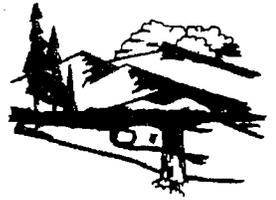




Department of Environmental Quality



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

April 10, 2008

Certified #: 7005 1820 0005 1478 2116

Return Receipt Requested

Terry Jones, Owner
Jones Bros. Enterprises, LLC
PO Box 44
Otto, WY 82434

RE: Issuance of Notice of Violation (NOV), Jones Bros. Enterprises, LLC

Dear Mr. Jones:

Enclosed is a Notice of Violation (NOV) issued to Jones Bros. Enterprises, LLC, for violations of the Wyoming Environmental Quality Act (EQA) and the Wyoming Solid Waste Rules and Regulations (SWRR). On November 30, 2007, Mr. Jim Eisenhauer and Ms. Jessica Weihert, Water Quality Division (WQD) personnel, and I conducted an inspection of the Jones Bros. Enterprises, LLC facility property (a farming and ranching operation) located in the vicinity of Otto, Wyoming, to evaluate compliance with the Wyoming Environmental Quality Act (EQA), the Wyoming Solid Waste Rules and Regulations (SWRR) and Water Quality Rules and Regulations (WQRR). The inspection was conducted due to a complaint received by the Governor's Office and this Department regarding unauthorized disposal of animal wastes by a commercial animal processing facility (Basin Processing).

As a result of the above inspection, Jones Bros. Enterprises, LLC was in violation of Wyoming Statute §35-11-502(a)(i) for the treatment, storage, processing or disposal of solid wastes without a permit, that were not generated incidental to the owner's own farming and ranching operation.

Due to the significance of the violations discovered during the November 30, 2007, inspections, and the fact that previous unauthorized disposal activities occurred on your property (i.e., disposal of Burlington Junior High School), the Department is issuing this Notice of Violation (NOV) to Jones Bros. Enterprises, LLC.

In a phone call made to the Department on Thursday, January 24, 2008, you informed a Department representative, Mr. Timothy Moe, that sometime over the holiday's [Christmas/New Years] you had dug up, transported, and buried the animal wastes on your property. Specifically, you indicated that the animal wastes had been relocated approximately 1/2 mile from the original dump and treatment location [old silage trench by a pond], buried approximately fourteen (14) feet deep in tight clay, and had been covered with eight (8) feet of overburden material. During the phone conversation, Mr. Moe informed you that the activity of composting (treatment) of



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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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dead animals (either generated by your farming and ranching operation or generated by a commercial meat processing facility) on your farming and ranching operation facility would require a Wyoming SWRR Chapter 6 treatment permit.

Because of your action to remove and dispose of the deposited wastes to a more secure location, the department has determined to not seek a penalty. However, in order to properly address the Department's violations, you must: 1) immediately stop accepting solid wastes generated by non-exempt entities (e.g., Basin Processing) for disposal onto your property [an exempt farming and ranching operation] without first obtaining a proper permit to conduct this activity; and 2) immediately stop treatment (composting) of municipal solid wastes (dead animals) on your property without first obtaining a permit to conduct this activity. Jones Bros. Enterprises, LLC, is not exempt from conducting treatment (composting) of municipal solid wastes (dead animals) or disposing of municipal solid wastes generated by a commercial entity without first obtaining authorized permits to do so.

All of the above violations must be addressed unless otherwise noted within ninety (90) days of receipt of this notice or further formal enforcement action will be taken. Please contact Mr. Dale Anderson, in our Casper office at (307) 473-3472 with questions regarding any permitting issues. If you have any questions, please contact Bob Breuer in our Casper office at (307) 473-3454 or Tim Moe at (307) 673-9337 in our Sheridan office.

Sincerely,



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

Enclosure: NOV

Cc: Bob Breuer, I&C Program Manager, WDEQ/SHWD Casper Office, File #46.00/61.100
Tim Link, I&C, WDEQ/SHWD Cheyenne Office, File #46.00/61.100
Dale Anderson, SWP&CA, WDEQ/SHWD Casper Office, File #46.00/61.100
Tim O'Neal, Wyoming Livestock Board, Field Office, P.O. Box 57, Lander, WY 82520
Dr. Jim Logan, Wyoming Livestock Board, Field Office, PO Box 57, Lander, WY 82520
Tim Moe, I&C, WDEQ/SHWD Sheridan Office, Jones Bros. LLC, File #46.00/61.100

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:

TERRY JONES, OWNER)	
JONES BROTHERS ENTERPRISES, LLC,)	
TERRY JONES FARM & RANCH PROPERTY)	DOCKET NO.: 4234-08
PO BOX 44)	
OTTO WY 82434)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On November 30, 2007, the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) personnel, Mr. Timothy Moe, and Water Quality Division (WQD) personnel, Mr. Jim Eisenhauer and Ms. Jessica Weihert, conducted an inspection of the Jones Bros. Enterprises, LLC facility property located in the vicinity of Otto, Wyoming [NW 1/4 of Section 9, T. 51 N., R. 95 W., 6th P.M.] to evaluate compliance with the Wyoming Environmental Quality Act (EQA) and the Wyoming Solid Waste Rules and Regulations (SWRR). The inspection revealed that Jones Bros. Enterprises, LLC, was disposing of municipal solid wastes (animal wastes), generated, in-part, by Basin Processing (a commercial meat processing facility), in an open trench [an open dump], uncovered, within 60 feet of surface water [a pond] on property owned by Jones Bros. Enterprises, LLC in the vicinity of Otto, Wyoming.
2. 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.
3. 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.
4. Wyoming Statute §35-11-103. Definitions, (d)(i), defines "Solid waste" as meaning garbage, and other discarded solid materials, materials, including solid waste material resulting from industrial, commercial and agricultural operations.
5. 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."
6. The described activities are in violation of the above cited statutes/regulations for treatment, storage, processing or disposal without a permit of solid wastes that were not generated incidental to the owner's own farming and ranching operation.

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

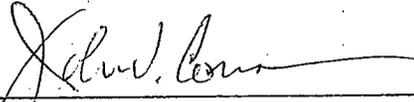
THIS NOTICE OF VIOLATION is being sent to you pursuant to Wyoming Statute 35-11-701(c) which requires that in any case of the failure to correct or remedy an alleged violation the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

Signed this 25th day of April, 2008





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



John V. Corra
Director
Dept. of Environmental Quality