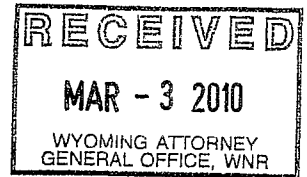


BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING



IN THE MATTER OF THE NOTICE OF )  
VIOLATION AND ORDER ISSUED TO: )  
 )  
Shane R. Taylor )  
Property Owner )  
Former VP&S Equipment )  
8100 Ptarmigan #3 )  
Gillette, WY 82718 )

Docket No. 09-5212A

**FILED**  
MAR 04 2010  
Jim Ruby, Executive Secretary  
Environmental Quality Council

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**STATEMENT OF STIPULATED FACTS**

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Respondent, Wyoming Department of Environmental Quality (DEQ), and Mr. Shane R. Taylor agree to the following stipulated facts.

STIPULATED FACTS

1. Shane R. Taylor is the sole owner of the former Valley Post and Sawmill (VP&S) facility located at 446 Big Goose Road, near Sheridan, Wyoming.
2. Chapter 8 of the Wyoming Hazardous Waste Rules and Regulations (HWRR) applies to generators of hazardous waste.
3. A generator is defined in Chapter 1 of the HWRR as "any person, by site, whose act or process produces hazardous waste identified in Chapter 2 of these rules and regulations or whose act first causes a hazardous waste to become subject to regulation."
4. Prior to June of 2008, four (4) or five (5) steel tanks which had been previously used to treat posts and poles were located on the VP&S property.

5. Two (2) of these four (4) or five (5) steel tanks were found to contain residue of chemicals used to treat posts and poles at the VP&S property.

6. The two (2) steel tanks described in item 3 above have been identified, in written DEQ correspondence previously issued to Shane Taylor, as a "Retort/Pressure Vessel" and a "Work Tank."

7. A subsequent inspection conducted by DEQ and EPA revealed that two (2) of the four (4) or five (5) steel tanks contain hazardous waste residues, identified by DEQ and EPA as listed hazardous wastes [i.e., EPA hazardous waste code F032] containing high concentrations of pentachlorophenol (PCP). 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.

8. Prior to purchasing the property in March of 2008, Mr. Shane Taylor was aware that the VP&S facility had historically used hazardous chemicals to treat posts and poles.

9. Prior to removal and discarding (i.e., abandoning, disposal of) the two (2) steel tanks, Mr. Shane Taylor did not inspect the tanks to determine if chemical residue (i.e., "waste material") existed inside the tanks.

10. Prior to removal of the tanks in June of 2008, Mr. Shane Taylor did not have knowledge of the chemical composition of the waste materials contained inside the two (2) steel tanks.

11. Chapter 8 Section 1(b)(i) requires a person who generates a waste material to determine if that waste is hazardous by conducting a hazardous waste determination.

12. Mr. Shane Taylor did not conduct a waste determination to determine if the waste materials contained inside the two (2) steel tanks were hazardous prior to removal of the tanks from the VP&S property.

13. The sales contract for the VP&S property entered into by the sellers and Mr. Shane Taylor stated “[o]n or before July 1, 2008, Carl Sayer, one of the Sellers, will remove all sawmill related equipment from the property.”

14. In June of 2008, Mr. Shane Taylor arranged for the removal of the two (2) steel tanks from the VP&S property.

15. Mr. Shane Taylor entered into a verbal agreement with the transporter for the removal of the two (2) steel tanks off the VP&S property.

16. Chapter 8 Section 1(c)(iii) prohibits a generator from offering hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an EPA identification number.

17. Prior to arranging for the removal of the two (2) steel tanks, Mr. Shane Taylor did not confirm if the transporters had an EPA identification number from DEQ.

18. When arranging for the removal of the two (2) steel tanks, Mr. Shane Taylor was unaware of the requirements of HWRR Chapter 8, Section 1.

19. Chapter 8 Section 2(a)(i) requires that a generator who offers hazardous waste for transportation must prepare a manifest in accordance with the requirements of Section 2.

20. When arranging for the removal of the two (2) steel tanks, Mr. Taylor did not use the manifest for shipment of the steel tanks and their contents.

21. When arranging for the removal of the two (2) steel tanks, Mr. Taylor was unaware of the requirements of HWRR Chapter 8, Section 2.

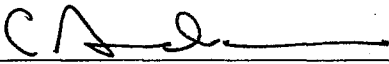
22. Chapter 8 Section 3 requires that a generator who offers hazardous waste for transportation must also package, label and mark the waste in accordance with applicable Department of Transportation regulations.

23. Prior to the removal of the two (2) steel tanks, Mr. Shane Taylor did not package, label, or mark the tanks as hazardous materials.

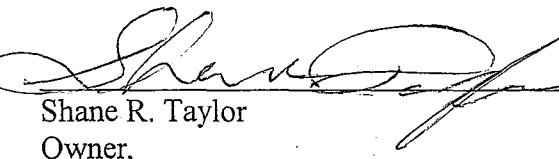
24. When arranging for the removal of the two (2) steel tanks, Mr. Taylor was unaware of the requirements of HWRR Chapter 8, Section 3.

**WE HEREBY** stipulate to the above facts:

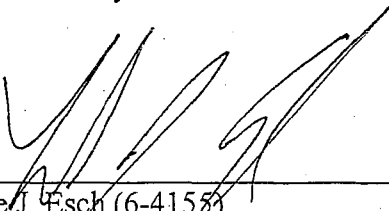
FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:

Date: 3/3, 2010 By:   
Carl Anderson  
Administrator,  
Solid and Hazardous Waste Division

FOR SHANE R. TAYLOR

Date: Feb. 28, 2010 By:   
Shane R. Taylor  
Owner,  
Former Valley Post and Sawmill

APPROVAL AS TO FORM:

Date: 3/4, 2010 By:   
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Attorney General's Office  
123 Capitol Building  
Cheyenne, WY 82002  
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Attorney for DEQ/SHWD