

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE
NOTICE OF VIOLATION
ISSUED TO:

O K WRECKING
11 HIGHWAY 59
DOUGLAS, WY 82633

)
)
) DOCKET NO. 4849-11

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On May 3, 2011, the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) personnel, Mr. Tim Link, conducted an inspection of O K Wrecking, Inc., 11 Highway 59, Douglas, WY, in response to a complaint the department had received concerning waste management problems and to evaluate compliance with the Wyoming Solid Waste Rules and Regulations (SWRR).

2. The inspection revealed the following violations of the Wyoming Hazardous (HWRR) and Solid Waste Rules & Regulations (SWRR):

Count 1: SWRR, Chapter 1, Section 1(f)(i), requires a permit or a one-time authorization 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. It was determined during the inspection that the facility had greater than 2,000 gallons used oil storage capacity (>3400 gallon storage capacity at time of inspection) and did not have a solid waste permit for used oil storage. The facility was, therefore, in violation of SWRR, Chapter 1, Section 1(f)(i).

Count 2: The used oil generator does not have an SPCC plan that adequately addresses used oil spills, cleanup and total waste containment. The total used oil storage capacity at the time of the inspection was 3465 gallons used oil and there was no SPCC plan onsite. [HWRR, Chapter 12, Section 11(c)]

Count 3: The facility was unable to provide adequate evidence that the generator took the required steps to stop, contain and properly cleanup and manage the used oil release and released materials. There was a large used oil spill outside the shop and there was no evidence the used oil generator had taken the required steps to stop, contain and properly cleanup and manage the used oil release and released materials. [HWRR, Chapter 12, Section 11(c)(iv)(A), (B), (C)]

Count 4: The containers, above ground tanks, and UST fill pipes are not labeled or clearly marked with the words "Used Oil". The following units were not labeled: 300 gallon indoor oil burner tank, 2, 1000-gallon outdoor tanks, 9 plastic buckets and several smaller buckets, and 13, 55-gallon drums. All items were properly labeled before the inspector left the facility. [HWRR, Chapter 12, Section 11(c)(iii)]

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 10th day of June, 2011.

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

Signature of John V. Corra
John V. Corra
Director
Dept. of Environmental Quality

NOTICE OF VIOLATION

On May 3, 2011, the Wyoming Department of Environmental Quality (WDEQ) Solid and Hazardous Waste Division (SHWD) personnel, Mr. Tim Link, conducted an inspection of O.K. Wrecking, Inc., 11 Highway 29, Douglas, WY, in response to a complaint the department had received concerning waste management practices and to evaluate compliance with the Wyoming Solid Waste Rules and Regulations (SWRR).

The inspection revealed the following violations of the Wyoming Hazardous (HWR) and Solid Waste Rules & Regulations (SWRR):

Count 1: SWRR, Chapter 1, Section 11(D), requires a permit or a one-time authorization for the location, construction, operation or closure of any new or existing solid waste management facility as specified by Chapter 1, Section 1, or by the applicable chapter(s) of these rules and regulations. It was determined during the inspection that the facility had greater than 1,000 gallons used oil storage capacity (>1000 gallon storage capacity at time of inspection) and did not have a solid waste permit for used oil storage. The facility was therefore in violation of SWRR, Chapter 1, Section 11(D).

Count 2: The used oil generator does not have an SPCC plan that adequately addresses used oil spill cleanup and total waste containment. The total used oil storage capacity at the time of the inspection was 3462 gallons used oil and there was no SPCC plan onsite. [SWRR, Chapter 12, Section 11(C)]

Count 3: The facility was unable to provide adequate evidence that the generator took the required steps to stop, contain and properly cleanup and manage the used oil release and released materials. There was a large used oil spill outside the shop and there was no evidence the used oil generator had taken the required steps to stop, contain and properly cleanup and manage the used oil release and released materials. [SWRR, Chapter 12, Section 11(C)(1)(b), (c)]

Count 4: The containers above ground tanks and 151 (b) pipes are not labeled or clearly marked with the words "Used Oil". The following units were not labeled: 700 gallon indoor oil burner tank, 1000-gallon outdoor tank, 9 plastic buckets and several smaller buckets, and 13 55-gallon drums. All items were properly labeled before the inspector left the facility. [SWRR, Chapter 12, Section 11(C)(1)(b)]

ANY PERSON who violates any provision of the Environmental Quality Act or any rule, 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 22-11-201(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.

