, Chapter 2, Section 5(y)(ii)(E)]

**Count 9:** The facility is not conducting methane analysis on a quarterly basis. [SWRR, Ch 2, Sec 6(c)(iii)]

*Several of the above violations are recurrent violations and have been observed during previous inspections (see attached NOV).*

On April 9, 2007, a Warning Letter was sent to the Sweetwater County SWDD#2, for re-occurrence of the violations of listed under Counts 3 and 8A. The District did not acknowledge this Warning Letter until a second Warning Letter was sent on July 11, 2007, allowing ten (10) days to respond to WDEQ or enforcement would be considered.

On May 12, 2003, a Letter of Violation (LOV) was issued to the District for the Wamsutter landfill for Counts 3, 8(A), 8(B), 8(F), and 8(G). On September 30, 2004, a LOV was issued to the District for Counts 1 & 3.

Ms. Rigano, 6/15/2009

For these reasons and due to the seriousness of the above violations, the department is seeking a penalty. If you have any questions regarding this letter or the attached NOV, or wish to discuss voluntary settlement, please feel free to contact Bob Breuer at (307) 473-3454, or Charles Plymale at (307) 335-6951.

Sincerely,

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

Enclosure: copy of NOV & Order

cc: Mr. Ken Waldner, Mayor, Town of Wamsutter, P.O. Box 6, Wamsutter, WY 82336  
Sweetwater County Commissioners, 80 West Flaming Gorge Way, Suite 109, Green  
River, WY 82935  
Charles Plymale, SHWD/I&C/ Lander File # 10.681  
Maggie McKenzie, SHWD/Permitting Cheyenne File # 10.681  
Bob Breuer, SHWD/I&C/Program Manager/ Casper File # 10.681

**BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING**

IN THE MATTER OF THE  
NOTICE OF VIOLATION  
ISSUED TO:

SWEETWATER COUNTY SWDD#2, )  
WAMSUTTER #2 Landfill (10.681) )  
P. O. BOX 88 ) DOCKET NO.4512-09  
BAIROIL WY 82322 )  
)

**NOTICE OF VIOLATION**

NOTICE IS HEREBY GIVEN THAT:

1. On April 7, 2009, the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD), inspector Mr. Charles Plymale, inspected the Sweetwater County SWDD # 2, Wamsutter landfill. The purpose of this inspection, was to evaluate compliance with the Wyoming Solid Waste Rules and Regulations (SWRR).

2. The inspection revealed the following violations of the SWRR:

**Count 1:** The facility has not provided adequate firelanes and adequate emergency protection. [SWRR, Chapter 2, Section 4(e), 5(k)] This violation was also identified during inspections of the landfill, on Aug 11, 2004, and August 6, 2008.

**Count 2:** The facility has not adequately controlled run-off to prevent ponding and surface water contact with wastes. [SWRR, Chapter 2, Section 4(i), 5(u)] This violation was also identified during an inspection of the landfill, on August 6, 2008.

**Count 3:** The facility has not taken adequate measures to control windblown litter on the site. [SWRR, Chapter 2, Section 4(n), 5(l)] This violation was also identified during the following inspections of the landfill: December 10, 2003, August 11, 2004, December 14, 2004, March 16, 2007, and August 6, 2008.

**Count 4:** The facility does not have an adequate hazardous waste screening program in place and has not made the necessary department notifications. [SWRR, Chapter 2, Section 5(f)]

**Count 5:** Cover for the landfill has not been placed according to the required frequency and application requirements. [SWRR, Chapter 2, Section 5(q)]

**Count 6:** Intermediate cover has not been placed for areas not used more than 180 days and did not meet the 18 inch requirement. [SWRR, Chapter 2, Section 5(r)] This violation was also identified during the inspection of the landfill, on August 6, 2008.

**Count 7:** Landfill areas have not been promptly reclaimed. [SWRR, Chapter 2, Section 5(s)]

**Count 8:** Landfill personnel failed to properly maintain the following records:

- A) Adequate log of litter collection activities. [SWRR, Chapter 2, Section 5(y)(i)(A)] This violation was also identified during the March 16, 2007, and August 6, 2008, landfill inspections.
- B) Adequate log to identify areas of compaction and cover activities. [SWRR, Chapter 2, Section 5(y)(i)(B)]
- C) Adequate records of special waste disposal. [SWRR, Chapter 2, Section 5(y)(i)(C)]



- D) Adequate log of random screenings to detect hazardous and/or PCB wastes and does not maintain copies of notifications to the Department. [SWRR, Chapter 2, Section 5(y)(ii)(C)] This violation was also identified during the August 6, 2008, landfill inspection.
- E) Required groundwater monitoring records either onsite or an approved site location. [SWRR, Chapter 2, Section 5(y)(ii)(F)]
- F) Records of reclamation activity dates. [SWRR, Chapter 2, Section 5(y)(ii)(M)]
- G) Records of methane analysis. [SWRR, Chapter 2, Section 5(y)(ii)(E)]

**Count 9:** The facility is not conducting methane analysis on a quarterly basis. [SWRR, Ch 2, Sec 6(c)(iii)]

3. 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

4. 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. Within thirty (30) days of the date of this NOV and Order, the facility must provide adequate firelanes and adequate emergency protection by removing earthen material, waste, vegetation and/or other materials observed in firelanes and having emergency equipment ready to access fires or other emergencies that may arise.
- B. Immediately after receiving the NOV and Order, the facility must control run-off to prevent ponding and surface water contact with wastes by earthwork to divert water away from areas containing wastes, adding fill material in low areas and/or other appropriate methods to adequately control water accumulation in waste areas.
- C. Within thirty (30) days of the date this NOV and Order, the facility must take adequate measures to control windblown litter. Within ninety (90) days of receiving this NOV and ORDER, there must be written documentation of worker efforts to remove offsite litter from the landfill and significant, observable improvements with litter control.
- D. Immediately after receiving this NOV and Order, the facility must follow the hazardous waste screening procedures outlined in the facility permit.
- E. Within one hundred eighty (180) days after receiving this NOV and Order, the facility must reclaim all completed fill areas, except the area outlined within the amendment submitted to the WDEQ/SWP&CA group, which have been tentatively approved for vertical expansion.
- F. Immediately after receiving this NOV and Order, the facility must properly maintain all documents listed under Count 8, as specified by the approved permit application.
- G. Within thirty (30) days of receipt of this NOV and Order, the facility must conduct methane monitoring and follow the quarterly monitoring requirements set forth in the facility's permit. A written log of the methane monitoring indicating sampling results, must be kept at the landfill office.

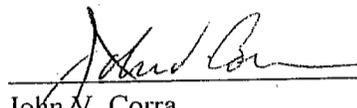
This NOV and Order is final and binding unless, not later than ten (10) days after its effective date, it is appealed by filing a written petition requesting a hearing before the Environmental Quality Council. Such petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, Room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

IT IS SO ORDERED:

THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:

Signed this 19 day of June, 2009

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

  
\_\_\_\_\_  
John V. Corra  
Director  
Dept. of Environmental Quality