

11-5212

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

**FILED**

**SEP 12 2011**

Jim Ruby, Executive Secretary  
Environmental Quality Council

IN THE MATTER OF THE  
NOTICE OF VIOLATION  
ISSUED TO:

Huff Sanitation Inc.  
540 Wind River Avenue  
Lander, WY 82520

)  
)  
) DOCKET NO. 4869-11

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Wyoming Department of Environmental Quality (DEQ), Solid and Hazardous Waste Division (SHWD), has found Ron Huff to be in violation of the Wyoming Environmental Quality Act (Act), Wyo. Stat. § 35-11-101 et seq., and the DEQ Solid Waste Rules and Regulations (SWRR).
2. On September 9, 2010, DEQ staff inspected the property owned by Ron Huff and located at Highway 789/Lyons Valley Road east of Lander, Wyoming, 42 48'10.56" N 108 41'19.81" W (Facility).
3. The inspection revealed that Ron Huff is disposing of scrap tires at the Facility.
4. Huff is using the tires to construct a pond dam at the Facility.

Count I

5. The Act requires persons to obtain a permit before constructing or operating a site that receives solid wastes. Wyo. Stat. § 35-11-502(a).
6. The SWRR allow for one-time solid waste management authorizations. SWRR Ch. 1, §§ 1(f), 5.
7. Scrap tires are solid waste subject to the Act and SWRR. SWRR Ch. 1, § 1(e)(i).
8. Huff does not have a permit or one-time authorization to dispose of solid waste at the Facility.
9. Huff's failure to obtain a permit or one-time authorization prior is a violation of the Act and SWRR.

Count II

10. The Act prohibits causing, threatening, or allowing the discharge of any wastes into the waters of Wyoming without a permit. Wyo. Stat. § 35-11-301(a)(i).
11. Constructing a pond dam with scrap tires threatens the discharge of wastes into the waters of Wyoming.
12. Huff has not obtained a permit to threaten, cause, or allow the discharge of wastes into waters of the State.
13. The Act also prohibits constructing, installing, or modifying any facility capable of causing or contributing to pollution of the waters of the State without a permit. Wyo. Stat. § 35-11-301(a)(ii).

- 14. Constructing a pond dam with scrap tires also is capable of causing pollution to the waters of the State.
- 15. Huff has not obtained a permit to construct a facility capable of causing or contributing to pollution of the waters of Wyoming.
- 16. Huff's failure to obtain a permit is a violation of the Act.

ANY PERSON who violates any provision of the Environmental Quality Act, or any rule, standard, permit, license, or variance adopted thereunder is subject to a penalty of ten thousand dollars (\$10,000) for each day for which each violation persists. The penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming.

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 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 for the violation.

**ORDER**

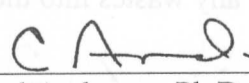
Pursuant to W.S. 35-11-701, the Wyoming Department of Environmental Quality orders as follows:

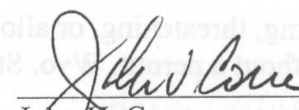
- 1. Immediately upon receiving this Order, all disposal activities in the pond dam must cease.
- 2. Within ninety (90) days of the date of this Order, Huff Sanitation, Inc., must remove all tires that have been disposed of in the pond dam and on the property. All tires must be properly disposed of at a permitted facility. Huff Sanitation Inc. shall obtain and provide DEQ/SHWD with copies of receipts and/or other signed documents specifying dates, name and location of receiving facilities, and numbers of tires and volume of tires in each shipment to confirm that all tires Huff Sanitation Inc. removes are taken to a facility authorized to receive them. This information shall be provided to DEQ/SHWD within sixty (60) days of tire removal.

Under W.S. 35-11-701(c)(ii), this ORDER is final unless not later than ten (10) days after the date the notice is served, the person(s) named therein request, in writing, a hearing before the Wyoming Environmental Quality Council. The Request for Hearing shall be mailed by certified mail, return receipt requested, to the Chairman, Wyoming Environmental Quality Council, Room 1714 Herschler Building, 1<sup>st</sup> Floor West, 122 W. 25<sup>th</sup> Street, Cheyenne, WY 82002, with a copy mailed to the Director of the Wyoming Department Environmental Quality, Herschler Building, 4<sup>th</sup> Floor West, 122 W. 25<sup>th</sup> Street, Cheyenne, WY 82002.

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 12th day of September, 2011.

  
 Carl Anderson, Ph.D., P.G.  
 Administrator  
 Solid & Hazardous Waste Division

  
 John V. Corra  
 Director  
 Dept. of Environmental Quality