



Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



John Corra, Director

Dave Freudenthal, Governor

January 17, 2006

Certified #7003 1680 0007 0340 9820
Return Receipt Requested

Mark Nelson
Manager
Jacobus Environmental Services, LLC
5850 Magnuson Drive
Gillette, WY 82718

RE: Issuance of Notice of Violation

Dear Mr. Nelson:

Enclosed is a Notice of Violation (NOV) issued to your facility for violation(s) of the Wyoming State Hazardous Waste Rules and Regulations (HWRR). Specifically, the NOV has been issued for the following violation(s):

1. Wyoming Statute 35-11-502(a) states, No person, except when authorized under the permit system established pursuant to this act, shall: (i) Locate, construct, operate or close a solid waste management facility; or (ii) Modify the design, construction or operation of a solid waste management facility. The December 9, 2005, inspection, revealed that four (4), 30,000-gallon tanks and the secondary containment system enclosing the tanks, had been constructed prior to issuance of a solid waste permit. Therefore, Jacobus Environmental Services, LLC, was in violation of EQA, Statute 35-11-502(a), for constructing a solid waste management facility without the required letter of authorization.

Please note also, that during the December 9, 2005, inspection, it was discovered that a 6,600 gallon trailer tank was being used to collect and store or transfer used oil from used oil generators within the facility's service area. We will be sending you a letter shortly clarifying the current regulations that address the requirements for the temporary storage and/or transfer of used oil.

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

Sincerely,


David A. Finley
Administrator



2136

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH
(307) 777-7758
FAX 777-3810

ABANDONED MINES
(307) 777-6145
FAX 777-6462

AIR QUALITY
(307) 777-7391
FAX 777-5616

INDUSTRIAL SITING
(307) 777-7369
FAX 777-6937

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



Solid and Hazardous Waste Division

Enclosure: NOV 3838-06

C: Bob Breuer, I&C Program Manager, WDEQ/SHWD Casper Office, Casper→ Dale Anderson, SWP&CA→ Bob Doctor, SWP&CA Program Manager→ Casper File
Mike Barrash, State Attorney General Office

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

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:

MARK NELSON, MANAGER)	
JACOBUS ENVIRONMENTAL SERVICES, LLC)	
5850 MAGNUSON DRIVE)	DOCKET NO.: 3838-06
P.O. Box 7280)	
GILLETTE WY 82718)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On December 9, 2005, Mr. Tim Link of the Wyoming Department of Environmental Quality conducted an inspection of the Jacobus Environmental Services, LLC, proposed used oil facility in Gillette, WY. The purpose of the inspection was to evaluate whether any onsite construction had occurred prior to issuance of a solid waste storage permit. On September 14, 2005, the department had received a permit application from Jacobus Environmental Services, LLC, for a proposed used oil storage/transfer facility to be located at 5850 Magnuson Drive, Gillette, Wyoming.

2. The December 9, 2005, inspection, revealed the following violation of the Wyoming Environmental Quality Act (EQA):

- a. **Wyoming Statute 35-11-502(a) states, No person, except when authorized under the permit system established pursuant to this act, shall: (i) Locate, construct, operate or close a solid waste management facility; or (ii) Modify the design, construction or operation of a solid waste management facility.**

The December 9, 2005, inspection, revealed that four (4), 30,000-gallon tanks and the secondary containment system enclosing the tanks, had been constructed prior to issuance of a solid waste permit. Therefore, Jacobus Environmental Services, LLC, was in violation of EQA, Statute 35-11-502(a) for constructing a solid waste management facility without the required letter of authorization.

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

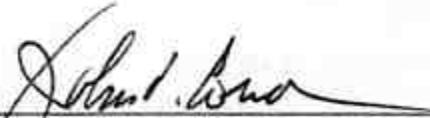


THIS NOTICE OF VIOLATION is being sent to you pursuant to Wyoming Statute 35-11-701(c) which requires that in any case of the failure to correct or remedy an alleged violation the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

Signed this 17th day of January, 2006



Dave Finley
Administrator
Solid & Hazardous Waste Division



John V. Corra
Director
Dept. of Environmental Quality