

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

October 14, 2016

**CERTIFIED MAIL #7014 2120 0004 5660 3021
RETURN RECEIPT REQUESTED**

Mr. John Larson
P.O. Box 563
Guernsey, WY 82214

RE: Issuance of Notice of Violation (NOV) with Order

Dear Mr. Larson:

Enclosed is a Notice of Violation (NOV) and Order issued for a violation of the Wyoming Solid Waste Rules and Regulations (SWRR).

As a result of multiple inspections and failure to remedy the violation after two separate certified letter notices dated April 4th, 2016 and May 6th, 2016, the department is issuing this NOV and Order to resolve the violation at 1835 Highway 26, Guernsey, WY.

If you have any questions regarding this letter, the attached NOV and Order, and/or would like to schedule a meeting to discuss this NOV and Order, please contact Mr. Joel Frost in our Cheyenne office at (307) 777-7246, or Bob Breuer in our Casper office at (307) 473-3454.

Sincerely,

Luke Esch
Administrator
Solid and Hazardous Waste Division

Enclosures: NOV and Order, Warning Letter to Mr. John Larson dated April 4th, 2016, Warning Letter to Mr. John Larson dated May 6th, 2016.

Cc: Bob Breuer, I&C Program Manager, WDEQ/SHWD Casper Office
Joel Frost, I&C Project Manager, WDEQ/SHWD Cheyenne Office

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE
NOTICE OF VIOLATION AND
ORDER
ISSUED TO:

JOHN LARSON)
P.O. BOX 562)
GUERNSEY, WY 82214) DOCKET NO. 5695-16

NOTICE OF VIOLATION
AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD), has found Mr. John Larson to be in violation of the Wyoming Solid Waste Rules and Regulations (SWRR), Chapter 1, Section 1(h), promulgated pursuant to SHWD's authority under the Wyoming Environmental Quality Act, W.S. 35-11-501, for operating an open dump at 1835 Highway 26, Guernsey, Wyoming.
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. Chapter 1, Section 1(h) of the SWRR, promulgated under that authority, prohibits "[o]pen dumping."
4. Chapter 1, Section 1(e)(i) of the SWRR defines an "[o]pen 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." The definition specifically includes "any solid waste management facility subject to the permitting requirements of these rules and regulations which does not have a current, valid permit."
5. 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." 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. Chapter 1, Section 1(e)(i) of the SWRR defines "solid waste" as "garbage, and other discarded solid materials . . ." When scrap tires are not destined for recycling, they are solid waste within the definition of the SWRR.
7. On March 28th, 2016, WDEQ, SHWD personnel, Mr. Joel Frost, conducted an inspection of the unauthorized solid waste facility located at 1835 Highway 26, Guernsey, Wyoming, to evaluate compliance with the Wyoming Solid Waste Rules & Regulations (SWRR).
8. On April 4th, 2016, the WDEQ issued a Warning Letter to John Larson for violations on his property, specifically regarding a large amount of waste tires, located at 1835 Highway 26.
9. On May 6th, 2016, the WDEQ issued another Warning Letter to John Larson and specified that all waste tires were to be removed by June 1, 2016. Certification of removal from the original tire owner(s) or disposal receipts from a solid waste facility were to be submitted by June 7th, 2016.

10. On June 1st, 2016, WDEQ/SHWD personnel, Mr. Joel Frost, conducted an inspection from neighboring properties to evaluate if 1835 Highway 26 had been returned to compliance with the Wyoming SWRR. The inspection verified that the waste tires in question still remained on the property.
11. On June 18th, 2016, WDEQ/SHWD personnel, Mr. Joel Frost, conducted an inspection from neighboring properties to evaluate if 1835 Highway 26 had been returned to compliance with the Wyoming SWRR. The inspection verified that the waste tires in question still remained on the property.
12. On June 24th, 2016, WDEQ/SHWD granted an extension to Mr. Larson and allowed him until July 29th, 2016 to remove all of the waste tires and properly dispose of them at a permitted solid waste facility. Certification of removal or disposal receipts were to be submitted by July 7th, 2016.
13. On July 31st, 2016, WDEQ/SHWD personnel, Mr. Joel Frost conducted an inspection from neighboring properties to evaluate if 1835 Highway 26 had been returned to compliance with the Wyoming SWRR. The inspection verified that the waste tires in question still remained on the property.
14. On August 31st, 2016, WDEQ/SHWD personnel, Mr. Joel Frost conducted an inspection from neighboring properties to evaluate if 1835 Highway 26 had been returned to compliance with the Wyoming SWRR. The inspection verified that the waste tires in question still remained on the property.
15. In addition to waste tires, Mr. Larson has also accumulated other unauthorized solid waste, including but not limited to general refuse from demolished trailers and insulation which blew onto neighboring property.
16. Mr. Larson also buried waste without authorization.
17. The inspections revealed the following violation of the Wyoming SWRR:

Count 1: SWRR, Chapter 1, Section 1(h), which prohibit open dumping of solid waste.

Because Mr. Larson is accumulating scrap tires, he is operating a solid waste management facility.

Permits are required to operate solid waste management facilities.

Mr. Larson has not received a permit to operate a solid waste management facility or an exemption to allow him to accumulate scrap tires

Because Mr. Larson's facility is subject to the permitting requirements of the SWRR, but he has not obtained a permit to operate a solid waste management facility, the large accumulation of scrap tires meets the definition of an "open dump" and therefore is a violation of SWRR, Chapter 1, Section 1(h).

18. ANY PERSON who violates any provision of the Environmental Quality Act, or any rules, standard, permit, license, or variance adopted thereunder, is liable for a penalty of up to 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
19. 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.

ORDER

Pursuant to W.S. 35-11-701, the Wyoming Department of Environmental Quality orders as follows:

- A. Mr. Larson shall immediately cease receipt of solid waste at this location and cease disposal at any location that is lacking a solid waste management facility permit.

B. Within sixty (60) days of this Order, all scrap tires shall be removed from 1835 Highway 26 and disposed at a permitted solid waste management facility (local landfill), and/or hauled out of state for disposal to an authorized facility.

C. Upon completion of all waste removal activities listed in parts A and B of this Order, Mr. John Larson shall notify department personnel of his compliance, allow the department access to the property to complete a closure inspection, and provide disposal receipts to confirm proper management of scrap tires.

Under W.S. 35-11-701(c), this ORDER is final and binding unless, no later than ten (10) days after the day the notice is served, it is appealed by filing a written request for a hearing before the Environmental Quality Council. The request should be mailed to the Chairman, Environmental Quality Council, Barrett Building, Room 407, 2301 Central Avenue, Cheyenne, Wyoming 82002. A copy of this request should be mailed to Todd Parfitt, Director, Wyoming Department of Environmental Quality, Herschler Building, 4th Floor, 122 West 25th Street, Cheyenne, Wyoming, 82002. Both petitions must be sent by certified mail, return receipt requested.

NOTHING IN THIS ORDER shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this order be interpreted as being a condition precedent to any other enforcement action.

Signed this 17th day of October, 2016



Luke Esch
Administrator
Solid & Hazardous Waste Division



Todd Parfitt
Director
Dept. of Environmental Quality