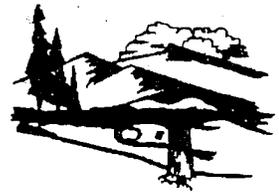




# Department of Environmental Quality



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

Wednesday, September 3, 2008

Certified #7008 0150 0001 1173 6602

Return Receipt Requested

Ms. Suzanne Lewis  
Yellowstone National Park- Superintendent  
Yellowstone National Park - Grebe Lake (65.963)  
P. O. Box 168  
Mammoth, WY 82190

**RE: Issuance of Notice of Violation**

Enclosed is a Notice of Violation (NOV) issued to your facility for violations of the Wyoming Solid Waste Rules and Regulations (SWRR).

On June 10, 2008, the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD), conducted an inspection of the Grebe Lake Landfill area. The purpose of this inspection was to evaluate compliance with the SWRR and to verify compliance with NOV Docket No. 4191-07, issued to Yellowstone National Park, on December 17, 2007.

The inspection revealed the following violations of the SWRR:

- Count 1:** The waste containment system (final cover) was not being maintained throughout the closure and post-closure periods. [SWRR, Chapter 2, Section 7(i)] There was evidence the final cover landfill had been disturbed. Waste disposal pits still remain open and have remained open since September, 2007.
- Count 2:** The site had not been returned to the post-closure land use specified in the permit. [SWRR, Chapter 2, Section 7(p)] A gravel pit operation was not approved as the post closure land use for the site.
- Count 3:** Visual observation of the final cover and documentation from the Park Service indicates that the final cover does not meet the minimum permeability specifications and was not properly constructed. [SWRR, Chapter 2, Section 7(d)] As a result, moisture has been allowed to infiltrate into the waste with the potential for leachate generation.

The above violations are repeat violations of NOV Docket No. 4191-07. Since the issuance of NOV Docket No. 4191-07, the Park Service has not properly addressed any of the previous violations and has continued to transport materials to the site for storage that have not been approved and is, therefore, in violation of the post closure requirements.



3955

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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Due to the potential for moisture infiltration into the deposited wastes and the potential for leachate formation, and the failure to properly address the violations in the previous NOV Docket No. 4191-07 that had been sent to Yellowstone National Park, the division is also seeking a penalty.

If you would like to discuss voluntary settlement of the penalty or have any questions regarding the attached notice of violation, please feel free to contact Charles Plymale at (307) 335-6951 or Bob Breuer at (307) 473-3454.

Sincerely,



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

Attachment: NOV

C: Charles Plymale, SHWD/Lander  
Tim Link, SHWD/Cheyenne  
Bob Breuer, SHWD/Casper  
John Burbridge, State AG Office

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

IN THE MATTER OF THE  
NOTICE OF VIOLATION  
ISSUED TO:

MS. SUZANNE LEWIS-SUPERINTENDENT )  
US DEPT OF INTERIOR - PARK SERVICE, )  
YELLOWSTONE NATIONAL PARK (YNP) - ) DOCKET NO.#4352-08  
GREBE LAKE (65.963) )  
P. O. BOX 168, MAMMOTH, WY 82190 )

**NOTICE OF VIOLATION**

NOTICE IS HEREBY GIVEN THAT:

On June 10, 2008, the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD), conducted an inspection of the Grebe Lake landfill area. The purpose of the inspection was to evaluate compliance with the Wyoming Solid Waste Rules and Regulations (SWRR), and to verify compliance with NOV Docket No. 4191-07, that was issued to YNP on December 17, 2007.

The inspection revealed the following violations of the SWRR:

- Count 1:** The waste containment system (final cover) was not being maintained throughout the closure and post-closure periods. [SWRR, Chapter 2, Section 7(i)] There was evidence the landfill final cover had been disturbed.
- Count 2:** The site had not been returned to the post-closure land use specified in the permit. [SWRR, Chapter 2, Section 7(p)] A gravel pit operation was observed and has not approved as the post closure land use for this site.
- Count 3:** Visual observation of the final cover and documentation from the Park Service indicates that the final cover does not meet the minimum permeability specifications and was not properly constructed. [SWRR, Chapter 2, Section 7(d)] As a result, moisture has been allowed to infiltrate into the waste with the potential for leachate generation. Recent documentation provided by Atlatl indicates Grebe Lake has been used since the Spring of 2003 for gravel crushing and stockpile operations which include excavation and installation of water containment ponds which have disturbed the original layout and impacted groundwater.

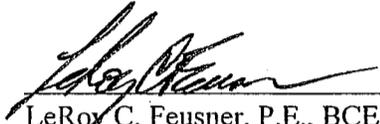
The above violations are repeat violations of NOV Docket No. 4191-07, that had been issued to YNP, on December 17, 2007. Since the issuance of NOV Docket No. 4191-07, YNP has not properly addressed the violations listed in NOV Docket No. 4197-07.

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

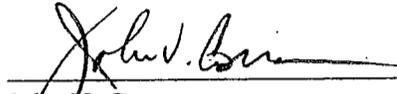
THIS NOTICE OF VIOLATION is being sent to you pursuant to Wyoming Statute 35-11-701(c) which requires that in any case of the failure to correct or remedy an alleged violation the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.



Signed this 5th day of SEPTEMBER, 2008



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



John V. Corra  
Director  
Dept. of Environmental Quality