

FILED

JAN 17 1991

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL STATE OF WYOMING

Terri A. Lorenzon, Adm. Aide Environmental Quality Council

IN THE MATTERS OF THE)
NOTICE OF VIOLATION AND)
ORDER ISSUED BY THE)
WYOMING DEPARTMENT OF)
ENVIRONMENTAL QUALITY/SOLID)
WASTE MANAGEMENT PROGRAM)
TO KELLY B. RICHARDS)

Docket No. 2181-90

STIPULATION TO MODIFY ORDER AND WITHDRAW APPEAL

On October 3, 1990, the Wyoming Department of Environmental Quality (WDEQ)/Solid Waste Management Program (SWMP) issued a Notice of Violation and Order No. 2181-90 to Kelly B. Richards-Kelly's Convenience Center (Richards), for the alleged illegal disposal of petroleum contaminated soils and the operation of a solid waste management disposal facility without WDEQ/SWMP authorization. This NOV & Order was appealed to the Environmental Quality Council by Kelly B. Richards on October 25, 1990.

Since the filing of the appeal, the WDEQ/SWMP and Richards now agree that this matter should be resolved by this Stipulation to modify Order No. 2181-90 and to incorporate the compliance schedule attached hereto as Attachment 1. Upon approval of this Stipulation by the Council, pursuant to W.S. 35-11-112, and Chapter I, Section 11 of the Wyoming Department of Environmental Quality Rules of Practice and Procedure, Richards appeal of NOV and Order No. 2181-90 as originally issued shall be deemed withdrawn and those Orders, as hereby modified, shall be final and binding. Kelly B. Richards does not by this Stipulation admit the violations alleged in the referenced NOV, and the Council's approval of the Order as modified shall not be deemed to constitute an adjudication on the merits of the allegations in the Notice of Violation.

DATED this 24 day of Dec, 1990.

[Signature]
FOR KELLY B. RICHARDS

[Signature]
FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY



ATTACHMENT 1

Order No. 2181-90 (Kelly B. Richards)

WHEREFORE IT IS HEREBY ORDERED THAT:

1. In order to determine total petroleum hydrocarbons (TPH) concentrations in the soils located at Kelly's Convenience Center, a total of two (2), 3-point composite soil samples shall be collected and analyzed for TPH.

2. In the event that analyses indicate TPH concentrations to be below 10 parts per million (ppm), no further treatment will be required and this matter will be considered closed.

3. In the event that analyses indicate TPH concentrations to be greater than 10 ppm, Kelly B. Richards shall agree to submit to SWMP within thirty (30) days of the laboratory analyses, a written request to treat and dispose of the contaminated soils on-site. The written request should demonstrate that all of the following conditions will be complied with:

a) The treatment area should be large enough to allow all of the soils to be spread out in a six-inch uncompacted lift.

b) The treatment area should be underlain by at least ten (10) feet of unsaturated, highly impermeable soils (CL or ML clays), or by a layer of concrete or asphalt, or a 6-mil or thicker synthetic membrane.

c) The treatment area should be bermed with a highly impermeable material to contain liquids within the treatment area.

d) The treatment area should be flat, or sloped only slightly to allow the collection of free liquids which drain from the material or precipitation which falls on the treatment area.

e) Surface water run-on should be diverted away from the treatment area by using berms, ditches, and/or existing topography.

f) The treatment area must be adequately signed to identify the presence of the treatment area.

g) The treatment area should prevent access (either by fencing or personnel supervision) by the general public.

h) The contaminated soils shall be turned a minimum of one time per month.

i) The contaminated soils should be treated until such time that TPH concentrations below 10 ppm are attained. Completion of the treatment process should be documented by laboratory analysis using EPA Method 418.1.

4. Upon affirmation that the contaminated soils have met the required treatment standard, this matter will be considered closed.



THE STATE OF WYOMING
MIKE SULLIVAN
GOVERNOR



Department of Environmental Quality

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002

Administration
(307) 777-7937

Air Quality Division
(307) 777-7391

Land Quality Division
(307) 777-7756
FAX (307) 634-0799

Solid Waste Management Program
(307) 777-7752

Water Quality Division
(307) 777-7781

November 29, 1990

Kelly B. Richards
Kelly's Convenience Center
1652 Ninth Street
Rock Springs, Wyoming 82901

CERTIFIED #74515
RETURN RECEIPT REQUESTED

Dear Mr. Richards:

I have prepared for your review and signature a Stipulation to Modify Order and withdraw Appeal to the Environmental Quality Council. This document requests the withdrawal of your appeal dated October 25, 1990, and describes future steps which will be taken between SWM and yourself based on the results of the contaminated soils chemical analyses.

Should you find the information described in the Stipulation Agreement and Attachment 1 satisfactory, I would ask that you sign the agreement and return the document to SWM for final submittal to the EQC. If in the meantime SWM can be of further service, please feel free to contact either myself in Cheyenne or Bob Dundas in our Lander office. Thank you in advance for your time and cooperation in this matter.

Sincerely,

David A. Finley
Program Manager
Solid Waste Management

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Terri A. Lorenzon, Adm. Aide
Environmental Quality Council

C: Bob Dundas, SWM/Lander
File-Kelly's Convenience/Rock Springs