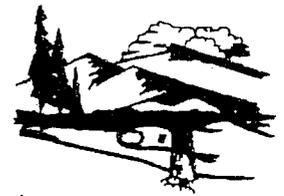




# Department of Environmental Quality



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 2413  
Return Receipt Requested

Dick Ayers, Owner  
Wyoming Tire, Inc.  
P.O. Box 144  
Casper, WY 82602

**RE: Issuance of Notice of Violation (NOV)**

Dear Mr. Ayers:

Enclosed is a Notice of Violation (NOV) issued to Wyoming Tire, Inc., for violations of the Wyoming Solid Waste Rules and Regulations (SWRR). On March 26, 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 6925 Cactus Lane, Casper, Wyoming, to evaluate compliance with the Wyoming Solid Waste Rules & Regulations (SWRR) and your solid waste permit. You accompanied Mr. Link during the inspection. As a result of the inspection, significant violations (SNC) of the Wyoming SWRR were observed.

Specifically, the NOV has been issued for the following significant violations (SNC):

**Count 1:** Chapter 6, Section 5(a)(iii), states: "Each facility shall accept and manage only those wastes and quantities which are specified in the facility permit, unless the administrator provides specific written authorization to accept and manage other wastes and quantities."

It was determined during the March 26, 2008, inspection that the facility was managing 1.7 million cubic yards of tire shreds and the current permit allows management of only 1300 cubic yards of tire shreds. Therefore, Wyoming Tire, Inc., was in violation of SWRR, Chapter 6, Section 5(a)(iii) for exceeding the quantities of wastes specified in the facility permit.

**Count 2.** Chapter 8, Section 2(c)(iii) of the SWRR, states: "Outdoor waste piles shall be constructed a minimum of fifty (50) feet from facility property boundaries."

It was determined during the March 26, 2008, inspection that facility scrap tire and shred piles had been constructed and were located less than 50 feet from the facility property boundaries. Therefore, Wyoming Tire, Inc., was in violation of SWRR, Chapter 8, Section 2(c)(iii), for constructing scrap tire and shred piles less than 50 feet from the facility property boundaries.

**Count 3.** Chapter 8, Section 2(c)(iv) of the SWRR, states: "Outdoor waste piles shall not exceed twenty (20) feet in height or fifty (50) feet in width, and have a base surface area no greater than ten-thousand (10,000) square feet.



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



It was determined during the March 26, 2008, inspection that some facility scrap tire and shred piles exceeded fifty (50) feet in width and had a base surface area greater than ten-thousand (10,000) square feet. Therefore, Wyoming Tire, Inc., was in violation of SWRR, Chapter 8, Section 2(c)(iv), for having scrap tire and shred piles that exceeded fifty (50) feet in width and had a base surface area greater than ten-thousand (10,000) square feet.

**Count 4.** Chapter 1, Section 2(e)(ii) of the SWRR states: "The operator of a facility with a valid permit issued under Section 2(d) of this chapter or a valid renewal permit issued under Section 2(f) of this chapter, shall submit a permit renewal application between 270 and 180 days prior to the expiration of said permit unless a closure permit application has been submitted. The renewal application shall contain the information specified in the applicable chapter of these rules and regulations.

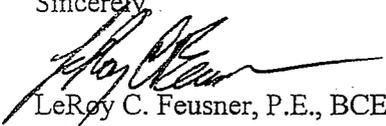
Wyoming Tire, Inc.'s solid waste permit for the facility expired on 4/3/2008, and a renewal application still has not been submitted for the facility, therefore Wyoming Tire, Inc., is in violation of Chapter 1, Section 2(e)(ii) of the SWRR, for not submitting the required permit renewal application within 270 and 180 days prior to expiration of their current permit.

**The Department has determined that issuance of any penalty at this time is conditional upon the above violations being properly addressed. Therefore, to prevent future enforcement actions from the Department, Wyoming Tire Inc., must complete the following tasks:**

1. Submit the required solid waste permit renewal application within one-hundred eighty (180) days of the date of the NOV.
2. Assure all scrap tire piles and shreds are constructed a minimum of fifty (50) feet from the facility property boundaries within one hundred twenty (120) days of the date of the NOV.
3. Assure all scrap tire and shred piles do not exceed twenty (20) feet in height or fifty (50) feet in width and have a base surface area no greater than ten-thousand (10,000) square feet, and reduce on-site waste volumes to comply with the most recent permit within one hundred twenty (120) days of the date of the NOV.

Please contact Mr. Patrick Troxel, in our Lander office at (307) 335-6950 with any questions regarding submittal of the permit renewal application or other permitting issues. 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  
Patrick Troxel, SWP&CA, WDEQ/SHWD Lander Office, File #50,721  
Mike Barrash, Attorney General Office

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

IN THE MATTER OF THE  
NOTICE OF VIOLATION  
ISSUED TO:

MR. DICK AYERS, OWNER )  
WYOMING TIRE, INC. )  
6925 CACTUS LANE ) DOCKET NO.: 4255-08  
P.O. BOX 144 )  
CASPER WY 82602 )

**NOTICE OF VIOLATION**

NOTICE IS HEREBY GIVEN THAT:

1. On March 26, 2008, the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) personnel, Mr. Tim Link, conducted an inspection of the Wyoming Tire, Inc., facility located at 6925 Cactus Lane in Casper, Wyoming, to evaluate compliance with the Wyoming Solid Waste Rules and Regulations (SWRR) and the facility's current solid waste permit.

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

**Count 1:** Chapter 6, Section 5(a)(iii), states: "Each facility shall accept and manage only those wastes and quantities which are specified in the facility permit, unless the administrator provides specific written authorization to accept and manage other wastes and quantities."

It was determined during the March 26, 2008, inspection that the facility was managing 1.7 million cubic yards of tire shreds and the current permit allows management of only 1300 cubic yards of tire shreds. Therefore, Wyoming Tire, Inc., was in violation of SWRR, Chapter 6, Section 5(a)(iii) for exceeding the quantities of wastes specified in the facility permit.

**Count 2.** Chapter 8, Section 2(c)(iii) of the SWRR, states: "Outdoor waste piles shall be constructed a minimum of fifty (50) feet from facility property boundaries."

It was determined during the March 26, 2008, inspection that facility scrap tire and shred piles had been constructed and were located less than 50 feet from the facility property boundaries. Therefore, Wyoming Tire, Inc., was in violation of SWRR, Chapter 8, Section 2(c)(iii), for constructing scrap tire and shred piles less than 50 feet from the facility property boundaries.

**Count 3.** Chapter 8, Section 2(c)(iv) of the SWRR, states: "Outdoor waste piles shall not exceed twenty (20) feet in height or fifty (50) feet in width, and have a base surface area no greater than ten-thousand (10,000) square feet.

It was determined during the March 26, 2008, inspection that some facility scrap tire and shred piles exceeded fifty (50) feet in width and had a base surface area greater than ten-thousand (10,000) square feet. Therefore, Wyoming Tire, Inc., was in violation of SWRR, Chapter 8, Section 2(c)(iv), for having scrap tire and shred piles that exceeded fifty (50) feet in width and had a base surface area greater than ten-thousand (10,000) square feet.

**Count 4.** Chapter 1, Section 2(e)(ii) of the SWRR states: "The operator of a facility with a valid permit issued under Section 2(d) of this chapter or a valid renewal permit issued under Section 2(f) of this chapter, shall submit a permit renewal application between 270 and 180 days prior to the expiration of said permit unless a closure permit application has been submitted. The renewal application shall contain the information specified in the applicable chapter of these rules and regulations.

Wyoming Tire, Inc.'s solid waste permit for the facility expired on 4/3/2008, and a renewal application still has not been submitted for the facility, therefore Wyoming Tire, Inc., is in violation of Chapter 1, Section 2(e)(ii) of the SWRR, for not submitting the required permit renewal application within 270 and 180 days prior to expiration of their current permit.



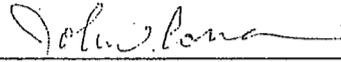
ANY PERSON who violates any provision of the Environmental Quality Act, or any rules, standard, permit, license, or variance adopted thereunder is liable to a penalty of ten thousand dollars (\$10,000) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney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