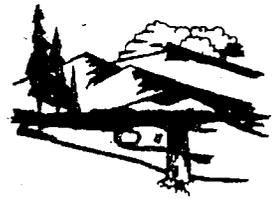




Department of Environmental Quality



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

July 11, 2008

Certified #7005 1820 0005 1478 3519
Return Receipt Requested

Mr. Dan Coolidge, Chm.
Campbell County Commissioners
Campbell County
500 S. Gillette Avenue
Gillette, WY 82716

RE: Issuance of Notice of Violation (NOV), Campbell County Landfill No. 1

Dear Chairman Coolidge:

Enclosed is a Notice of Violation (NOV) issued to Campbell County, for violations of the Wyoming Solid (SWRR) and Hazardous Waste Rules & Regulations (HWRR). On June 27, 2008, Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) personnel, Mr. Tim Link, conducted an inspection of the Campbell County landfill facility located at 909 Westover Road, Gillette, Wyoming, as a follow up inspection to evaluate compliance with the HWRR, used oil management standards. As a result of the inspection, the following significant violations (SNC) of the Wyoming SWRR and HWRR were observed.

Count 1: SWRR, Chapter 1, Section 1(f) requires facilities to have a current or One-Time Authorization (OTA) to manage wastes at solid waste management facilities. At the time of the June 27, 2008, inspection, there still was no evidence the required secondary containment and minor permit amendment had been submitted for the used oil storage area located at the Campbell County No. 1 facility. Therefore, Campbell County was in violation of SWRR, Chapter 1, Section 1(f) for not having the required updated permit to manage used oil.

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 June 27, 2008, inspection, that Campbell County still did not have an SPCC plan that was current and up-to-date. Therefore, Campbell County, was in violation of HWRR, Chapter 12, Section 11(c), for not complying with the applicable SPCC requirements. This violation was also observed during the following inspection dates: 8/3/2005, 3/13/2007, 7/10/2007, and on 12/3/2007.

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."

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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During the June 27, 2008, inspection, there were several used oil releases and stains noted within the used oil container storage area and there was no evidence the released used oil and contaminated soil had been properly removed and disposed. Therefore, Campbell County, was in violation of HWRR, Chapter 12, Section 11(c)(iv), for not performing the required used oil spill cleanup steps.

Count 4. 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)] There were a large number of smaller plastic containers/buckets and metal containers at the used oil storage facility that did not have the required Used Oil wording/labels. Therefore, Campbell County was in violation of HWRR, Chapter 12, Section 11(c)(ii) for not properly labeling used oil containers.

The department appreciates Campbell County's efforts to submit a revised permit application to address the secondary containment concerns at the used oil storage area at Campbell County landfill No.1. However, it is our understanding that the latest response from the County was due within 30 days of the Department's review (dated March 3, 2008) and the department still has not received the revised application as of the date of this letter. Because it has been longer than 2 years since the violations at the used oil storage area have been adequately addressed, and the area continues to pose impacts to the environment (i.e., releases of used oil, potential ground and surface water contamination), the department is taking a formal enforcement action by issuing this NOV.

To assure all violations of the NOV have been adequately addressed and to avoid further enforcement action being taken by the department, we are requesting the following responses from the County to properly address each Count in the NOV.

Count 1: Within thirty (30) days of receipt of this NOV, Campbell County shall submit the revised permit application amendment addressing the State's comments for the minor solid waste permit amendment at Campbell County No. 1 landfill. **Within sixty (60) days of department approval, Campbell County shall construct the approved secondary containment for the used oil storage area at the Campbell County No. Landfill.**

Count 2: Within sixty (60) days of the receipt of this NOV, please submit a revised current and up-to-date SPCC plan that includes and addresses the proper secondary containment of the used oil drums/containers being stored in the used oil storage area at Campbell County No. 1.

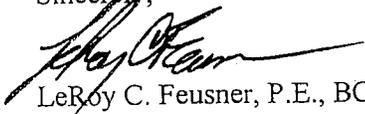
Count 3: Within thirty (30) days of the receipt of this NOV, please provide documentation to the department that all areas of used oil spill and stained/contaminated soils have been properly removed and treated/disposed in accord with SWRR Guideline No. 2, Petroleum-Contaminated Soils.

Count 4: Within thirty (30) days of the receipt of this NOV, please provide photo documentation to verify all unlabeled used oil containers have been properly labeled with the wording "Used Oil".

Campbell County Commissioners

If you have any questions concerning the NOV and request for further actions, 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, Attorney General Office

**BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL**

STATE OF WYOMING

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:

CAMPBELL COUNTY)	
CAMPBELL COUNTY LANDFILL NO. 1)	
500 S. GILLETTE AVENUE)	DOCKET NO. 4311-08
SUITE 1400)	
GILLETTE WY 82716)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On June 27, 2008, the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) personnel, Mr. Tim Link, conducted an inspection of the Campbell County No. 1, facility located at 909 Westover Road, Gillette, Wyoming, to evaluate compliance with the Wyoming Solid (SWRR) and Hazardous Waste Rules and Regulations (HWRR). The inspection was conducted as a follow up to evaluate the facility's compliance with the state solid waste and hazardous waste used oil requirements.

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

Count 1: SWRR, Chapter 1, Section 1(f) requires facilities to have a current permit or One-Time Authorization (OTA) to manage wastes at solid waste management facilities. At the time of the June 27, 2008, inspection, there still was no evidence the required secondary containment and minor permit amendment had been submitted for the used oil storage area located at the Campbell County No. 1 facility. Therefore, Campbell County was in violation of SWRR, Chapter 1, Section 1(f) for not having the required permit to manage used oil. This violation was also observed during the following inspection dates: 8/3/2005, 3/13/2007, 7/10/2007, and on 12/3/2007.

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 June 27, 2008, inspection, that Campbell County still did not have an SPCC plan that was current and up-to-date. Therefore, Campbell County, was in violation of HWRR, Chapter 12, Section 11(c), for not complying with the applicable SPCC requirements. This violation was also observed during the following inspection dates: 8/3/2005, 3/13/2007, 7/10/2007, and on 12/3/2007.

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 June 27, 2008, inspection, there were several used oil releases and stains noted within the used oil container storage area and there was no evidence the released used oil and contaminated soil had been properly removed and disposed. Therefore, Campbell County, was in violation of HWRR, Chapter 12, Section 11(c)(iv), for not performing the required used oil spill cleanup steps.

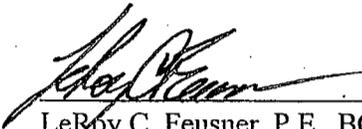
Count 4. The containers, above ground tanks, and UST fill pipes were not labeled or clearly marked with the words "Used Oil". [HWRR, Chapter 12, Section 11 (c)(iii)] There were a large number of smaller plastic containers/buckets and metal containers at the used oil storage facility that did not have the required Used Oil wording/labels. Therefore, Campbell

County was in violation of HWRR, Chapter 12, Section 11(c)(ii) for not properly labeling used oil containers.

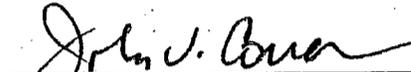
ANY PERSON who violates any provision of the Environmental Quality Act, or any rules, standard, permit, license, or variance adopted thereunder is liable to a penalty of ten thousand dollars (\$10,000) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney 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 13 day of July, 2008



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



John V. Corra
Director
Dept. of Environmental Quality