

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

IN THE MATTER OF THE  
NOTICE OF VIOLATION  
ISSUED TO:

RANDY SHANER, EHS MANAGER )  
SAFETY-KLEEN SYSTEMS INC, SAFETY- )  
KLEEN SYSTEMS INC. (50.365) ) DOCKET NO.: 4134-07  
13915 A PLAZA )  
OMAHA NE 68144 )

**NOTICE OF VIOLATION**

NOTICE IS HEREBY GIVEN THAT:

1. On July 10, 2007 and on July 26, 2007, Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division inspector, Mr. Tim Link (Environmental Scientist I), conducted inspections of Safety-Kleen Systems, Inc. located at 5850 Magnuson Drive in Gillette, WY, for the purpose of evaluating compliance with the Wyoming Solid and Hazardous Waste (HWRR) Rules and Regulations (SWRR).

2. During the 7/10/2007 and 7/26/2007 inspections, the following violations were found:

**Count 1:** There are no records describing the source, volume and characteristics of the wastes received. The generator, transporter, processor/re-refiner, or marketer of used oil does not perform and/or maintain analyses and adequate process knowledge to confirm the used oil fuel meets the specification. The updated records received on 8/2/07, confirm that only 3 out of 92 inbound loads contained halogen test results. [SWRR, Chapter 6, Section 5(a)(xviii)(E) & (G)] [HWRR, Chapter 12, Sections 16(c)(i), (e)(ii)(D), 13(a)(iv)(B) & (D), 13(e)(i), 13(e)(ii)(A) & (B), 13(f)(i), 14(d)(i), 14(d)(ii)(B) & (D)]

**Count 2:** There are no records of the destination, volume and characteristics of the wastes removed. The facility did not have all test results for all shipments of wastes removed. The generator, transporter, processor/re-refiner, or marketer does not perform and/or maintain analyses and adequate process knowledge to confirm the used oil fuel meets the specification. [SWRR, Chapter 6, Section 5(a)(xviii)(F) & (G)] [HWRR, Chapter 12, Sections 16(c)(i), (e)(ii)(D), 13(a)(iv)(B) & (D), 13(e)(i), 13(e)(ii)(A) & (B), 13(f)(i), 14(d)(i), 14(d)(ii)(B) & (D)] The records received on 8/2/07 confirm only 1 out of 7 loads of used oil shipped offsite from the facility to asphalt batch plants had adequate test results or process knowledge to confirm whether the used oil specification had been met.

**Count 3:** The used oil transporter does not have the required Spill Prevention, Control and Countermeasure (SPCC) plan and/or the required secondary containment [HWRR, Chapter 12, Section 11 (c)]. On July 25, 2007, the Safety Kleen Systems, Inc. used oil transportation facility located at the Casper Railroad Spur, Casper, Wyoming, was inspected by WDEQ/SHWD inspector, Ms. Lynda Fivas. At the time of the Department's inspection, the total used oil storage capacity at the railroad yard spur exceeded the SPCC maximum capacity limit of 1,320 gallons and the facility did not have the required SPCC plan onsite. Therefore, Safety-Kleen Systems Inc. was in violation of the HWRR for not having the required SPCC plan onsite.

**Count 4:** The used oil shipments accepted for transport records do not include the EPA identification number of the generator, transporter, or processor/re-refiner who provided the used oil for transport. [HWRR, Chapter 12, Section 13(g)(i)(B)] There was no information available during both inspections to confirm compliance with the requirement. The department will provide Safety Kleen with a list of notifiers in the State to help comply with this requirement.

**Count 5:** The owner/operator has not made arrangements to familiarize police, fire departments, and emergency response teams with the facility layout, hazards/properties of used oil, places



where facility personnel work, site entrance roads, and possible evacuation routes. [Chapter 12, Section 14 (c)(i)(F)(I)(1)] Information was received on 08/02/07 confirming this violation has now been corrected.

**Count 6:** The owner/operator has not made arrangements with local hospitals concerning properties of used oil and types of injuries/illnesses resulting from fires, explosions, or releases. [Chapter 12, Section 14 (c)(i)(F)(I)(4)] Information was received on 08/02/07 confirming this violation has now been corrected.

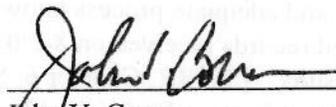
**Count 7:** The contingency plan name, addresses and phone numbers (office and home) of the emergency coordinator(s) is not up to date. [Chapter 12, Section 14(c)(ii)(B)(IV)] If more than one person is listed, one must be listed as the primary coordinator and others must be listed in order of responsibility.

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 13 day of Sept, 2007

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

  
John V. Corra  
Director  
Dept. of Environmental Quality