DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE	)	
NOTICE OF VIOLATION AND ORDER	)	DOCKET NO. 5026-12
ISSUED TO:		
WYOMING TIRE, INC.	)	
6925 Cactus Lane	)	
Casper, WY 82604	)	

NOTICE OF VIOLATION

The Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division (DEQ) issues this Notice of Violation and Order to remedy uncorrected violations alleged in Notice of Violation (NOV) No. 4255-08, dated May 5, 2008, and additional violations described below, relating to Wyoming Tire, Inc.'s facility located at 6925 Cactus Lane, Casper, Wyoming.

Wyoming Tire, Inc. has:

(1) Continued to operate a solid waste management facility after its permit expired in violation of Solid Waste Rules & Regulations (SWRR), Chapter 1, Section 1 (h)(vi);

(2) Exceeded the quantities of scrap tires allowed under the facility's most recent permit in violation of SWRR, Chapter 6, Section 5(a)(iii). The facility permit allowed 63,700 whole PTE tires, and 1,350 tones of shredded tires to be onsite (combined would be a total of 221,200 PTE tires). The facility has approximately 213,868 whole PTE tires, and 7,175 tons of shredded tires onsite (combined would be a total of 1,051,041 PTE tires) One PTE is the equivalent of one passenger tire and is commonly estimated to weigh 20 pounds;

(3) Constructed outdoor scrap tire and tire shred piles less than fifty (50) feet from the facility property boundaries in violation of SWRR, Chapter 8, Section 2(c)(iii);

(4) Accumulated scrap tire and tire shred piles that exceed fifty (50) feet in width and have a base surface area greater than ten-thousand (10,000) square feet in violation of SWRR, Chapter 8, Section 2(c)(iv);

(5) Failed to submit the required permit renewal application prior to expiration of the most recent permit as required by the permit renewal application provision, in violation of SWRR, Chapter 1, Section 2(e)(ii);

(6) Failed to provide documentation of adequate financial assurance required by the permit under SWRR, Chapter 6, Section 2(h) and Chapter 7, Section 2(b); and

(7) Failed to provide required records of sources, volumes, and dates of scrap tires received by the facility and records of the volumes, destinations, and dates scrap tires or shreds removed from the facility, in violation of SWRR, Chapter 6, Section 5(a)(xviii)(E) & (F).

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

ANY PERSON who violates any provision of the Environmental Quality Act, or any rules, standard, permit, license, or variance adopted thereunder, is subject to an injunction and a penalty of up to ten thousand dollars ($10,000) for each day that each violation persists, 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.

ORDER

Pursuant to Wyo. Stat. § 35-11-701(c)(i), the Wyoming Department of Environmental Quality orders as follows:

1. Within thirty (30) days of the date of this Order, Wyoming Tire, Inc. shall establish an Emergency Response Plan (ERP) as set forth in Attachment B. In the ERP Wyoming Tire shall provide that:

    a. Communication equipment shall be maintained at the facility, to ensure that the operator can contact local fire authorities in the event of a fire;

    b. Adequate equipment to aid in the control of fires shall be provided and maintained at the facility at all times. At a minimum the following items shall be maintained onsite and in working order: one dry chemical fire extinguisher, one 2.5 gallon water extinguisher, one 10 foot long spike pole, one round point shovel, and one square point shovel. One dry chemical fire extinguisher with a

minimum rating of 4A:40BC shall be carried on each piece of fuel powered equipment used to handle scrap tires or shreds;

c. An adequate water supply shall be available for use by the local fire authority. The water supply shall be capable of delivering at least 1,000 gallons per minute (gpm) for three hours in facilities with fewer than 10,000 waste tires, or 2,000gpm for three hours if the sum of altered or whole tires exceeds 10,000 scrap tires; and

d. The local fire authority has the option to require additional tools and equipment for fire control and the protection of life and property.

Wyoming Tire shall maintain a copy of the ERP at the facility and forward a copy of the ERP to the local fire authority. Wyoming Tire shall revise the ERP as necessary to reflect changes in operations of the waste tire facility within thirty (30) days of any such changes.

2. Within sixty (60) days of the date of this Order, Wyoming Tire, Inc. shall submit to DEQ documentation specifying the number of scrap tires by passenger tires, light truck tires, heavy equipment, off road tires, and volume of tire shreds stored at the facility on the date the documents are submitted.

3. Within one hundred and twenty (120) days of the date of this Order, Wyoming Tire, Inc. shall widen fire lanes along the South and West property boundaries to a minimum width of fifty (50) feet. Once the fifty (50) foot minimum fire lane requirement has been met (by proper disposal of the tires at a DEQ approved site or authorized out of state facility), the fire lanes must remain at least fifty-feet wide, unobstructed, and in passable condition.

4. Wyoming Tire, Inc. shall not move, nor otherwise handle, rearrange, or disturb, any scrap tires or scrap tire shreds at the site except to establish fire lanes in accordance with paragraph 1 or to remove tires in accordance with the schedule described herein and the sequence set forth in Attachment A, unless Wyoming Tire, Inc. obtains prior written approval from DEQ.

5. Wyoming Tire, Inc. shall **remove** accumulated tires and tire shreds from the site in accordance with the following schedule and shall complete a tire manifest (Attachment C) for each shipment:

a) Beginning with the first day of the month following the date of this Order, Wyoming Tire, Inc. shall remove during each three month period a minimum of 33,000 whole tires, or the equivalent of tire shreds in tons according to the

following formula: One cubic yard of tire shreds is equivalent to thiry-five (35) passenger Tire Equivalents (PTE) or six hundred fifty (650) pounds or 0.3 tons.

b) Wyoming Tire, Inc. shall remove from the facility a minimum of 132,000 tires or equivalent in shreds per year.

c) Tires and tire shreds shall be removed to a DEQ approved site or authorized out of state facility, until the number of tires accumulated at the site has been reduced to the previously permitted amount of 63,700 whole scrap tires and 1,350 tons (see paragraph 5(d)) of tire shreds.

d) Accumulated tires shall be removed in the sequence established in Attachment A. Removal shall begin with the pile labeled "1" in Attachment A and proceed in numerical order. All scrap tires must be removed from one pile before disturbing the next pile in accordance with the schedule and sequence, unless Wyoming Tire, Inc. obtains prior written approval from the DEQ.

e) Monthly reports shall be submitted to DEQ, documenting volumes by tons of shreds and number of whole scrap tires, dates, and destinations of whole scrap tires and tire shreds removed from the facility.

6. Beginning on the first day of the month following the date of this Order, Wyoming Tire, Inc. may accept for disposal only scrap tires and only as part of Wyoming Tire, Inc.'s retail tire sales.

7. Wyoming Tire, Inc. may not accept more than one scrap tire for each tire sold.

8. Wyoming Tire, Inc. shall not place outside of the retail inventory area designated in Attachment A any scrap tires Wyoming Tire, Inc. accepts as part of a retail tire sale.

9. Prior to October 1, 2013, Wyoming Tire, Inc. shall establish a DEQ approved staging area for incoming scrap tires within the retail inventory area. The staging area must be separate from existing scrap tire and tire shred piles. Scrap tires in this staging area must be removed off site each month. Tires in the staging area may not be moved to any other accumulated scrap tire or tire shred pile within the facility.

10. All tires not meeting the criteria set forth in Wyo. Stat. Ann. § 31-5-956(f) are scrap tires subject to the conditions described in this Order. To provide minimal evidence of viable,

conventional tire resale activities, at least twenty five percent (25 %) of tires in the resale area shall be size and type sorted to allow reasonable customer and/or DEQ inspection.

11. Within one hundred twenty (120) days from the date of reducing the amount of tires and tire shreds to the permitted amounts (63,700 whole scrap tires and 1,350 tons of tire shreds) in accordance with the terms described in paragraph 5, Wyoming Tire, Inc. shall submit to DEQ a complete permit renewal application addressing all requirements listed under SWRR, Chapter 6, Section 2(e) and (h). The application shall include, but not be limited to, the following:

    a) Documentation of adequate financial assurance based upon the volumes of scrap tires and shreds described in the facility's solid waste permit renewal application, as required under SWRR, Chapter 7, Section 2(b);

    b) A current copy of the recordkeeping form or forms that will be used to document the source, volume, and dates for which scrap tires are received for storage at the facility and documentation of the volumes, dates, and destinations of scrap tires and tire shreds removed from the facility to an approved location. The recordkeeping forms shall also include a description of the tire sizes, and

    c) A general facility plot plan describing the future operation of the facility and accurately demonstrating the requirements of SWRR, Chapter 6, Section 2(a)(v), including the location and size of all tire piles and tire shred piles, fire lanes, and buffer zones.

12. The permit renewal application shall be submitted to:

    Patrick Troxel
    Solid Waste Permitting & Corrective Action
    WDEQ/SHWD
    Lander Field Office
    510 Meadowview Drive
    Lander, WY 82520

13. The DEQ will prepare a written review of the renewal application. If the DEQ determines the application is inadequate, Wyoming Tire, Inc. shall submit an amended application correcting all noted deficiencies within sixty (60) days from the date of the review.

This NOV and Order is final and binding unless, not later than ten (10) days after it is served, it is appealed by filing a written petition requesting a hearing before the Environmental Quality Council. Such petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, Herschler Building, 1st Floor West, Room 1714, 122 West 25th Street, Cheyenne Wyoming 82002. A copy of the petition shall be mailed to the Director, Wyoming Department of Environmental Quality, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002.

Dated this 14th day of August, 2012.

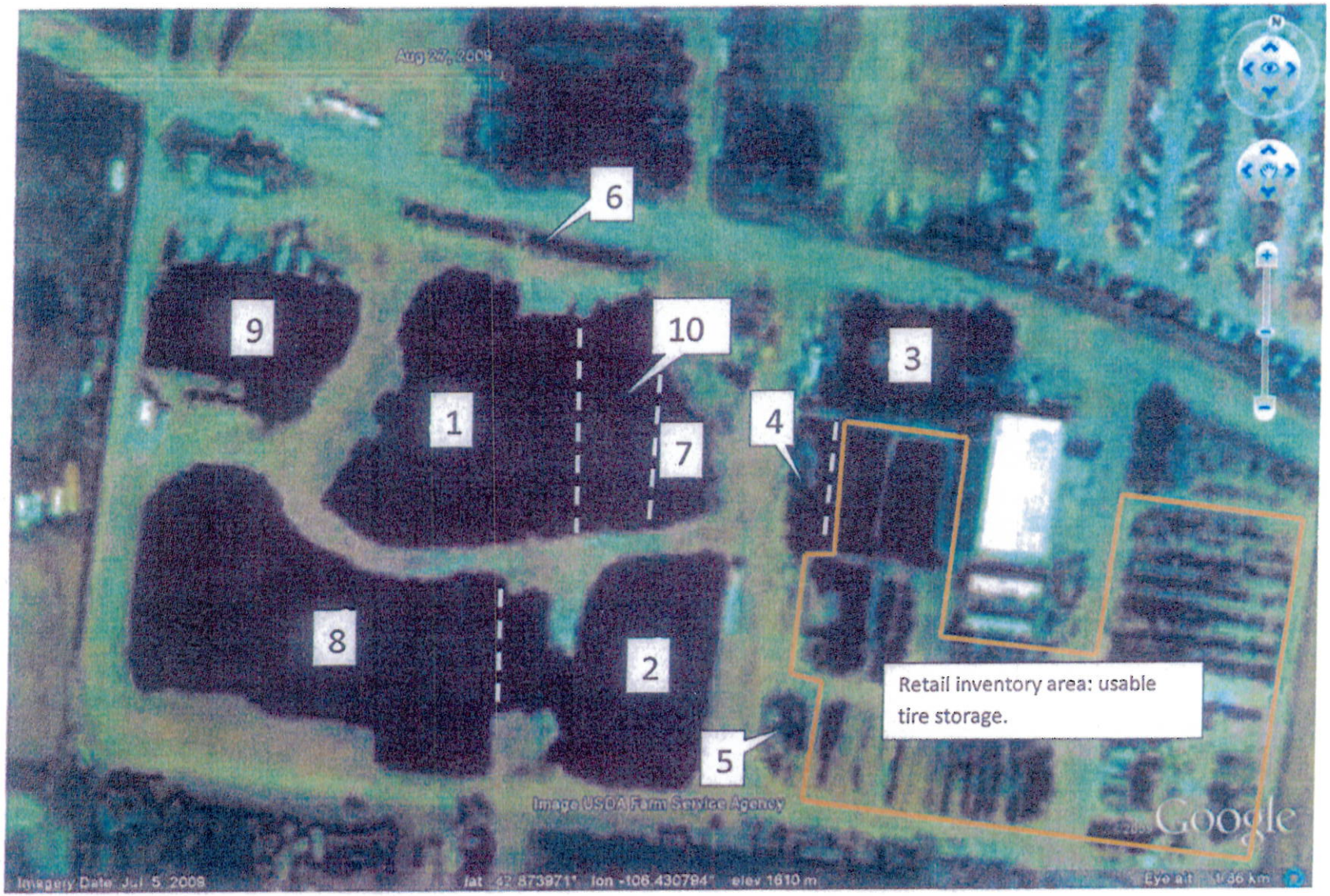
John Corra
Director
Wyoming Dept. Environmental Quality

Carl Anderson, Ph.D.
Administrator
Solid and Hazardous Waste Division
Wyoming Dept. of Environmental Quality

Attachment A

Docket No. 5026-12

ATTACHMENT A, DOCKET NO. 5026-12 AOC ISSUED TO WYOMING TIRE INC. TIRE REMOVAL SEQUENCE



Attachment B

Docket No. 5026-12

WASTE TIRE FACILITY
EMERGENCY RESPONSE PLAN

I. GENERAL INFORMATION (please print or type)											
Facility Name:											
Facility Mailing Address:											
City:		County:		State:		Zip:		Phone:			
Facility Operator's Name:											
Mailing Address:											
City:		County:		State:		Zip:		Phone:			
Property Owner's Name (if different from operator):											
Mailing Address:											
City:		County:		State:		Zip:		Phone:			

II. EMERGENCY CONTACT LIST

List the names and telephone numbers of the persons and appropriate agencies to be contacted in case of emergency:

	Name	Phone
Facility Owner		
Facility Operator		
Local Fire Authority		
Local Police Department		
Wyo. DEQ / Solid & Hazardous Waste Division		
Emergency Response Team		
Any additional numbers that may be needed		

III. EQUIPMENT

Emergency Response Equipment Available:

☐ 1. Minimum equipment required:

- ☐ One, dry chemical fire extinguisher — Weight:
- ☐ One, 2½ gallon water extinguisher
- ☐ One, pike pole at least 10 feet in length
- ☐ One round point and one square point shovel

OR

☐ 2. Equipment in lieu of the list above (attach fire authority approved requirements):

III. EQUIPMENT CON'T

Additional emergency response equipment present at the facility or available for use by the facility and how it is intended for use in case of emergency (attach local fire authority requirements, if any):

Attach a map showing the location of fire lanes, tire pile configurations, fire hydrants, power supply, and emergency response equipment (may include same map as required on Page 5 of the Operation Plan).

IV. EMERGENCY RESPONSE PROCEDURES

Describe the procedures that should be followed in the event of a fire, including procedures to contain and dispose of any pyrolytic oil generated by the combustion of tires and any water used to fight the fire:

Attachment C

Docket No. 5026-12

Waste Tire Manifest

WASTE TIRE HAULER

Date: Mo	Day	Yr	Hauler Registration Number:	Manifest Number:

Business Name:		Vehicle Decal Number:	
Street Address:	City:	State:	Zip Code:
Business Phone Number:	E-mail Address:	Driver:	
(If applicable) Contract/Common Carrier Name & US DOT #:			

WASTE TIRE GENERATOR INFORMATION

Pickup Business or Generator Name:

Street Address/City/State/Zip Code:	Generator Registration Number:
	Business Phone Number:

Check box if this is an illegal tire pile/dump or private party (use fields above to enter landowner information and property location/description): ☐

Amount of Waste Tires Picked Up (REQUIRED):

# of tires: _____
OR
Tons of tires: _____

Tire Diameters - # of tires OR weight of tires in tons (OPTIONAL):

Passenger/
Light Truck: _____ Medium Duty: _____

Heavy Duty: _____ Other: _____

NOTE: The amount accounted for in Tire Diameters should equal the amount in Amount of Waste Tires Picked Up

Hauler Signature:	Generator Signature:

NOTE: A separate manifest must be completed for each pick-up of waste tires at each Waste Tire Generator.

ADJUSTMENT TABLE (IF APPLICABLE)

of Tires OR Tons of Tires Removed from This Load for Re-use or Salvage: _____

TOTAL AMOUNT OF WASTE TIRES REMAINING: # of tires: _____ OR Tons of tires: _____

TOTAL AMOUNT OF TIRES IMPORTED FROM OUT OF STATE (IF APPLICABLE)

of Tires OR Tons of Tires in This Load from Out of State: # of tires: _____ OR Tons of tires: _____

WASTE TIRE DESTINATION FACILITY

Destination Business Name:		Amount of Waste Tires Delivered
Street Address/City/State/Zip Code:	Facility Registration Number:	# of tires: _____
	Facility Decal Number:	OR
Check type(s) of facility: Hauler ☐ Processor/End-User ☐ Disposal ☐ Collection ☐ Retailer/Wholesaler ☐	Business Phone Number:	Tons of tires _____
Hauler Signature:	Destination Facility Signature:	

NOTE: A separate manifest must be completed for each drop-off of waste tires at each Waste Tire Destination Facility.