



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, June 9, 2010

Certified # 7008:0150.0001:1174.1736

Return Receipt Requested

Quentin Waldock
Waldock Partnership (51.022)
P.O. Box 1491
Lusk, WY 82225

RE: **Issuance of Notice of Violation & Request For Penalty**

Dear Mr. Waldock:

Enclosed is a Notice of Violation (NOV) issued to your facility for violation of the Wyoming Solid Waste Rules and Regulations (SWRR). Specifically, the NOV has been issued for the following violation:

"The operator shall operate this facility in compliance with the minimum standards of Chapter 6, Section 5(b) of the Solid Waste Rules and Regulations (copy enclosed). The operator may request written guidance regarding how to comply with any specific standard."

Section 5(b)(i), states: "Each facility shall accept and manage only those wastes and quantities which are specified in the facility permit, unless the administrator provides specific written authorization to accept and manage other wastes and quantities."

As of this date, Waldock Partnership has not submitted a revised permit application to allow management of the additional tire and tire piece volumes or they have not provided adequate documentation to verify that the tire and tire piece amounts have been reduced to the current authorized levels of 4000 tons of tires and tire pieces or less. Evidence available to us indicates past and current tire and tire piece volumes significantly exceed permitted levels. Therefore, Waldock Partnership is in violation of SWRR, Chapter 6, Section 5(b)(i), for not managing the waste quantities specified in the current permit.

The department has determined to seek a penalty and a compliance schedule due to the significant deviation from permitted levels and the continued failure to properly respond by either submitting the required, revised permit application or reducing the tire amounts to authorized levels.

Although the department is seeking a penalty and compliance schedule, the penalty will be deferred if you agree to voluntarily settle with a compliance schedule to assure submittal of an adequate permit application or documentation of appropriate reduction of tires on the site to the SHWD by October 1, 2010. The Wyoming Attorney General (AG) has also agreed to deferment



4851

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

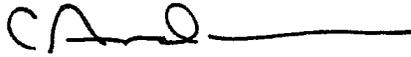


Mr. Waldock, June 9, 2010

of the total penalty amount upon the receipt and review of an adequate permit application by the required date.

If you have any questions regarding this letter or the attached NOV, or would like to discuss settlement of the penalty amount or deferment, please feel free to contact Bob Breuer in Casper, at (307) 473-3450 or Tim Link in Cheyenne at 307-777-7752.

Sincerely,



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

Enclosure: NOV

C: Dale Anderson, SWP&CA, Casper
Dena Egenhoff, SPW&CA, Cheyenne
Bob Breuer, I&C Program Manager, Casper
Bob Doctor, SWP&CA, Casper
Tim Link, I&C, Cheyenne
Mike Barrash, AG Office, Cheyenne
51.022

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:

QUENTIN WALDOCK
WALDOCK PARTNERSHIP (51.022)
P.O. BOX 1491
LUSK, WY 82225

DOCKET NO. 4693-10

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On August 20, 2002, Waldock Partnership, was issued a Low-Hazard/Low-Volume (LH/LV), Chapter 6, solid waste operating permit, for the storage and processing of scrap tires. The Waldock Partnership facility is located approximately 2.5 miles south of the Town of Lusk, Wyoming. Specifically, the facility is located in the SW1/4 of Section 28, T32N, R63W, Niobrara County, Wyoming.

2. Permit Condition #3 of the August 20, 2002, Waldock Partnership, Solid Waste Chapter 6, LH/LV permit states: "The operator shall operate this facility in compliance with the minimum standards of Chapter 6, Section 5(b) of the Solid Waste Rules and Regulations (copy enclosed). The operator may request written guidance regarding how to comply with any specific standard."

Section 5(b)(i), states: "Each facility shall accept and manage only those wastes and quantities which are specified in the facility permit, unless the administrator provides specific written authorization to accept and manage other wastes and quantities."

3. On June 30, 2008, the SHWD sent Mr. Waldock a letter indicating the facility is limited to no more than 4,000 tons of tires and tire pieces; at that time, there were about 5,180 tons of these materials on site. In the letter, the department allowed Mr. Waldock a one year time period from the date of the letter to return to the current permitted amounts by either reducing the amounts onsite to authorized levels, or submit an application for a full Solid Waste Chapter 6 permit application for a transfer, treatment, storage facility within one (1) year from the date of the June 30th letter.

As of this date, Department personnel have not received the required Chapter 6 permit application nor has the current onsite tire amounts been reduced to authorized levels.

4. On July 2, 2009, the SHWD sent Waldock Partners a second letter that reiterated the same information and same request options as contained in the June 30, 2008, letter described under #3.

As of this date, Department personnel have not received the required Chapter 6 permit application nor has the current onsite tire and tire pieces amounts been reduced to authorized levels.

5. On August 5, 2009, the SHWD conducted an inspection of the Waldock Partnership facility. The inspection indicated there were approximately 6916 tons of tires and tire pieces. This amount exceeds the allowable permitted amount of 4000 tons of tires and tire pieces.

6. On September 3, 2009, the SHWD sent Waldock Partnership a letter describing the tire and tire pieces exceedance amounts noted during the August 5, 2009, inspection, and that Waldock Partnership is currently in violation of the SWRR for remaining above the permitted allowable tonnage, and a full Chapter 6 permit application still has not been submitted. This letter again reiterated that Waldock



Partnership must either reduce the current amounts onsite to authorized levels, or submit an application for a full Solid Waste Chapter 6 permit application within sixty (60) days of receipt of the letter.

7. On May 24, 2010, the SHWD conducted a follow up inspection of the Waldock Partnership facility. The results of the inspection indicated there were approximately 6201.8 tons of tires and tire pieces. This amount exceeds the allowable permitted amount of 4000 tons of tires and tire pieces.

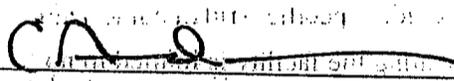
As of this date, Waldock Partnership has not submitted the required permit application nor have they provided adequate documentation, that the current tire amounts have been reduced to the authorized levels of 4000 tons of tires and tire pieces or less. Therefore, Waldock Partnership is in violation of SWRR, Chapter 6, Section 5(b)(i), for not managing the waste quantities specified in the permit.

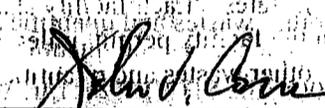
8. SWRR, Chapter 1, Section 1(h)(vi), states: No solid waste shall be speculatively accumulated at a facility intended for use as a solid waste management facility without a permit. It was determined during the August 5, 2009, and May 24, 2010, inspections, that Waldock Partnership exceeded the allowable permitted amount of 4000 tons of tires and tire material onsite, therefore Waldock Partnership is in violation of Chapter 1, Section 1(h)(vi), for speculatively accumulating solid waste without a valid permit.

9. 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

10. 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 14th day of June 2010


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


John V. Corra
Director
Dept. of Environmental Quality