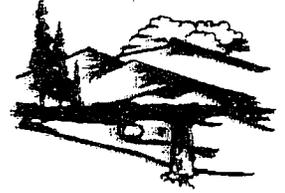




Department of Environmental Quality



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 13, 2010

Certified #70070710000038173754
Return Receipt Requested

Mr. Jon Tuner
Solid Waste Coordinator
Evanston Landfill #2 (10.656)
225 Ninth Street
Evanston, WY 82930

RE: Issuance of Notice of Violation (NOV)

Enclosed is a Notice of Violation (NOV) issued to your facility for violation(s) of the Wyoming Solid and Hazardous Waste Rules and Regulations (SHWRR).

On March 2, 2010, the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) inspector, Mr. Gary Keene, inspected the Uinta County, Evanston Landfill #2. The purpose of this inspection was to evaluate compliance with the Wyoming Solid and Hazardous Waste Rules and Regulations (SHWRR).

The inspection revealed the following violations of the SHWRR:

- Count 1:** The Facility has not adequately controlled run-on/run-off to prevent ponding and surface water contact with waste, [SWRR, Chapter 2, Section 4(i), 5(u)]. Exposed waste was observed including areas where erosion channels had developed. This violation was also identified during inspections of the landfill, on July 8, 2009, and July 28, 2009.
- Count 2:** Cover for the landfill has not been placed according to the frequency and application requirements. [SWRR, Chapter 2, Section 5(q)]. This violation was also identified during inspections of the landfill, on July 8, 2009 and July 28, 2009.
- Count 3:** The generator stores used oil in tanks, containers or units that do not meet the hazardous waste container requirements. [HWRR, Chapter 12, Section 11(c)(i)].
- Count 4:** The containers, above ground tanks, and UST fill pipes are not labeled or clearly marked with the words "Used Oil". [HWRR, Chapter 12, Section 11(c)(iii)].
- Count 5:** The facility has not taken adequate measures to control windblown litter on the site. [SWRR, Chapter 2, Section 4(n), 5(l)].



5037

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 |
|--|---|---|---|--|--|---|



- Count 6:** The operator did not have a copy of the permit letter on site. [SWRR, Chapter 2, Section 5(y)(i)(F)].
- Count 7:** The operator did not have a copy of the permit application prepared under Chapter 2. [SWRR, Chapter 2, Section 5(y)(ii)(A)].
- Count 8:** The required trench specifications records are not being kept. [SWRR, Chapter 2, Section 5(y)(ii)(G)].

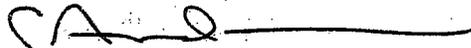
Counts 1 and 2 above are recurrent violations and have been observed during previous inspections (see attached NOV).

On September 23, 2009, a Warning Letter was sent to Jon Turner, Uinta County Solid Waste Coordinator, indicating the District had not provided documentation that the violations, listed above as Counts 1 & 2, had been properly addressed.

For this reason and due to the seriousness of the above violations, the department is issuing the attached NOV. Further enforcement considerations will be avoided with your initiatives to correct the violations within thirty (30) days of your receipt of this letter, and reasonably document the steps your facility has taken to resolve them.

If you have any questions regarding this letter or the attached NOV, please feel free to contact Bob Breuer at (307) 473-3454, Charles Plymale at (307) 335-6951, or Gary Keene at (307) 335-6743.

Sincerely,



Carl Anderson, Ph.D., Administrator
Solid and Hazardous Waste Division

Enclosures: Notice of Violation (NOV)

cc: Uinta County Commissioner's Office, Evanston
Allan Rees, Rees Construction
Gary Keene, Lander File #10.656
Bob Breuer, SHWD/Casper

BEFORE THE

ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:

UINTA COUNTY, EVANSTON LANDFILL #2)
(10.656))
3132 COUNTY ROAD 108)
EVANSTON, WY 82930)

DOCKET NO. 4684-10

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On March 2, 2010, the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD), inspector Mr. Gary Keene inspected the Uinta County, Evanston Landfill #2. The purpose of this inspection was to evaluate compliance with the Wyoming Solid Waste Rules and Regulations (SWRR).

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

Count 1: The Facility has not adequately controlled run-on/run-off to prevent ponding and surface water contact with waste, [SWRR, Chapter 2, Section 4(i), 5(u)]. Exposed waste was observed, including areas where erosion channels had developed. This violation was identified during inspections of the landfill, on July 8, 2009, and on July 28, 2009.

Count 2: Cover for the landfill has not been placed according to the frequency and application requirements. [SWRR, Chapter 2, Section 5(q)]. This violation was identified during inspections of the landfill, on July 8, 2009, and on July 28, 2009.

Count 3: The generator stores used oil in tanks, containers or units that do not meet the hazardous waste container requirements. [HWRR, Chapter 12, Section 11(c)(i)].

Count 4: The containers, above ground tanks, and UST fill pipes are not labeled or clearly marked with the words "Used Oil". [HWRR, Chapter 12, Section 11(c)(iii)].

Count 5: The facility has not taken adequate measures to control windblown litter on the site. [SWRR, Chapter 2, Section 4(n), 5(l)].

Count 6: The operator did not have a copy of the permit letter on site. [SWRR, Chapter 2, Section 5(y)(i)(F)].

Count 7: The operator did not have a copy of the permit application prepared under Chapter 2. [SWRR, Chapter 2, Section 5(y)(ii)(A)].

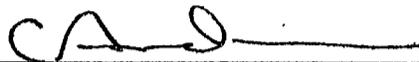
Count 8: The required trench specifications records are not being kept. [SWRR, Chapter 2, Section 5(y)(ii)(G)].

3. 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

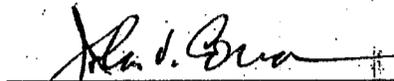


4. THIS NOTICE OF VIOLATION is being sent to you pursuant to Wyoming Statute 35-11-701(c) which requires that in any case of the failure to correct or remedy an alleged violation the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person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

Signed this 14 day of May, 2010



Carl Anderson, Ph.D.
Administrator
Solid & Hazardous Waste Division



John V. Corra
Director
Dept. of Environmental Quality