

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:

UNION PACIFIC RAILROAD)
RAILROAD)
Attn: Mr. Darnell Bagley) DOCKET NO.: 4184-07
200 E. Railroad Ave)
Green River, WY 82935)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On October 19, 2007, the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) personnel, Mr. Charles Plymale, conducted an inspection of the Union Pacific Railroad (Trona Dump #1 Site), for the purpose of evaluating compliance with the Wyoming Solid Waste Rules and Regulations (SWRR). Mr. Plymale was accompanied by Mr. Darnell Bagley during this inspection.

2. During the October 19, 2007 inspection the following violations were found:

Count 1: The site has not been properly engineered to inhibit future problems with erosion or surface water ponding. [SWRR, Chapter 3, Section 7(c), and closure permit issued December 7, 1992] The site has several areas of erosion, and areas of settling that are allowing moisture to penetrate the cap and increase the amount of leachate from the landfill.

Count 2: The facility surface water structures have not been properly maintained. [SWRR, Chapter 3, Section 7(j), and closure permit issued December 7, 1992] The facility surface water structures are not being properly maintained to prevent erosion of the cap.

Count 3: The facility waste containment, detection, final cover, and leachate collection and management systems, have not been properly maintained throughout the closure and post closure care periods. [SWRR, Chapter 3, Section 7(i), and closure permit issued December 7, 1992]

Count 4: The facility has not been properly vegetated in accord with the approved closure plan to minimize wind and water erosion of the final cover. [SWRR, Chapter 3, Section 7(e)]

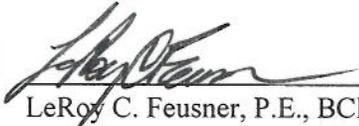
Count 5: Chapter 1, Section 1(f)(i), of the SWRR states: "All facilities shall be located, designed, constructed, operated & closed in accordance with the permit or disposal authorization issued by the director or administrator. The 12/7/1992 closure permit requires compliance with the approved plan. Under Task 3 of the approved plan, it is stated that if leachate is present in the sump or collection pit, it will be pumped and transported for proper treatment/disposal. The 10/19/2007 inspection revealed the leachate is not being pumped for treatment/disposal and is being allowed to overflow the collection pit and flow downstream into the Green River. Therefore, UPRR has not complied with the approved closure permit authorization and is in violation of SWRR, Chapter 1, Section 1(f)(i).

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 21 day of Dec, 2007



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



John V. Corra
Director
Dept. of Environmental Quality

