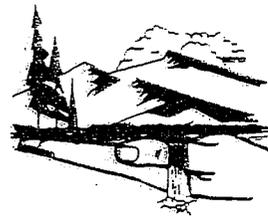




Department of Environmental Quality



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

10/18/2006

Tim Wahe, Vice President
Gases Plus - Gillette
P.O. Box 789
Gillette, WY 82718

RE: Followup Inspection, Notice of Violation (NOV), 09/26/2006

Dear Mr. Wahe:

On 09/26/2006, department personnel, Tim Link, conducted a followup inspection of your facility to evaluate your compliance with the Notice of Violation (NOV) issued to you on February 16, 2006. You and Scott Rankin accompanied Tim during the inspection.

The inspection revealed that both areas of previous waste management, Potter Pit and the location of the waste pile located off Garner Lake Road, had been properly cleaned up with the waste hauled for treatment and disposal to the Campbell County Balefill. The department appreciates and thanks you for the efforts you have taken to properly address the NOV and our concerns.

As we discussed also during the inspection, you had inquired whether the department had any other suggestions/recommendations for management of your lime waste on your own property in addition to the treatment and disposal of the waste at the Campbell County Balefill.

After discussions with Bob Breuer, Wyoming Department of Environmental Quality (WDEQ), Solid & Hazardous Waste Division (SHWD), Inspection & Compliance Program Manager, Solid Waste Permitting & Corrective Action (SWP&CA) representative, Mr. Dale Anderson, and SWP&CA Program Manager, Mr. Bob Doctor, we have determined that the department would consider the issuance of a de minimis exemption from the solid waste permitting requirements as described under the Wyoming Department of Environmental Quality (WDEQ), Solid Waste Rules and Regulations (SWRR), Chapter 2, Section 1(l)(viii). The following information would need to be submitted for our review prior to issuance of a permitting exemption:

1. A copy of a signed contract and/or signed agreement from the party accepting the lime waste material for recycling. This agreement and/or contract must contain provisions for the continued pickup/delivery and/or removal of the material for recycling/reuse on a continued and specified basis to assure the material is consistently being removed and reused and there is a viable recycling market



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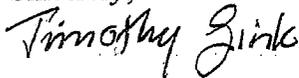
- available and it must be demonstrated that at least 75% or more of the material is recycled in a calendar year, commencing on January 1st.
2. The storage of the material will occur on a concrete or asphalt paved pad that is diked/bermed to prevent overtopping and runoff of the stored liquid waste material to allow for evaporation of the liquids.
 3. The storage facility shall be fenced with a minimum of chain link with a locked gate to prevent access to the public and animals.
 4. Depending on the largest amount of material generated for several months, please propose a storage limitation quantity that the department can review that can not be exceeded.
 5. Test data will need to be provided to assure there are no contaminants "along for the ride" and the lime is on-spec and dry enough to market.

Also, depending on the windblown nature of the material once dry, the department may also require a tarp or other appropriate measures such as dust suppressants, wind barrier, etc.

Department personnel are willing to meet with you at your convenience to discuss any proposals you may have to request a de minimis solid waste permitting exemption for the storage of the lime waste on your property for recycling purposes.

Should you have any questions, please feel free to contact me at 777-7752 or Mr. Dale Anderson in our Casper office at 473-3450.

Sincerely,



Timothy Link
Environmental Program Principal
Wyoming Department of Environmental Quality
Solid and Hazardous Waste Division

Cc: Dale Anderson, SWP&CA, WDEQ/SHWD Casper Office, Casper → Bob Breuer, I&C
Program Manager → Casper File
Cheyenne File