



# Department of Environmental Quality



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

Dave Freudenthal, Governor

John Corra, Director

July 13, 2009

Certified #7008 0150 0001 1172 9993

Return Receipt Requested

**FILED**

09-5212

JUL 14 2009

Jim Ruby, Executive Secretary  
Environmental Quality Council

Shane R. Taylor  
Property Owner  
Former VP&S Equipment  
413 Laurel Court  
Gillette, WY 82718

**RE: WDEQ Issuance of Notice of Violation (NOV) and Order Letter: Hazardous Waste Removal, Equipment Cleaning and Waste Disposal**

Dear Mr. Taylor:

Enclosed is a NOV and Order issued to you for violations of the Wyoming Hazardous Waste Rules & Regulations (HWRR) for the improper management of hazardous waste.

On March 25, 2009, the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) representative, Mr. Timothy Moe, conducted inspections of two treatment tanks that are owned by Mr. Shane Taylor and that are currently located on private property owned by Mr. Dave Cole, located at 650 West Wheatland Street, in Guernsey, Wyoming. The United States Environmental Protection Agency (EPA) representative, Mr. Steve Merritt and other EPA contract personnel, also accompanied Mr. Moe, during the inspections. The inspections were conducted to evaluate compliance with the Wyoming Environmental Quality Act (EQA) and the Wyoming Solid Waste Rules and Regulations (SWRR) and the HWRR.

The WDEQ and EPA inspections of your equipment, revealed that you initiated removal of the tanks from your property [i.e., the former Valley Post and Sawmill (VP&S) facility located at 446 Big Goose Road, near Sheridan, Wyoming] for transport to properties located in El Rancho and in Guernsey, Wyoming, where the tanks have been improperly stored since the time of their removal, which occurred sometime during the first week of June, 2008. The inspections also revealed that the equipment contain hazardous waste residues, identified by WDEQ and EPA as listed hazardous wastes [i.e., EPA hazardous waste code F032], containing high concentrations of pentachlorophenol (PCP). Specifically, the tank identified as the "Retort/Pressure Vessel", was found to contain a regulated quantity of a hazardous waste residue [i.e., "greater than 0.3 percent by weight of the total capacity of the container"]; the tank was also found to contain a rail cart (all identified as listed F032 hazardous wastes) and numerous PCP-treated posts.

Additionally, the inspections of the equipment revealed the existence of drill holes located in a wall of each tank, indicating that the two tanks were not in good condition and were not capable of being safely transported in a manner that is protective to human health and the environment (see the WDEQ Inspection Report and Photo Log, enclosed).

Due to the discovery of the hazardous wastes contained in the tanks during the March 25, 2009, inspection, WDEQ has concluded that you initiated the removal and transport of hazardous waste materials from your offsite property, located near Sheridan, Wyoming. The tanks are known to have been transported to properties



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located in El Rancho, and in Guernsey, Wyoming, where the hazardous waste materials have been improperly stored since their time of removal in violation of the HWRR (see the enclosed WDEQ Inspection Checklists).

Additionally, on March 9, 2009, you were issued a letter by WDEQ as a response to an inspection of your property [i.e., property located near Sheridan, Wyoming] that occurred on August 1, 2008. In the letter, WDEQ requested additional information from you, indicating your "proposed path forward (order, VRP or voluntary)" regarding further site investigation of your property and removal of all contaminated soils. The Department had also requested that you provide written details as to where and how all PCP-treatment equipment [i.e., equipment that was removed from your property] was cleaned, salvaged, or otherwise managed, including dates of equipment removal; as well as, providing, in writing, the dates of VP&S operations [i.e., years when VP&S began and ended operations]. The WDEQ requested that you respond to the March 9, 2009, letter, within sixty (60) days of the date of the letter [i.e., by May 8, 2009]. **However, to date, WDEQ has received no response from you in regard to the issuance of the Department's March 9, 2009, letter.**

Therefore, due to the significant nature of the violations and the potential harm caused to human health and the environment, as well as the economic advantage caused by your noncompliance, the Department is considering seeking a penalty under Wyoming Statute §35-11-901. It is the Department's responsibility to seek penalty as a deterrent to future violations. The Department has obtained penalties with similar violations in the past but due to the complexities in this case, a decision whether to seek penalty against you will be based on your diligence to properly address the violations and Order conditions as outlined in the enclosed NOV & Order. A return to compliance for the violations listed in the enclosed NOV & ORDER, will be issued to you when the Department determines that all violations and Order conditions, have been adequately addressed.

To assure compliance with the NOV and Order, we are requesting that all of the violations and the Order conditions be fully addressed within ninety (90) days of your receipt of this NOV and Order.

If you have questions regarding this letter or the enclosed NOV & Order, please contact Bob Breuer, Inspection & Compliance Program Manager, in our Casper office at (307) 473-3454 or Timothy Moe, Inspection & Compliance Program representative, in our Sheridan office at (307) 673-9337.

Sincerely,



Carl Anderson, PhD.  
Administrator  
Solid and Hazardous Waste Division

Enclosures: NOV/Order, Docket #4521-09; Copies of the Department's: Inspection Report, Inspection Checklists, and Photo Log.

Cc: Bob Breuer, I&C Program, WDEQ/SHWD Casper Office, Shane Taylor Property, Sheridan County, Sheridan, File #61.100  
Timothy Link, I&C Program, WDEQ/SHWD Cheyenne Office, Shane Taylor Property, Sheridan County, Sheridan, File # 61.100  
Paul D. Fall, Sheridan County Assessor, 224 South Main Street, Ste. B-3, Sheridan, Wyoming 82801  
Craig Meyers, Federal On-Scene Coordinator, USEPA Region 8, 1595 Wincoop Street, (8EPR-ER), Denver, CO 80202  
Timothy Moe, I&C Program, WDEQ/SHWD Sheridan Office, Shane Taylor Property, 446 Big Goose Road, Sheridan County, Sheridan, File #61.100