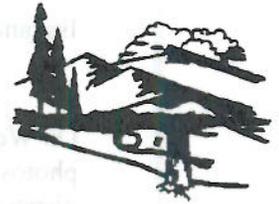




Department of Environmental Quality



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

Monday, April 7, 2008

Certified #: 7005 1820 0005 1478 2123

Return Receipt Requested

Sanders Homes, LLC
David Sanders, Owner
P.O. Box 585
Basin, WY 82410

RE: Issuance of Notice of Violation (NOV), Sanders Homes, LLC

Dear Mr. Sanders:

Enclosed is a Notice of Violation (NOV) issued to you for violations of the Wyoming Environmental Quality Act (EQA), and the Wyoming Solid Waste Rules and Regulations (SWRR). On December 5, 2007, Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) personnel, Timothy Moe, conducted an inspection of a property [a house demolition site] owned by Sanders Homes, LLC located at 851 No. 7th Street in Basin and a private property located at the SE ¼ of the SW ¼ of Section 22, T. 51 N., R. 93 W., 6th P.M., approximately one-quarter (1/4) mile east of the Big Horn River and Basin, Wyoming. The inspections of the properties were conducted due to a complaint received by the Department regarding unauthorized dumping of a demolished house somewhere east of the town of Basin, Wyoming. Mr. Jerry Breed, Owner of Jerry's Excavation, accompanied Department personnel during the inspection of the disposal site to answer questions. As a result of the Department's inspection, significant violations (SNC) of the Wyoming EQA and SWRR were observed.

Specifically, the NOV has been issued for the following violations:

Count 1. The December 5, 2007, Department inspections revealed that Sanders Homes, LLC is in violation of Wyoming Statute §35-11-502(a)(i) for locating, operating, and managing a 'solid waste management facility' on private property without first obtaining an authorized permit from the Department. Sanders Homes, LLC was conducting improper "disposal" of solid wastes [house demolition debris] on property owned by Florence Gentry et.al., c/o Ann Brundage, located approximately one-quarter (1/4) mile east of the Big Horn River and Basin, Wyoming.

Count 2. The December 5, 2007, Department inspections revealed that Sanders Homes, LLC is in violation of Wyoming SWRR, Chapter 1, Section 1(h)(i) for conducting the prohibited act of open dumping solid wastes on private property. Sanders Homes, LLC was conducting the prohibited act of "open dumping" solid wastes [house demolition debris] on property owned by Florence Gentry et.al., c/o Ann Brundage, located approximately one-quarter (1/4) mile east of the Big Horn River and Basin, Wyoming.



Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7937 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5973	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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On Wednesday, December 19, 2007, the Department received an email from you with attached photos documenting removal of the solid wastes from the disposal site and receipts documenting disposal of the solid wastes to have occurred on December 10, 2007, at the Big Horn County (south) landfill facility located north of Basin Wyoming. Return to compliance for the violations listed above has been documented by the Department.

The Department is issuing NOV counts to Sanders Homes, LLC for non-compliant solid waste disposal activities. Evidence indicates that you made a decision to dispose of non-exempt solid wastes (house demolition debris) on property owned by Florence Gentry et.al., c/o Ann Brundage. However, due to your diligence to properly dispose of the waste and resolve the Department's concerns in an expeditious manner, the Department desires not to seek further enforcement action and considers this matter settled.

If you have any questions regarding this letter or the attached NOV, please feel free to contact Bob Breuer in our Casper office at (307) 473-3454 or Timothy Moe at (307) 673-9337 in our Sheridan office.

Sincerely,



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

Enclosure: NOV

- C: Tim Moe
- Bob Breuer
- Tim Link
- Mike Barrash



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

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:

DAVID SANDERS, OWNER)
SANDERS HOMES, LLC)
P.O. BOX 585) DOCKET NO.: 4246-08
BASIN, WY 82410)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On December 5, 2007, the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) personnel, Mr. Timothy Moe, conducted an inspection of the disposal of solid waste [house demolition debris] located on private property owned by Florence Gentry et.al., at the SE ¼ of the SW ¼ of Section 22, T. 51 N., R. 93 W., 6th P.M., approximately one-quarter (1/4) mile east of the Big Horn River and Basin, Wyoming, to evaluate compliance with the Wyoming Environmental Quality Act (EQA) and the Wyoming Solid Waste Rules and Regulations (SWRR).

2. The Department's inspection revealed that Sander's Homes, LLC, had dumped solid waste on private property located within (¼) mile of the Big Horn River and Basin, WY. The following violations of the Wyoming EQA and SWRR were noted:

Count 1: Wyoming Statute §35-11-502(a)(i), states: "No person, except when authorized under the permit system established pursuant to this act, shall: (i) Locate, construct, operate or close a solid waste management facility.

Wyoming Statute §35-11-103. Definitions, (d)(ii), defines "Solid waste management facility" as meaning any facility for the treatment, processing, storage or disposal of solid waste.

Sanders Homes LLC, was operating a solid waste management facility on private property near Basin, Wyoming without an authorized permit in violation of Wyoming Statute §35-11-502(a)(i).

Count 2. Chapter 1, Section 1(e) of the SWRR, defines 'open dump' as: "an uncontrolled solid waste management facility at which solid wastes are placed on the land in such a manner that they present a real or potential hazard to public health and the environment. Open dump includes any solid waste management facility subject to the permitting requirements of these rules and regulations which does not have a current, valid permit."

Chapter 1, Section 1(h), Prohibited acts, of the SWRR, states: "The following acts are prohibited: (i) Open dumping.

Sanders Homes, LLC, was in violation of SWRR, Chapter 1, Section 1(h)(i) for conducting the prohibited act of open dumping solid wastes on private property owned by Florence Gentry et.al., located approximately within one-quarter mile (1/4) mile of the Big Horn River near Basin, Wyoming.

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 9 day of APRIL, 2008



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



John V. Corra
Director
Dept. of Environmental Quality