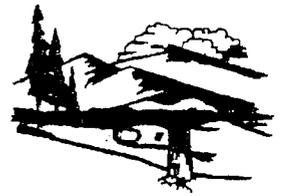




Department of Environmental Quality



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

May 2, 2008

Certified #: 7005 1820 0005 1478 2437
Return Receipt Requested

Mr. Ron McMurry
McMurry Ready Mix
P.O. Box 2488
Casper, WY 82604

RE: Issuance of Notice of Violation (NOV)

Dear Mr. McMurry:

Enclosed is a Notice of Violation (NOV) issued to McMurry Ready Mix, for violations of the Wyoming Solid (SWRR) and Hazardous Waste Rules & Regulations (HWRR). On April 14, 2008, Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) personnel, Mr. Tim Link, conducted an inspection of your facility located at 5684 West Yellowstone Highway, Casper, Wyoming, as a followup to an inspection conducted by WDEQ/SHWD personnel on September 27, 2006. McMurry Ready Mix representatives, Ms. Michelle Holladay and Mr. Bob Fogle, accompanied Mr. Link during the inspection. As a result of the inspection, the following significant violations (SNC) of the Wyoming SWRR and HWRR were observed.

Count 1: It was determined during the April 14, 2008, inspection, that McMurry Ready Mix's total used oil storage capacity was greater than 20,000 gallons, thereby exceeding the 2,000 gallon permit exemption for facilities performing vehicle service activities. Therefore, McMurry Ready Mix, was in violation of SWRR, Chapter 1(f)(i), for not having the required used oil storage permit.

Count 2: During the April 14, 2008, inspection, it was observed that there were a large number of plastic 5-gallon buckets (62) and some 55-gallon drums and tanks that were not labeled or clearly marked with the words "Used Oil". Therefore, McMurry Ready Mix was in violation of HWRR, Chapter 12, Section 11(c)(iii) for not properly labeling/marketing used oil containers.

To assure both of the above violations are adequately addressed, McMurry Ready Mix needs to submit a permit application as required under the SWRR and provide assurances all used oil containers are properly labeled at their facility. Both of these items need to be properly addressed within sixty (60) days of receipt of this NOV.

On 4/28/2000, Rissler & McMurry was issued a Notice of Violation for failure to have a

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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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used oil solid waste storage permit and for failure to properly label used oil containers. Also, on 4/28/2000, the WDEQ sent McMurry & Rissler a letter outlining deficiencies resulting from the department's review of the used oil permit application. To date, the department has never received a re-submittal of the used oil permit application.

For these reasons and due to the potential environmental risks with the large amount of used oil being stored at your facility, the department has also determined to seek a penalty. If you would like to discuss voluntary settlement or need clarifications, please contact Bob Breuer, Inspection & Compliance Program Manager, in our Casper office at 307-437-3450 or Tim Link in Cheyenne at 307-777-7164, within ten (10) days of your receipt of this letter.

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 #50.721
Tim Link, I&C, WDEQ/SHWD Cheyenne Office, File #50.721
Patrick Troxel, SWP&CA, WDEQ/SHWD Lander Office, File #50.721
John Burbridge, State Attorney General Office

**BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL**

STATE OF WYOMING

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:

MCMURRY READY MIX)
5684 WEST YELLOWSTONE HIGHWAY)
P.O. BOX 2488) DOCKET NO. 4269-08
CASPER WY 82604)
)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On April 14, 2008, the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) personnel, Mr. Tim Link, conducted an inspection of the McMurry Ready Mix facility located at 5684 West Yellowstone Highway, Casper, Wyoming, to evaluate compliance with the Wyoming Solid (SWRR) and Hazardous Waste Rules and Regulations (HWRR). The inspection was conducted as a followup to an inspection conducted by WDEQ/SHWD personnel on September 27, 2006.

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

Count 1: Chapter 1, Section 1(f)(i), of the SWRR, states: "A permit or one-time or emergency disposal authorization is required for the location, construction, operation or closure of any new or existing solid waste management facility as specified by Chapter 1, Section 5, or by the applicable chapter(s) of these rules and regulations."

Chapter 1, Section 1(l) Exemptions, exempts the following from a permit or any requirement to obtain a waste management authorization under the regulations:

(xviii) Used oil and used antifreeze storage tanks located at vehicle service facilities, provided the storage tanks are properly labeled, have a combined capacity of no more than 2,000 gallons for each waste, and are used only to contain used oil or used antifreeze that the owner or operator generates or receives from do-it-yourself oil changes.

It was determined during the April 14, 2008, inspection that the total used oil storage capacity at the facility exceeded 20,000 gallons and the facility did not have a solid waste permit. Therefore, McMurry ReadyMix was in violation of SWRR, Chapter 1, Section 1(f)(i), for having a total used oil storage capacity for exceeding 2,000 gallons and not having the required used oil storage permit.

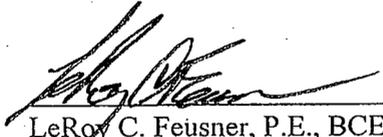
On 4/28/2000, Rissler & McMurry was issued Notice of Violation #3175-00 for failure to have a used oil solid waste storage permit and for failure to properly label used oil containers.

Count 2: The containers, above ground tanks, and UST fill pipes were not labeled or clearly marked with the words "Used Oil". [HWRR, Chapter 12, Section 11 (c)(iii)] During the April 14, 2008, inspection, it was observed that there were a large number of plastic 5-gallon buckets (62) and some 55-gallon drums and tanks that were not labeled or clearly marked with the words "Used Oil". Therefore, McMurry Ready Mix was in violation of HWRR, Chapter 12, Section 11(c)(iii) for not properly labeling/marketing used oil containers.

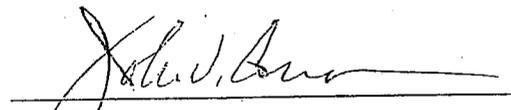
ANY PERSON who violates any provision of the Environmental Quality Act, or any rules, standard, permit, license, or variance adopted thereunder is liable to a penalty of ten thousand dollars (\$10,000) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney 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 5th day of May, 2008



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



John V. Corra
Director
Dept. of Environmental Quality