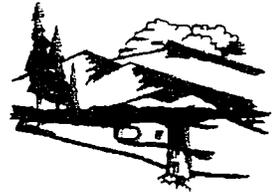




Department of Environmental Quality



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

September 9, 2009

Certified #7008 0150 0001 1174 0340
Return Receipt Requested

Mr. Jeff Stocklin, Chairman
Ten Sleep Solid Waste Disposal District (SWDD) Board
P.O. Box 194
Ten Sleep, WY 82442

RE: Issuance of Notice of Violation (NOV), WDEQ Inspections July 8 and July 14, 2009, Ten Sleep SWDD Landfill, Washakie County, Ten Sleep, Wyoming, SHWD File No. 10.605)

Dear Mr. Stocklin:

On July 8, 2009, Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) personnel, Mr. Timothy Moe, conducted a routine inspection of the Ten Sleep SWDD landfill, to evaluate compliance with the Solid Waste Rules and Regulations (SWRR), and the Hazardous Waste Rules and Regulations (HWRR). Mr. Jeff Stocklin, Mr. Alex Ogg, Mr. Leon Roden, Ten Sleep SWDD board members, and Mr. John Bosley, landfill operator, made themselves available during the inspection. Following the July 8, 2009, inspection, an inspection of the facility was conducted on Tuesday, July 14, 2009, by WDEQ personnel Mr. Dale Anderson and Mr. Timothy Moe, for the purpose to further evaluate the condition of the landfill's municipal [household] solid waste disposal trench. The Ten Sleep SWDD, operates the landfill under an approved solid waste permit application, dated March 11, 2004; this permit application was approved by WDEQ in a letter dated June 1, 2004; the permit application has been amended and/or modified showing revision dates of 11/30/08 and 12/22/08. The permit application expires June 1, 2012.

As a result of these inspections, the following violations of the SWRR were observed:

1. The facility's excavation slope exceeds 1.5:1 h:v. [SWRR, Chapter 2, Section 4(m)] During the July 8, 2009, WDEQ inspection, Department personnel observed that the Ten Sleep SWDD, is continuing to construct and operate the municipal landfill with trench walls that are vertical. The inspection revealed that the facility's municipal solid waste trenches for scrap metals and household wastes, continue to be constructed and operated with vertical trench walls. During a subsequent inspection of the facility conducted by WDEQ personnel on July 14, 2009, the [household] waste trench was observed to be constructed with vertical walls that were measured to be approximately 21 feet below ground surface (bgs). Additionally, overburden placed on top of the exposed vertical trench wall of the [household] waste trench, increases the potential for failure of the trench wall due to increased pressure created by the weight of the overburden (see Photo Log, attached). **The Department has determined that this is a Significant Non Compliance (SNC) violation.**
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)] During the July 14, 2009, WDEQ inspection, Department



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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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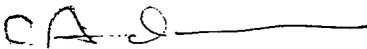


The above recommendations are only suggestions provided by the WDEQ Solid Waste Permitting & Corrective Action Program. Implementation of items a and b, as listed above, may provide the Ten Sleep SWDD the required time to correct the trench slope problems and prevent the landfill from having to close while these operational changes and reconstruction activities are taking place.

To assure the above violations have been adequately addressed, the Department will be performing a follow-up inspection in the near future to review records and assure compliance.

If you have any questions regarding this letter or the attached NOV, please feel free to contact me at (307) 777-7753, Tim Moe at 307-673-9337 or Bob Breuer at (307) 473-3454.

Sincerely,



Carl Anderson, Ph.D.
Administrator
Solid and Hazardous Waste Division

Enclosures: Copies of the Department's: Inspection Report, Inspection Checklists, and Photo Log.

Cc: Bob Breuer, I&C Program, WDEQ/SHWD Casper Office, Ten Sleep SWDD Board, Washakie County, Ten Sleep, File #10.605 9
(wo/encl.)

Timothy Link, I&C Program, WDEQ/SHWD Cheyenne Office, Ten Sleep SWDD Board, Washakie County, Ten Sleep, File #10.605
Dale Anderson, SWP&CA Program, WDEQ/SHWD Casper Office, Ten Sleep SWDD Board, Washakie County, Ten Sleep, File #10.605
Carol Stark, SWP&CA Program, WDEQ/SHWD Casper Office, Ten Sleep SWDD Board, Washakie County, Ten Sleep, File #10.605
Timothy Moe, I&C Program, WDEQ/SHWD Sheridan Office, Ten Sleep SWDD Board, Washakie County, Ten Sleep, File #10.605

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

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:

JEFF STOCKLIN, CHM.)
TEN SLEEP SOLID WASTE DISPOSAL) DOCKET NO. 4543-10
DISTRICT (SWDD) BOARD)
TEN SLEEP LANDFILL #1(10.605))
P.O. BOX 194
TEN SLEEP, WY 82442

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

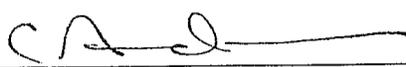
1. On July 8, 2009, Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) personnel, Mr. Timothy Moe, conducted a routine inspection of the Ten Sleep Solid Waste Disposal District (SWDD) landfill, to evaluate compliance with the Wyoming Environmental Quality Act (EQA), the Solid Waste Rules and Regulations (SWRR) and the Hazardous Waste Rules and Regulations (HWRR). Following the July 8, 2009, inspection, an inspection of the landfill was conducted on Tuesday, July 14, 2009, by WDEQ personnel, Mr. Dale Anderson and Mr. Timothy Moe, to further evaluate the condition of the landfill's municipal solid waste disposal trench.
2. The inspection revealed the following violation of the Wyoming SWRR:

Count 1: Chapter 2, Section 4(m), of the SWRR, states: "Slope stability for excavations: Trench walls shall not exceed a ratio of 1.5:1 (horizontal:vertical) unless a slope stability analysis demonstrates steeper slopes can be safely constructed and maintained. This analysis may be based on site specific soil stability calculations or Wyoming Occupational Safety and Health Administration regulations for excavations." During the July 8, 2009, and July 14, 2009, WDEQ inspections, Department personnel observed that the Ten Sleep SWDD is continuing to construct and operate the municipal landfill with waste disposal trench walls that are vertical and the trench walls do not meet design requirements of SWRR or this facility's approved solid waste permit application. Therefore, the Ten Sleep SWDD, is in violation of SWRR, Chapter 2, Section 4(m).

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.

Signed this 23rd day of September, 2009.



Carl Anderson, PhD
Administrator
Solid & Hazardous Waste Division



John V. Corra
Director
Dept. of Environmental Quality