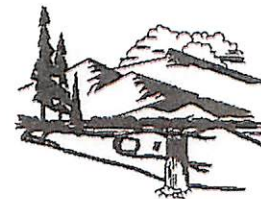




# Department of Environmental Quality

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



Matthew H. Mead, Governor

Todd Parfitt, Director

November 6, 2017

Certified #7016 2070 0000 1440 6402  
Return Receipt Requested

Mr. Michael Dimick  
Hopper Disposal  
P.O. Box 273  
Shoshone, WY 82649

RE: Issuance of Notice of Violation (NOV #5813-17)

Dear Mr. Dimick:

Enclosed is a Notice of Violation (NOV #5813-17) issued for violations of the Wyoming Solid Waste Rules and Regulations (SHWRR), for violations of the Wyoming Solid Waste rules and Regulations (SWRR), and Wyoming Statutes.

Due to the seriousness of these violations, the department is issuing this NOV and plans a referral to the Wyoming Attorney General Office (AGO) if a voluntary settlement cannot be reached.

If you have any questions regarding this letter, the attached NOV, and/or would like to schedule a meeting to discuss voluntary settlement, please contact Mr. Charles Plymale in our Lander office at (307)335-6951, or Bob Breuer in our Casper office at (307) 473-3454.

Sincerely,

Luke Esch  
Administrator  
Solid and Hazardous Waste Division

Enclosure: NOV

C: Bob Breuer, I&C Program Manager, WDEQ/SHWD Casper Office, File #75.007  
James LaRock, Wyoming Attorney General's Office  
Charlie Plymale, I&C, WDEQ/SHWD Lander Office, File #75.007

Exhibit WES 20  
EQC 17-5801  
11/9/17 4 pgs  
S.Edwards RPR CSR

EXHIBIT  
WES 20

BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:	)	
	)	
Michael Dimick	)	DOCKET NUMBER 5813-17
P.O. Box 273	)	
Shoshoni, WY 82649	)	
	)	
Hopper Disposal	)	
P.O. Box 273	)	
Shoshoni, WY 82649	)	
	)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Wyoming Department of Environmental Quality (the Department), Solid and Hazardous Waste Division (SHWD), has found Michael Dimick and Hopper Disposal to be in violation of the Wyoming Solid Waste Rules and Regulations (SWRR), Chapter 1, Section 1(f)(i), and Wyoming Statute § 35-11-502.
2. W.S. § 35-11-501 provides that “[t]he administrator of the solid and hazardous waste management division shall enforce and administer . . . rules, regulations and standards promulgated under this article.”
3. Wyoming Statute § 35-11-502 states that “(a) No person, except when authorized under the permit system established pursuant to the act, shall: (i) Locate, construct, operate or close a solid waste management facility ....”
4. Chapter 1, Section 1(e)(i) of the SWRR defines a “[s]olid waste management facility” as “any facility for the transfer, treatment, processing, storage, or disposal of solid waste.”
5. Chapter 1, Section 1(f)(i) of the SWRR provides that “[a] permit ... is required for the location, construction, operation, or closure of any new or existing solid waste management facility.”
6. On September 28, 2017, the Department received a complaint that Hopper Disposal was starting construction of the Hopper Disposal Transfer Facility at 450 N. Smith Road, Riverton, WY.
7. On September 28, 2017, SHWD inspector Charles Plymale viewed 450 N. Smith Road from N. Smith Road. Plymale took photographs of the facility and confirmed by a phone conversation with Michael Dimick that Hopper Disposal had started construction of the Hopper Disposal Facility without being issued a permit.
8. On October 12, 2017, Plymale conducted a follow-up inspection of Hopper Disposal from N. Smith Road and confirmed that no further construction has been done.
9. The inspections revealed the following violations of the Wyoming SWRR and Wyoming Statutes:

**Count 1:** SWRR, Chapter 1, Section 1(f), and W.S. 35-11-102(a) require persons to obtain a permit before constructing or operating a site that receives solid wastes. Neither Mike Dimick nor Hopper Disposal have a permit or one-time authorization to dispose of or manage solid waste at the location. By beginning construction without yet obtaining a permit or one-time authorization, Mr. Dimick and Hopper Disposal violated the Act and the SWRR.

10. 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
11. 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 7th day of NOVEMBER, 2017



Luke Esch  
Administrator  
Solid & Hazardous Waste Division



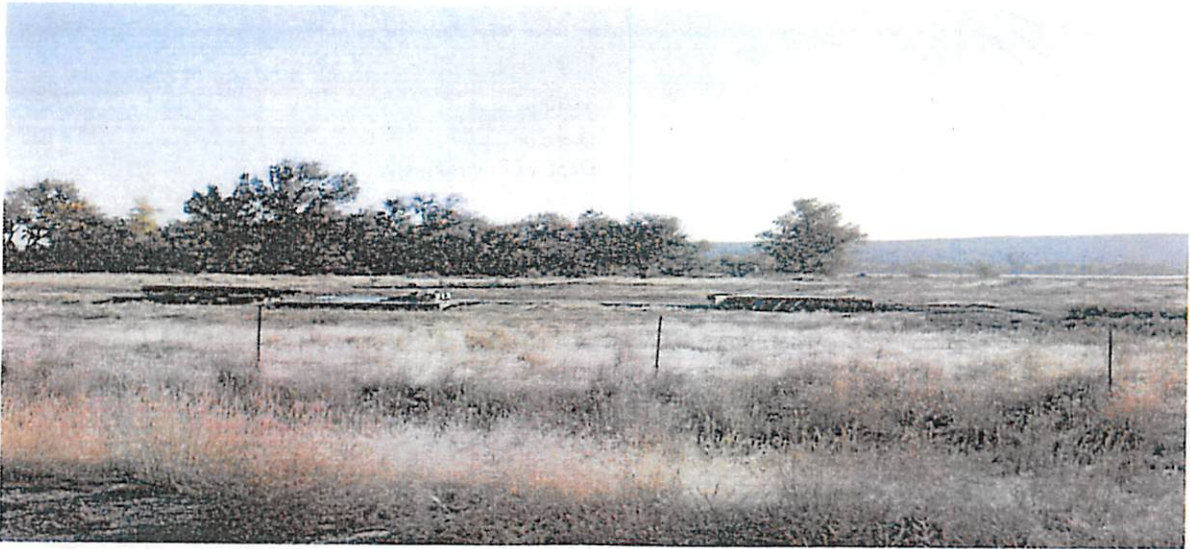
Todd Parfitt  
Director  
Dept. of Environmental Quality

#1



Hopper Disposal Transfer Station location 9/28/2017 starting construction of scales without a permit.

#2



Hopper Disposal Transfer Station location 9/28/2017 starting construction of scales without a permit.