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

Monday, August 4, 2008

Certified #7005 1820 0005 1478 3984
Return Receipt Requested

Mr. Gary Honeyman
Union Pacific Railroad Green River
221 Hodgeman
Laramie, WY 82072

RE: **Issuance of Notice of Violation**

Enclosed is a Notice of Violation (NOV) issued to your facility for violation of the Wyoming Solid Waste Rules and Regulations (SWRR). On July 12, 2007, the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) personnel, Mr. Charles Plymale, conducted an inspection of the Union Pacific Railroad (UPRR) facility in Green River, Wyoming, for the purpose of evaluating compliance with the Wyoming Solid and Hazardous Waste Rules and Regulations (SHWRR).

During the 7/12/2007 inspection the following violation was determined:

Count 1: The facility has a total used oil storage capacity greater than ten thousand (10,000) gallons of used oil onsite, and is, therefore, required to have a solid waste permit. [SWRR, Chapter 1, Section (1)(f)(i) (SWRR)] The inspection revealed that UPRR did not have the required solid waste permit.

To assure the above violation is adequately addressed, UPRR needs to submit a permit application as required under the SWRR. This violation needs to be properly addressed within sixty (60) days of receipt of this NOV.

As of this date, UPRR has neglected to submit a permit application to obtain a solid waste permit. UP Railroad has also been reminded through several phone conversations and e-mail on several occasions, requesting submittal of the required permit application.

For this reason and due to the potential environmental risks posed by 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 Charles Plymale in Lander at 307-335-6951, within ten (10) days of your receipt of this letter.

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BEFORE THE

ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:

MR. GARY HONEYMAN UNION PACIFIC RAILROAD GREEN RIVER 221 HODGEMAN LARAMIE, WY 82072	)))))	DOCKET NO: 4336-08

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

On July 12, 2007, the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) personnel, Mr. Charles Plymale, conducted an inspection of the Union Pacific Railroad (UPRR) facility in Green River, Wyoming, for the purpose of evaluating compliance with the Wyoming Solid and Hazardous Waste Rules and Regulations (SHWRR).

During the 7/12/2007 inspection, the following violation was determined:

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 July 12, 2007, inspection, the total used oil storage capacity at the facility exceeded 10,000 gallons and the facility did not have a solid waste permit. Therefore, UPRR 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.

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.

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