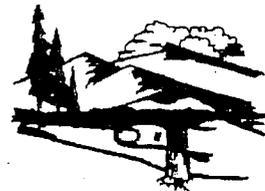




Department of Environmental Quality



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 2420

Return Receipt Requested

Mr. John Lampert
Oftedal Construction, Inc.
2376 7 Mile Road
Casper, WY 82602

RE: Issuance of Notice of Violation (NOV)

Dear Mr. Lampert:

Enclosed is a Notice of Violation (NOV) issued to Oftedal Construction, Inc., for violations of the Wyoming Solid (SWRR) and Hazardous Waste Rules & Regulations (HWRR). On March 12, 2008, and April 14, 2008, Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) personnel, Mr. Tim Link, conducted inspections of your facility located at 2376 7 Mile Road, Casper, Wyoming, in response to a complaint the department had received on 2/28/2008 concerning used oil spills and paint disposal. You accompanied Mr. Link during the April 14, 2008, inspection and Mr. Aaron Elrod accompanied Mr. Link during the March 12, 2008, inspection. As a result of the inspections, the following significant violations (SNC) of the Wyoming SWRR and HWRR were observed.

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 March 12, 2008, and April 14, 2008, inspections that the total used oil storage capacity at the facility was 46,200 gallons and the facility did not have a solid waste permit. Therefore, Oftedal Construction, Inc., was in violation of SWRR, Chapter 1, Section 1(f)(i), for having a total used oil storage capacity exceeding 2,000 gallons and not having the required used oil storage permit.

Count 2. Chapter 12, Section 11(c) of the HWRR, states: "Used oil generators are subject to all applicable Spill Prevention, Control and Countermeasures (SPCC) (40 CFR 112) in addition to the requirements of Chapter 11 of this chapter."

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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It was determined during the March 12, 2008, and April 14, 2008, inspections, that Oftedal Construction Inc.'s total used oil storage capacity was 46,200 gallons and therefore, exceeded 1,320 gallons and the SPCC requirements were applicable. A review of the current SPCC plan onsite indicated the plan was not current and up-to-date. Therefore, Oftedal Construction, Inc., was in violation of HWRR, Chapter 12, Section 11(c), for not complying with the applicable SPCC requirements.

Count 3. Chapter 12, Section 11(c)(iv) of the HWRR, states: "Response to releases. Upon detection of a release of used oil to the environment, a generator must perform the following cleanup steps: A) Stop the release; (B) Contain the released used oil; (C) Cleanup and manage properly the released used oil and other materials; and (D) If necessary to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to returning them to service."

During the March 12, 2008, inspection, there was a used oil release noted below the outdoor 6000 gallon used oil tank and there was no evidence the released used oil and contaminated soil had been properly removed and disposed. Therefore, Oftedal Construction, Inc., was in violation of HWRR, Chapter 12, Section 11(c)(iv), for not performing the required used oil spill cleanup steps.

Due to potential surface water impacts and other environmental risks posed by the large amount of used oil being stored at your facility without the required used oil solid waste storage permit and an inadequate SPCC plan, the department has also determined to seek a penalty. The department recognizes that Oftedal Construction Inc., promptly corrected the used oil spill problem and is in the process of obtaining a solid waste permit, therefore these factors were considered during calculation of the penalty amount. If you would like to discuss voluntary settlement, 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.

If you have any questions, please contact Mr. Tim Link in Cheyenne at 777-7164 or Bob Breuer in our Casper office at (307) 473-3454.

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
Dale Anderson, SWP&CA, WDEQ/SHWD Casper Office, File #50.721
John Burbridge, State Attorney General

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:

OFTEDAL CONSTRUCTION INC.
2376 7 MILE ROAD
CASPER WY 82604

)
)
) DOCKET NO.: 4268-08
)
)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On March 12, 2008, and April 14, 2008, the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) personnel, Mr. Tim Link, conducted inspections of the Oftedal Construction, Inc., facility located at 2376 7 Mile Road, Casper, Wyoming, to evaluate compliance with the Wyoming Solid (SWRR) and Hazardous Waste Rules and Regulations (HWRR). The March 12, 2008, inspection, was conducted in response to a complaint the department had received on 2/28/2008.

2. The inspections 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."

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Count 2. Chapter 12, Section 11(c) of the HWRR, states: "Used oil generators are subject to all applicable Spill Prevention, Control and Countermeasures (SPCC) (40 CFR 112) in addition to the requirements of Chapter 11 of this chapter."

It was determined during the March 12, 2008, and April 14, 2008, inspections, that Oftedal Construction Inc.'s total used oil storage capacity was 46,200 gallons and therefore, exceeded 1,320 gallons for applicability of SPCC requirements. A review of the current SPCC plan onsite indicated the plan was not current and up-to-date. Therefore, Oftedal Construction, Inc., was in violation of HWRR, Chapter 12, Section 11(c), for not complying with the applicable SPCC requirements.

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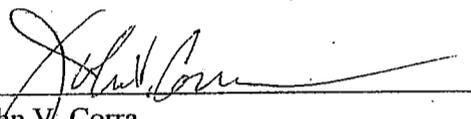
ANY PERSON who violates any provision of the Environmental Quality Act, or any rules, standard, permit, license, or variance adopted thereunder is liable to a penalty of ten thousand dollars (\$10,000) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney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



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



John V. Corra
Director
Dept. of Environmental Quality