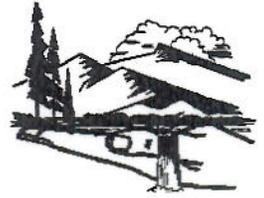




Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matthew H. Mead, Governor

John Corra, Director

Monday, March 28, 2011

Certified #7010 2780 0000 4521 6694
Return Receipt Requested

Andy Hewitt, Mayor
Town of Lyman
P.O. Box 300
100 East Sage Street
Lyman, WY 82937

RE: Issuance of Notice of Violation, Town of Lyman

Dear Mr. Hewitt

Enclosed is a Notice of Violation (NOV) issued to your municipality for violation(s) of the Wyoming State Solid Waste Rules and Regulations (SWRR).

On February 15, 2011, the Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division, personnel, conducted an inspection of illegal dumping of waste generated as a result of the demolition of a residential building, located at #225 East Walnut Street, Lyman, WY. Construction/demolition (C&D) waste and other solid wastes were transported to a private ranch dump, located on the Maxfield Ranch property, Uinta County, WY. The purpose of the inspection was to evaluate compliance with the Wyoming Solid Waste Rules and Regulations (SWRR).

The following violations of the SWRR were determined as a result of the inspection:

Count 1: The facility does not have a current permit or One-Time Authorization (OTA) to manage wastes at this location. [SWRR, Chapter 1, Section 1(f)]. The Town of Lyman contracted X-IT Construction to demolish a residential building and dispose of the generated construction/demolition and other solid waste in a private ranch dump, located on Maxfield Ranch property, Uinta County, WY. The material consisted of asphalt shingles, framing wood, plywood/OSB, fiberglass insulation, wiring, pipe, plastic, carpet, linoleum, glass, metal, furniture and household garbage. Chapter 1, Section 1(e)(i) of the SWRR, defines, "Construction/demolition waste" including but not limited to stone, wood, concrete, cinder blocks, brick, plaster and metal. The February 15, 2011 inspection, revealed the Town of Lyman was managing construction/demolition waste without a permit or one-time or emergency authorization, in violation of the Wyoming SWRR.



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Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7758 FAX 777 7800	ABANDONED MINES (307) 777-6145 FAX 777 6160	AIR QUALITY (307) 777-7391 FAX 777 6648	INDUSTRIAL SITING (307) 777-7369 FAX 777 6007	LAND QUALITY (307) 777-7756 FAX 777 6664	SOLID & HAZ. WASTE (307) 777-7752 FAX 777 6072	WATER QUALITY (307) 777-7781 FAX 777 6072
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Count 2: The Town of Lyman was conducting the prohibited act of open dumping. [SWRR, Chapter 1, Section 1(h)(i)]. Construction/demolition and other solid waste from the demolition of a residential building, located at #225 East Walnut Street, Lyman, WY, was being disposed into a private ranch dump, located on Maxfield Ranch property, Uinta County, WY. The waste materials consisted of asphalt shingles, framing wood, plywood/OSB, fiberglass insulation, wiring, pipe, plastic, carpet, linoleum, glass, metal, furniture and household garbage.

Count 3: The Town of Lyman was conducting the prohibited act of open burning of wastes not exempted under Chapter 1, Section 1(l). [SWRR, Chapter 1, Section 1(h)(v)]. Construction/demolition and other solid waste from a residential building, located at #225 East Walnut street, Lyman, WY, was being burned at a private ranch dump, located on Maxfield Ranch property, Uinta County, WY. The waste materials consisted of asphalt shingles, framing wood, plywood/OSB, fiberglass insulation, wiring, pipe, plastic, carpet, linoleum, glass, metal, furniture and household garbage.

Unauthorized disposal/burning activities are significant violations due to unknown and potential impacts to human health and the environment. Construction/demolition and other waste materials can potentially contain hazardous materials, therefore controlled disposal is required.

The department does not wish to seek a penalty at this time, provided the Town of Lyman and X-IT Construction take the appropriate actions necessary to return to compliance. Once analytical results for asbestos are acquired, the Town of Lyman will have sixty (60) days to haul all materials and ash to a permitted solid waste facility. If asbestos is present in regulated concentrations (usually over 1 % Asbestos Containing Materials (ACM)), transportation and disposal of waste material, must be consistent with the Wyoming Department of Transportation and WDEQ rules and regulations to control hazards from asbestos.

If you have any questions regarding this letter or the attached NOV, please feel free to contact me at (307) 777-7753 or Charles Plymale at (307) 335-6951.

Sincerely,

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

Enclosure: Notice of Violation

cc: Bob Breuer, SHWD/Casper
Tim Link, SHWD, Cheyenne
Cheyenne File #46.00
Lander File #46.00



BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:

TOWN OF LYMAN
P.O. BOX 300
100 EAST SAGE STREET
LYMAN, WY 82937

)
)
) DOCKET NO. 4819-11
)
)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On February 15, 2011, the Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division, personnel, conducted an inspection, due to a complaint received by the department, of illegal disposal of waste by the Town of Lyman, WY. The purpose of the inspection was to evaluate compliance with the Wyoming Solid Waste Rules and Regulations (SWRR), and investigate the complaint the department received.
2. The inspection revealed the following violations of the Wyoming Solid Waste Rules and Regulations:
 - a. Count 1: The facility does not have a current permit or One-Time Authorization (OTA) to manage wastes at this location. [SWRR, Chapter 1, Section 1(f)]. The Town of Lyman contracted X-IT Construction to demolish a residential building and dispose of the generated construction/demolition and other solid waste in a private ranch dump, located on Maxfield Ranch property, Uinta County, WY. The disposed of materials consisted of asphalt shingles, framing wood, plywood/OSB, fiberglass insulation, wiring, pipe, plastic, carpet, linoleum, glass, metal, furniture and household garbage. Chapter 1, Section 1(e)(i) of the SWRR, defines, "Construction/demolition waste" including but not limited to stone, wood, concrete, cinder blocks, brick, plaster and metal. The February 15th, 2011 inspection, revealed the Town of Lyman was managing construction/demolition waste without a permit or one-time or emergency authorization, in violation of the Wyoming SWRR.
 - b. Count 2: The Town of Lyman was conducting the prohibited act of open dumping. [SWRR, Chapter 1, Section 1(h)(i)]. Construction/demolition and other solid waste from the demolition of a residential building, located at #225 East Walnut Street, Lyman, WY, was being disposed into a private ranch dump, located on the Maxfield Ranch property, Uinta County, WY. The waste materials consisted of asphalt shingles, framing wood, plywood/OSB, fiberglass insulation, wiring, pipe, plastic, carpet, linoleum, glass, metal, furniture and household garbage.

Solid Waste Rules and Regulations (SWRR), Chapter 1, Section 1(h), Prohibited Acts, (v), states the following acts are prohibited:

- (i) Open dumping.

Chapter 1, Section 1(e) of the SWRR, defines 'open dump' as: "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."



Therefore, The Town of Lyman was in violation of SWRR, Chapter 1, Section 1(h)(i) for the prohibited act of open dumping of construction/demolition and other solid waste at a private ranch dump, located on Maxfield Ranch property, Uinta County, WY.

- c. Count 3: The Town of Lyman was conducting the prohibited act of open burning of wastes not exempted under Chapter 1, Section 1(l). [SWRR, Chapter 1, Section 1(h)(v)]. Construction/demolition and other solid waste from a residential building, located at #225 East Walnut street, Lyman, WY, was being burned in a private ranch dump, located on Maxfield Ranch property, Uinta County, WY. The waste materials consisted of asphalt shingles, framing wood, plywood/OSB, fiberglass insulation, wiring, pipe, plastic, carpet, linoleum, glass, metal, furniture and household garbage.

Solid Waste Rules and Regulations (SWRR), Chapter 1, Section 1(h), Prohibited Acts, (v), states the following acts are prohibited:

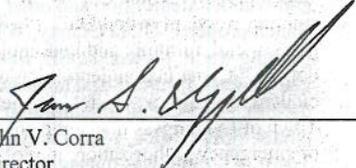
"Open burning of any wastes not exempted in Chapter 1, Section 1(l)."

Therefore, The Town of Lyman was in violation of SWRR, Chapter 1, Section 1(h)(i) for the prohibited act of open dumping of construction/demolition and other solid waste at a private ranch dump, located on Maxfield Ranch property, Uinta County, WY.

- 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 28th day of March, 2011


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


 John V. Corra
 Director
 Dept. of Environmental Quality