

James LaRock (Wyo. Bar No. 7-5814)
Assistant Attorney General
Wyoming Attorney General's Office
2320 Capitol Avenue
Cheyenne, WY 82002
PH: (307) 777-6946
Fax: (307) 777-3542
james.larock@wyo.gov
Attorneys for the State of Wyoming
Department of Environmental Quality

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

**IN RE HOPPER DISPOSAL FACILITY)
PERMIT APPLICATION) Dockets 17-5801**

**DEPARTMENT OF ENVIRONMENTAL QUALITY'S RESPONSE TO FREMONT
COUNTY SOLID WASTE DISPOSAL DISTRICT INTERROGATORIES**

Respondent, the State of Wyoming, Department of Environmental Quality ("Department"), through its undersigned counsel, hereby responds to Fremont County Solid Waste Disposal District, Interrogatories. The following Discovery Responses are provided in accordance with Chapter 2, Sections 10 and 14 of the Department of Environmental Quality's and the Environmental Quality Council's Rules of Practice and Procedure, and Wyoming Rules of Civil Procedure 26 and 33.

INTERROGATORIES

INTERROGATORY NO. 1: Please summarize all investigations that your agency has undertaken in regards to the above captioned permit application by Hooper Disposal Facility. Include in your answer the person conducting the investigation, the dates thereof, and summarize any results of the investigation.

ANSWER: The Department understands this question to refer to all of the activities undertaken by the Department after Mr. Dimick submitted the application here. Applicants for a low-hazard, low-volume facility permit submit a permit application form, a map showing the location for the facility, and financial assurance for the facility, as required by Chapter 6, Section 2(c) of the Solid Waste Rules and Regulations. Mr. Patrick Troxel reviewed this application and resolved several issues with the application through e-mail correspondence dated March 13, 2017.

Mr. Dimick submitted financial assurance for the facility in May of 2017, and the Department approved the financial assurance by letter on June 29, 2017.

On September 28th, 2017, the Department received a complaint that Mr. Dimick had begun construction of the facility here without a permit. Mr. Charles Plymale investigated this complaint the same day and confirmed that Mr. Dimick had begun to pour concrete for the facility here. Mr. Plymale informed Mr. Dimick that beginning construction without a permit was a violation of Wyoming law. A follow-up inspection on October 12, 2017 confirmed that Mr. Dimick had ceased any new construction activities.

INTERROGATORY NO. 2: Please summarize all investigations that have been undertaken by your agency in regards to Hoppermetals, Inc. and/or Michael Dimick. Include in your answer the person conducting the investigation, the dates thereof, and summarize any results of the investigation.

ANSWER: During April 2016, EPA personnel and Mr. Charles Plymale conducted a joint inspection of Hopper Metals. After that inspection, the Department informed Mr. Dimick that he was not permitted to burn municipal solid waste. On November 14, 2016, Mr. Charles Plymale inspected Hopper Metals' facility in Shoshoni, Wyoming. That inspection revealed that Hopper Metals was burning municipal solid waste and storing over 1,000 scrap tires. On December 22, 2016, Mr. Charles Plymale and Mr. Jon Walker of the Air Quality Division inspected Hopper Metals' facility again. Mr. Plymale and Mr. Walker inspected containers that appeared to have been used to burn material and contained ash. As a result of these inspections, the Department issued Mr. Dimick Notice of Violation Docket Number 5716-16.

INTERROGATORY NO. 3: Please state the agencies position on the relationship of Hoppermetals, Inc. and Hopper Disposal, Inc.

ANSWER: While the Department is not familiar with the exact corporate form of Hopper Metals and Hopper Disposal, Inc., whether the two entities are related, or whether either entity is a subsidiary of the other, the Department is aware that Mr. Dimick has done business under both names.

INTERROGATORY NO. 4: Please state why Hopper Disposal, Inc. was omitted from the Notice of Violation issued in Docket Number 5716-16 before the Department of Environmental Quality.

ANSWER: The Department issued a violation to Hopper Metals, the facility where the violation alleged in NOV Docket Number 5716-16, and Mr. Dimick, the operator of the facility. At the time, no information pinned "Hopper Disposal" to that facility or those violations; the Department was not aware of information that Hopper Disposal existed.

INTERROGATORY NO. 5: Please identify each and every factor that is considered in issuance of the Hopper Disposal, Inc. permit application at issue herein.

ANSWER: When receiving an application for a low-hazard, low-volume permit application, the Department considers factors spelled out in Chapter Six of the Solid Waste Rules and Regulations. When analyzing whether financial assurance will be adequate for a proposed facility, the Department considers factors spelled out in Chapter Seven of the Solid Waste Rules and Regulations. When considering whether, as a final matter, to grant or deny the permit application, the Department considers factors spelled out in Chapter One of the Solid Waste Rules and Regulations.

Dated this 27th day of October, 2017.



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Assistant Attorney General
Wyoming Attorney General's Office
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Cheyenne, WY 82002
(307) 777-6946
james.larock@wyo.gov

*Counsel for the State of Wyoming Department
of Environmental Quality*

Verification

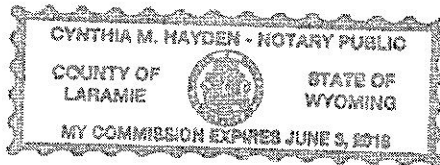
I, Alan Edwards, the Deputy Administrator of the Wyoming Department of Environmental Quality, have reviewed the Wyoming Department of Environmental Quality's responses to Objector Fremont County Solid Waste Disposal District's interrogatories, and I hereby confirm that they have been prepared under my direction and are true and correct to the best of my knowledge and belief.

Alan Edwards

STATE OF WYOMING)
) ss
COUNTY OF LARAMIE)

Subscribed and sworn to before me this 27th day of October, 2017 by Alan Edwards.

(SEAL)



Cynthia M. Hayden
Notary Public

My Commission Expires: June 3, 2018

CERTIFICATE OF SERVICE

I hereby certify that on the 27 day of October, 2017, a copy of the foregoing document with its attachments was served via electronic mail on the following:

Todd Parfitt
Director, DEQ
todd.parfitt@wyo.gov

Luke Esch
Admin. SHWD
luke.eschl@wyo.gov

Bruce Leven
Wyoming Waste Systems
brucel@wcnx.org

Chairman Travis Becker
Fremont County Commissioners
tbecker@wyoming.com

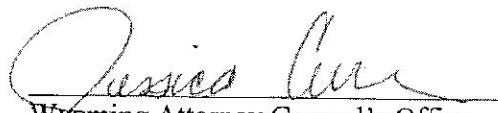
Mike Dimick
Hopper Disposal
hoppermetals@gmail.com

Scott McFarland
sgmcfa@gmail.com

Amy Hanson
Amyhanson8@yahoo.com

Rick Sollars
wla@qwestoffice.net

Jodi A. Darrough
Jodi.darrough@fremontcountywy.gov



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