

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

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:

NALCO COMPANY)	
4900 E. YELLOWSTONE HIGHWAY)	DOCKET NO. 4279-08
P.O. BOX 1540)	
EVANSVILLE, WY 82636)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

On March 13, 2008, and April 29, 2008, Mr. Tim Link of the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD), conducted inspections of Nalco Company located at 2800 South Elder, Gillette, Wyoming, for the purpose of evaluating compliance with the Wyoming Hazardous Waste Rules and Regulations (HWRR).

During the April 29, 2008, inspection, the following violations of the HWRR were determined.

Count 1: The generator failed to make the proper hazardous waste determination. [HWRR, Chapter 8, Section 1(b)(i)(C)] From October 1, 2001, through April 29, 2008, Nalco Company, Gillette, classified chemical drum heels that they generate as a recyclable material. However, on 4/17/2008, the department sent Nalco Company a letter indicating that the material did not meet the definition of a recyclable material nor was it exempt under the RCRA Exploration & Production (E&P) exemption and is therefore, classified as a hazardous waste. Therefore, Nalco Company, was in violation of HWRR, Chapter 8, Section 1(b)(i)(C), for failing to make the proper hazardous waste determination for the chemical drum heels generated at the Nalco Company, Gillette facility.

Count 2: The generator does not use manifests for hazardous waste shipments off-site. [HWRR, Chapter 8, Section 2] Company personnel indicated during the April 29, 2008, inspection, they did not have manifest copies for shipments of the chemical drum heels hazardous waste that had been shipped from the Nalco Company, Gillette facility during the time frame from October 1, 2001, through April 29, 2008. Therefore, Nalco Company was in violation of HWRR, Chapter 8, Section 3(e)(v) for not using the hazardous waste manifest to ship hazardous wastes offsite.

Count 3: The generator does not retain copies of all manifests for at least 3 years and has not maintained adequate copies of manifests. [HWRR, Chapter 8, Section 2(d)(i)(C), Section 4(a)] Nalco Company, Gillette, was missing manifest copies for hazardous waste shipments shipped during the time frame between October 1, 2001, through April 29, 2008. Therefore, Nalco Company, Gillette, was in violation of HWRR, Chapter 8, Section 2(d)(i)(C) and Section 4(a) for not maintaining adequate copies of the hazardous waste manifest and for not keeping applicable copies of the hazardous waste manifests for the hazardous waste shipments for at least three (3) years.



Count 4: The facility generates a restricted waste for land disposal without further treatment and does not maintain a copy of the notification that contains the required information. [HWRR, Chapter 13, Section 1(g)(i)(A)(I)-(V)] Nalco Company, Gillette facility, was missing land disposal restriction (LDRs) forms containing the required information for hazardous waste shipments during the time frame from October 1, 2001, through October 29, 2008. Therefore, Nalco Company was in violation of HWRR, Chapter 13, Section 1(g)(i)(A)(I)-(V), for not keeping copies of the required LDR forms containing the required information for each hazardous waste shipment.

Count 5: The generator does not retain copies of all notifications, certifications, and other relevant documents for 5 years. [HWRR, Chapter 13, Section 1(g)(G)] Nalco Company, Gillette, did not keep copies of some of the applicable land disposal restriction (LDR) forms for hazardous waste shipments made during the time frame from October 1, 2007, through April 29, 2008, for 5 years. Therefore, Nalco Company was in violation of HWRR, Chapter 13, Section 1(g)(G), for not keeping copies of the required LDR forms for five (5) years.

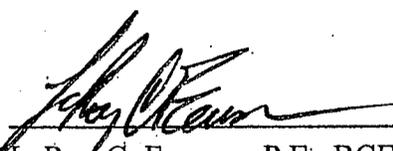
Count 6: The generator does not adequately inspect containers for leakage and corrosion on a weekly basis. [HWRR, Chapter 8, Section 3(e)(iv)(B), 11 10(e)] There were no weekly inspection records for the hazardous waste shipments that occurred at the Nalco Company, Gillette facility, for the time frame from October 1, 2001, through April 29, 2008. Therefore, Nalco Company was in violation of HWRR, Chapter 8, Section 3(e)(iv)(B) and Chapter 11, Section 10(e), for not conducting the required weekly inspections of hazardous waste containers.

Count 7: The facility did not have the required information posted next to the telephone. [HWRR, Chapter 8, Section 3(e)(iv)(E)(II)(1.)-(3.)] Nalco Company, Gillette, did not have the following required information posted next the telephone: name and phone number of the emergency coordinator, locations of fire extinguishers and spill control equipment and fire alarm (if necessary), and phone number of the fire department (if no fire alarm). Therefore, Nalco Company was in violation of HWRR, Chapter 8, Section 3(e)(iv)(1.)-(3.), for not posting the required information next to the telephone. The required information was posted before the inspector left the facility on 4/29/2008.

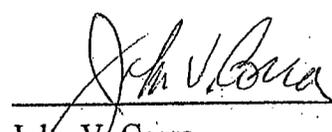
ANY PERSON who violates any provision of the Environmental Quality Act, or any rules, standard, permit, license, or variance adopted thereunder is liable to a penalty of ten thousand dollars (\$10,000) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney 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 _____ 23rd _____ day of _____ May _____, 2008



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



John V. Corra
Director
Dept. of Environmental Quality