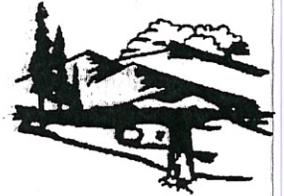




Department of Environmental Quality



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 12, 2010

Certified #7007 0710 0000 3817 4386
Return Receipt Requested

Mr. Stanley Jones
135 Main Street
Otto, WY 82434

RE: Issuance of Notice of Violation (NOV)

Dear Mr. Jones:

Enclosed is a Notice of Violation (NOV) issued to you for violations of the Wyoming Solid Waste Rules and Regulations (SWRR). On April 14, 2010, Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) personnel, Mr. Tim Link, conducted an inspection of the unauthorized tire management facility located approximately 3 miles south of Otto, Wyoming, to evaluate compliance with the Wyoming Solid Waste Rules & Regulations (SWRR). You accompanied Mr. Link during the inspection. It is estimated there are in excess of 20,000 scrap tires at the location and there is evidence of economic gains with receipt of these tires at an unauthorized site.

As a result of the inspection, the following significant violations (SNC) of the Wyoming SWRR were observed:

Count 1: Management of large quantities of solid waste (scrap tires from local businesses and storing them) on the LeRoy Jone's property without a solid waste permit and, therefore, in violation of SWRR, Chapter 1, Section 1(f). [SWRR, Chapter 1 (1)(f)]

Count 2: Violation of SWRR, Chapter 1, Section 1(h), for open dumping of a solid waste (scrap tires).

Count 3: Speculation accumulation of solid wastes (scrap tires) at a facility intended for use as a solid waste management facility without a permit and, therefore, in violation of SWRR, Chapter 1, Section 1(h)(vi).

In order to avoid further enforcement action by the department, we are requesting that the following items be properly addressed within the designated deadline dates listed to assure the violations in the NOV are addressed:

1. Delivery of scrap tires to the above location or any other unauthorized location, shall immediately cease.
2. Within sixty (60) days of your receipt of the NOV, all of the provisions contained under Section 6.0, Temporary Scrap Tire Storage, of the enclosed Solid Waste Guideline #21, Standards For Scrap Tire Storage, shall be followed to prevent potential environmental impacts that could occur (i.e.,



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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50-foot fire lane/buffer zone shall be maintained around all temporary piles, tire piles may not exceed 20' in height, etc.).

3. Within one hundred twenty (120) days of your receipt of the NOV, all scrap tires shall be removed from the area and either disposed at a state permitted solid waste management facility (local landfill), hauled out-of-state for disposal to an authorized facility, or the scrap tires on the property shall be used in accord within an approved beneficial use exemption issued by the Solid Waste Management Program as specified under Section 5.2, Exemptions for Specific Scrap Tire Management Activities, as stated in the attached Scrap Tire Management guideline. If the final alternative is chosen, an application for beneficial use exemption shall be submitted no later than forty-five (45) days from the date of receipt of this letter, and shall be submitted to: Mr. Dale Anderson, SWP&CA, Wyoming DEQ/SHWD Casper District Office, 152 North Durbin Street, Suite 100, Casper, WY 82601. Please be aware there is no assurance your proposal will meet the requirements for beneficial use authorization.

Proper documentation (i.e., disposal receipts, etc.) shall be provided to confirm proper management of the scrap tires.

As stated under Section 5.2 in the guideline, the Department will not approve the use of whole scrap tires for use in windbreaks, fences or other exposed applications. You had indicated an interest in applying for a beneficial use exemption to use all of the scrap tires as stabilization for an onsite dam embankment. However, it is not certain specifically, how the tires will be used, i.e., adjacent to and as a structural support of the earthen embankment currently in place, as a 'stand alone' artificial embankment covered with earth, etc.? Also, enough information will need to be provided to demonstrate the proposed application will be effective including reasonable engineered bank stabilization demonstrations, potential for wind and water erosion assessment of the completed tire embankment, how the embankment will be constructed, including drawings/diagram of the thickness, height, etc., and all other information requirements required under Section 5.2 of the guideline.

Please contact Mr. Dale Anderson, in our Casper office at (307) 473-3472, with any questions regarding submittal of any beneficial use exemption and/or any of the provisions of Guideline No. 21. If you have any questions, please contact Mr. Tim Link in Cheyenne at 777-7164 or Bob Breuer in our Casper office at (307) 473-3454.

Sincerely,



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

Enclosure: NOV, Scrap Tire Guideline

Cc: Big Horn Co-Op Marketing Association, Tire & Bulk, 346 S. 6th Street, Greybull, WY
LeRoy Jones, 950 Greybull Road, Rosette, WY 82727
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

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:

MR. STANLEY JONES
135 MAIN STREET
OTTO, WY 82434

)
)
) DOCKET NO. 4710-10

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On April 14, 2010, the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) personnel, Mr. Tim Link, conducted an inspection of the unauthorized scrap tire waste management facility located approximately 3 miles south of Otto, Wyoming, to evaluate compliance with the Wyoming Solid Waste Rules and Regulations (SWRR). The site is located on property owned by Mr. Le Roy Jones. It was estimated there were approximately >20,000 scrap tires at the location.

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

Count 1: SWRR, Chapter 1, Section 1(f)(i), requires that a permit or a one-time 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. Mr. Stanley Jones is accepting large quantities of scrap tires from local businesses and storing them on the Le Roy Jones property without a solid waste permit and is, therefore, in violation of SWRR, Chapter 1, Section 1(f). [SWRR, Chapter 1 (1)(f)]

Count 2: SWRR, Chapter 1, Section 1(e)(i), defines "Open dump" as meaning an uncontrolled solid waste management facility at which solid wastes are placed on the land in such a manner that they present a real or potential hazard to public health and the environment. Open dump includes any solid waste management facility subject to the permitting requirements of these rules and regulations which does not have a current, valid permit. The placement of scrap tires at the above location by Mr. Jones without the required solid waste permit meets the definition of 'open dump'.

SWRR, Chapter 1, Section 1(h), Prohibited acts, states the following acts are prohibited: (i) Open dumping. Therefore, Mr. Jones is in violation of SWRR, Chapter 1, Section 1(h), for open dumping of a solid waste (scrap tires).

Count 3: SWRR, Chapter 1, Section 1(h)(vi), states, "No solid wastes shall be speculatively accumulated at a facility intended for use as a solid waste management facility without a permit." Solid wastes (scrap tires) were being speculatively accumulated without a permit at the above location, therefore Mr. Jones is in violation of SWRR, Chapter 1, Section 1(h)(vi).

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

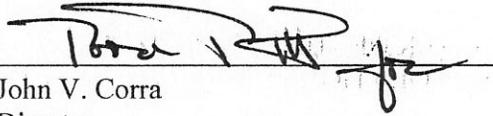
4. THIS NOTICE OF VIOLATION is being sent to you pursuant to Wyoming Statute 35-11-701(c) which requires that in any case of the failure to correct or remedy an alleged violation the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person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



Signed this 16th day of JULY, 2010



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



John V. Corra
Director
Dept. of Environmental Quality