

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:

MIKE HANSER
GENERAL MANAGER
BIG HORN COOP (MAIN OFFICE)
4784 HIGHWAY 310
GREYBULL, WY 82426

)
)
) DOCKET NO.: 4113-07
)
)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On March 27 and May 21, 2007, Department personnel, Mr. Timothy Moe, conducted inspections of Big Horn Coop located at 4784 Highway 310, near Greybull, Wyoming, to evaluate compliance with the Wyoming Solid (SWRR) and Hazardous Waste Rules and Regulations (HWRR).

2. The inspection revealed the following violations of the Wyoming SWRR and HWRR:

Count 1: The facility does not have a current permit or One-Time Authorization (OTA) to manage wastes at this location [SWRR, Chapter 1, Section 1(f); Section 5(a)]. Big Horn Coop, was burning (treating) solid waste materials in a pit located on their property at 4784 Highway 310 located near Greybull, Wyoming. Chapter 1, Section 1(e)(i) of the SWRR, defines, "solid waste" as garbage, and other discarded solid materials, materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but, unless disposed of at a solid waste management facility, does not include:

Solids or dissolved material in domestic sewerage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants;

Liquids, solids, sludges or dissolved constituents which are collected or separated in process units for recycling, recovery or reuse including the recovery of energy, within a continuous or batch manufacturing or refining process; or

Agricultural materials which are recycled in the production of agricultural commodities.

The March 27, 2007, inspection revealed that Big Horn Coop, was managing solid wastes without a permit or a one-time or emergency authorization in violation of the Wyoming SWRR.

Count 2: The generator does not have the required SPCC plan and/or the required secondary containment [HWRR, Chapter 12, Section 11 (c)]. At the time of the Department's initial March 27, 2007, inspection, the total used oil storage capacity of approximately 9,000-gallons exceeded the Spill Prevention, Control and Countermeasure (SPCC) maximum capacity limit of 1,320 gallons. Therefore, Big Horn Coop did not have adequate secondary containment for storage of used oil and the required SPCC plan and was, therefore, in violation of HWRR, Chapter 12, Section 11(c).

Count 3: The generator failed to obtain the required permit for used oil storage capacity exceeding 2000 gallons. The facility is a vehicle service facility that has >2,000 gallons used oil storage capacity or is a solid waste storage or transfer facility that stores or



transfers >500 gallons of used oil and does not have a solid waste storage permit. [SWRR, Chapter 1, Section 1] The used oil storage capacity exceeded the Department's 2,000 gallon storage capacity limit for facilities that perform vehicle-service activities at the time of the Department's March 27, and May 21, 2007, inspections; therefore, Big Horn Coop was in violation of the SWRR for not having a low hazard/low volume (LH/LV) used oil permit.

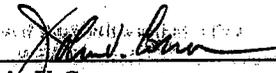
Count 4: The containers, above ground tanks, and UST fill pipes are not labeled or clearly marked with the words "Used Oil". [HWRR, Chapter 12, Section 11 (c)(iii)] The facility's tanks and containers were found to be unlabeled; however the tanks and containers were properly labeled by facility personnel during the inspections.

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 26 day of July, 2007


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


John W. Corra
Director
Dept. of Environmental Quality