

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:

CURTIS FLUG
WYOMING AREA MANAGER
NEWPARK ENVIRONMENTAL SERVICES, DOCKET NO.: 3922-06
NEWPARK BOULDER PCS FACILITY (50.500)
846 SOUTH 4TH STREET
LANDER, WY 82520

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

On May 23, 2006, department personnel, Mr. Charles Plymale, conducted an inspection of Newpark Environmental Services (NES), located at Sand Draw Industrial Park, Boulder, Wyoming. This inspection revealed that NES is in violation for not following the items outlined in the Transfer/Treatment/Storage (TTS) Permit revised November 12, 2003 and was in violation of the Solid Waste Rules and Regulations (SWRR). Facility records indicate that these violations have been continuous since November 12, 2003.

1. Within 30 days after completing sampling and analysis, the NES must determine whether there has been a statistically significant increase over background at each monitoring well. [NES, TTS Permit revised November 12, 2003, Environmental Monitoring (2B in C), Groundwater Sampling Program, Page 19, B; SWRR, Chapter 6, Section 6(f)] Newpark Environmental Services could not provide information to determine whether a statistically significant increase over background at each monitoring well has occurred. Therefore, NES is in violation of their solid waste permit and Chapter 6, Section 6(f) of the SWRR.
2. Following removal of each waste set from the bioremediation treatment area, or at a minimum interval of 24 months, the exposed subgrade will be sampled and analyzed to evaluate whether Petroleum Contaminated Soils (PCS) has impacted the site subsoils. [NES, TTS Permit revised November 12, 2003, Treatment Area Monitoring, page 23, SWRR, Chapter 6, Section 6(d)] Newpark Environmental Services could not provide information to determine whether PCS has impacted site subsoils. Therefore, Newpark Environmental Services is in violation of their solid waste permit and Chapter 6, Section 6(f) of the SWRR.



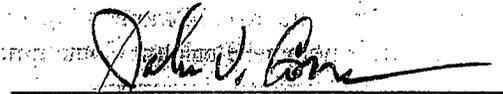
3. As required (average three (3) times per year), each set windrow will be composite sampled per the standard operation procedures in Appendix E. [NES, TTS Permit revised November 12, 2003, Waste Characterization and Disposal (2.b.iii.J.XII), Page 12; SWRR, Chapter 6, Section 5(a)(xiv)] Newpark Environmental Services could not provide information to determine waste characterization of PCS. Therefore, Newpark Environmental Services is in violation of their solid waste permit and Chapter 6, Section 5(a)(xiv), of the SWRR.
4. A report will be prepared at the conclusion of baseline chemical analysis and for annual sampling and analysis to summarize field measurements, the results of chemical analysis and to plot trend-lines of data from groundwater monitoring. [NES, TTS Permit revised November 12, 2003, Reporting, Appendix E; SWRR, Chapter 6, Section 6(f), 5(a)(xviii)(G)] Newpark Environmental Services could not provide information to verify annual sampling, analysis, and groundwater monitoring is being conducted. Therefore, NES is in violation of their solid waste permit and Chapter 6, Section 6(f), 5(a)(xviii)(G), of the SWRR.
5. Each Waste set will be defined by PCS Generator, Chemical Profile, and Soil-type. Signs viewed during the May 23, 2006 inspection were not legible. [NES, TTS Permit revised November 12, 2003, Solid Waste Management Units (2.b.iii.J.IV), Page 9 SWRR, Chapter 4(a)(ii)] Signs Viewed at each PCS windrow during the 5/23/06 inspection were not legible. The Generator, Chemical Profile, and Soil-type were unable to be verified at each waste set. Therefore, Newpark Environmental Services is in violation of their solid waste permit, and Chapter 4(a)(ii), of the SWRR.

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 5 day of Sept., 2006.


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


John V. Corra
Director
Dept. of Environmental Quality