



# 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

Wednesday, February 15, 2006

Certified #: 7004 2890 0004 5120 0992  
Return Receipt Requested

Mr. Tim Way, Vice President  
Gases Plus  
811 Edwards Street  
Gillette, WY 82718

## RE: Notice of Violation Of Wyoming Solid Waste Rules and Regulations

Dear Mr. Way:

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

Chapter 1, Section 1(f), of the SWRR, states:

A permit or a one-time or 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 1(f), 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.

On January 27, 2006, Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) inspector, Mr. Tim Link, conducted a complaint inspection of the waste management activities occurring at approximately ¼ mile NE on Potter Avenue, Gillette, Wyoming.

During the inspection, it was discovered that lime waste material generated by Gases Plus, was being disposed into a pit on the property. During a phone conversation that I had with you on February 1, 2006, you had indicated that material had been placed into the pit to be dried for eventual reuse. The department encourages the recycling and reuse of this material, however, we define the placement of the material onto the ground prior to reuse as the land application of a solid waste and, therefore, you are in violation of



2164

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

ADMIN/OUTREACH  
(307) 777-7758  
FAX 777-3510

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



SWRR, Chapter 1, Section 1(f). Placement on the land may also increase soil and water contamination risks with the high pH and caustic nature of concentrated lime waste in a wet impoundment.

To prevent future disposal violations, the lime waste must be disposed only into State permitted landfills provided the waste does not fail the Paint Filter Test and prior disposal authorization is obtained from the landfill owner/operator. The department encourages reuse of the material and may allow certain drying options prior to reuse. Please contact the department to discuss any proposed options for drying the material prior to reuse.

To avoid further enforcement action being taken by this department, the deposited lime waste must be properly removed from the disposal pit and hauled for disposal into a state permitted landfill. A visual determination shall be used to determine whether all lime waste is properly removed. Written and photo documentation shall be provided to the department, including disposal receipts from a state permitted landfill, that all wastes have been properly removed and disposed.

The enclosed NOV does not constitute an Order, under Article 7 of the Wyoming Environmental Quality Act.

If you have any questions regarding this letter or the attached notice of violation, please feel free to contact me at (307) 777-7753 or Tim Link at (307) 777-7752.

Sincerely,



David A. Finley  
Administrator  
Solid and Hazardous Waste Division

Enclosure: Notice of Violation

cc: Tim Link, SHWD/Cheyenne → File  
Bob Breuer, I & C Program Manager, Casper, w/enclosures  
Mike Barrash, Assistant Attorney General

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

IN THE MATTER OF THE  
NOTICE OF VIOLATION  
ISSUED TO:

MR. TIM WAY, VICE PRESIDENT  
GASES PLUS  
811 EDWARDS STREET  
GILLETTE, WY 82718

)  
)  
) DOCKET NO.: 3850-06  
)  
)

**NOTICE OF VIOLATION**

NOTICE IS HEREBY GIVEN THAT:

1. On January 27, 2006, Mr. Tim Link of the Wyoming Department of Environmental Quality conducted an inspection of the waste disposal pit located on Jim Roger's property, approximately ¼ mile NE along Potter Avenue, from the intersection of Potter Avenue and Highway 51, Gillette, WY. The purpose of the inspection was to evaluate whether the unauthorized disposal of industrial solid wastes by Gases Plus, was occurring.

2. Chapter 1, Section 1(f), of the Wyoming Solid Waste Rules and Regulations (SWRR), states:

A permit or a one-time or 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 1(f), 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 inspection of the disposal pit area on January 27, 2006, revealed that Gases Plus was, therefore, in violation of SWRR, Chapter 1, Section 1(f), for disposing lime wastes into a disposal area and not having a solid waste management permit.

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

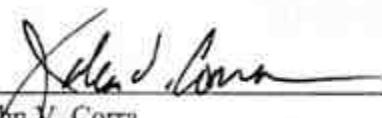


may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming; and

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.

Signed this 4<sup>th</sup> day of MARCH, 2006

  
\_\_\_\_\_  
Dave Farley  
Administrator  
Solid & Hazardous Waste Division

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