

DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

IN THE MATTER OF THE )  
NOTICE OF VIOLATION & ORDER )  
ISSUED TO )  
ENVIROTANK, INC. (51.031) ) Docket No. 4824-11  
P.O. BOX 302 )  
FT. LUPTON, CO 80621 )

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Envirotank, Inc. operates a scrap tire processing facility located on Clarkelen Road approximately 14 miles south of Gillette in Campbell County.
2. Envirotank, Inc. is an active Wyoming corporation which initially filed with the Wyoming Secretary of State 12/26/2001 (Filing No. 2001-000428258).
3. "Envirotank, Inc." with an initial filing date of 12/26/2001 and Filing ID No. 2001-000428258 is the only listing for "Envirotank" in the Wyoming Secretary of State's online business entity database.
4. Envirotank, Inc.'s current principal office is located at 377 Clarkelen Rd. in Gillette, Wyoming and its current mailing address is P.O. Box 302, Ft. Lupton, Colorado 80621.
5. Michael J. Bulger is currently listed as Envirotank, Inc.'s President in the Wyoming Secretary of State's online database.
6. The only changes in the "History" of Envirotank, Inc. during 2006 listed in the Wyoming Secretary of State's online database are Changes for the Name and Address of its Registered Agent on 4/13/2006.
7. Scrap tires are "solid waste," which is defined in W.S. 35-11-103(d)(i) as including discarded materials resulting from industrial, commercial, agricultural or community activities.
8. Envirotank, Inc.'s scrap tire processing facility is a "solid waste management facility," which is defined in W.S. 35-11-103(d)(ii) as any facility for the transfer, treatment, processing, storage or disposal of solid waste.
9. W.S. 35-11-502(a) requires a permit from the Wyoming Department of Environmental Quality (DEQ), Solid & Hazardous Waste Division (SHWD) for Envirotank, Inc. to operate a solid waste management facility.
10. By letter addressed to Mr. John Hull, Envirotank, Inc., dated November 15, 2004, the DEQ/SHWD issued Solid Waste Operating Permit #51.031 authorizing Envirotank, Inc. to operate in compliance with the terms of the approved permit application received by DEQ October 20, 2004 and the conditions specified in the DEQ's November 15, 2004 permit letter.

11. The approved final permit application received by DEQ October 20, 2004 (dated July 15, 2004) describes the Envirotank, Inc. facility as "a tire processing facility" and gives the following details for Envirotank's "Operating Plan":

- o up to 30 "raw" tires held in inventory at any one time;
- o tires are slit into two pieces on a rotary table;
- o the lower pieces are sold to be used for stock watering tanks;
- o the upper portion, the sidewall or top, is sold "to be used in stacks" for livestock windbreaks;
- o the tops are sold in larger lots (a dozen or more) for windbreaks;
- o normally the facility stores up to 75 finished tanks and 200 finished tops.

12. Permit Condition #6 states that "as listed in the [July 15, 2004 final permit] application," not more than 30 "raw" tires, 75 finished tanks, and 200 tops shall be stored at the facility at any one time.

13. On April 3, 2006, DEQ received an Application for Permit Transfer to transfer the permit for the "Envirotank Inc., SHWD File #51-031-011 scrap tire processing" facility located at 377 Clarkelen Road, Gillette, from John Hull to Michael Bulger II, signed by both Transferor John D. Hull as "President" and Transferee Michael J.F. Bulger II as "Owner."

14. By letter dated April 19, 2006, DEQ approved the transfer from John Hull to Michael Bulger of Solid Waste Operating Permit #51-031-011 for Envirotank, Inc., as initially issued November 15, 2004, and gave notice that the new operator would be responsible for complying with the November 15, 2004 permit and with the terms of the permit application approved in that permit, and also with a new condition requiring the planting of trees to screen the facility.

15. Envirotank, Inc. remains the entity authorized by the April, 2006 permit transfer as requested by the parties to the transfer and as approved by the DEQ.

16. Neither the operating permit DEQ initially issued to Envirotank, Inc. dated November 15, 2004 nor DEQ's April 19, 2006 approval for the transfer of that permit authorized Envirotank, Inc. to deposit any whole scrap tires or tire parts, other than tire tanks or tire tops as described in Envirotank's approved application, at any location away from Envirotank's permitted facility (except at another permitted facility).

17. The Lange Trust owns rural property located at 227 Bell Road south of Gillette in Campbell County (the Lange Trust site).

18. Since approximately November, 2004 ("prior to the first tires being placed on the property"), the Lange Trust has leased the site to Mr. Brian Morgan for ranching operations.

19. At some time after November, 2004, the Lange Trust, through Ms. Sandra Kay Lange, agreed to let the Trust's Lessee, Mr. Brian Morgan, arrange to have two windbreaks built with tires placed on the Lange Trust site.

20. Based on information requested by DEQ/SHWD provided by Envirotank, Inc. and/or the Lange Trust, it appears that Envirotank, Inc. and the Lange Trust's Lessee, Mr. Brian Morgan:

- a) agreed to Envirotank, Inc.'s placement of a total of approximately 725 non-earth-filled whole tires of various sizes at the Lange Trust site between November, 2004 and November, 2007, of which approximately 350 whole tires were placed there after April 19, 2006; and

b) agreed to Envirotank, Inc.'s placement of a total of approximately 1,574 half tires to be used to make windbreaks and 50+ 'rings' at the Lange Trust site between November, 2004, and November, 2007, of which approximately 260 tire "tops" were placed there after April 19, 2006.

21. Envirotank, Inc.'s placement at the Lange Trust site between November, 2004 and November, 2007 of approximately 725 non-earth-filled whole tires of various sizes and any scrap tire materials other than the lower halves used for stock water tanks or the upper portions ("tops" or sidewalls) for use in stacks for windbreaks, was not authorized by Solid Waste Operating Permit 51.031, and was not exempted from the permit requirement, and therefore was in violation of Solid Waste Operating Permit 51.031 and W.S. 35-11-502(a).

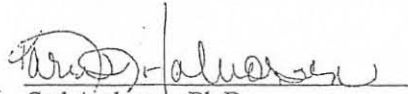
### ORDER

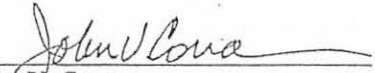
#### IT IS HEREBY ORDERED THAT:

1. Within 90 days from the date this NOV & Order are served, Envirotank, Inc. shall remove from the Lange Trust site all whole tires and tire parts that are not either the lower half of a whole tire used for stock watering tanks or the top half / sidewall of a whole tire for use in making livestock windbreaks, as described in Envirotank, Inc.'s approved final permit application dated July 15, 2004.
2. Envirotank, Inc. shall take all whole tires and tire parts removed from the Lange Trust site to a facility authorized to receive them.
3. Envirotank, 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 whole tires and volume of tire parts in each shipment to confirm that all tires and tire parts Envirotank, Inc. removes from the Lange Trust site are taken to a facility authorized to receive them.

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.

DATED this 18 day of April, 2011.

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

  
John V. Corra  
Director,  
Department of Environmental Quality

Online Services

## Filing Search

This page allows you to search for any entity registered in the State of Wyoming by its registered Filing ID or Name. Please enter a valid Filing ID or Name and click the 'Search' button.

Once the Search Results are returned, simply select the Filing ID of the entity to obtain the Entity Detail information.

<b>SEARCH</b>		PAGE <input type="text" value="1"/> OF 1	RESULTS: 1-1 OF 1			
Filing Name:	<input type="text" value="Envirotank"/>	<input checked="" type="radio"/> Starts With <input type="radio"/> Contains				
Filing ID:	<input type="text"/>	Example: 2000-000123456 <input type="button" value="Search"/>				
Filing ID	Filing Type	Filing Name	Filing Date	Status	Standing - Tax	Standing - RA
2001-000428258	CORP	Envirotank, Inc.	12/26/2001	Inactive - Administratively Dissolved (Tax)	Delinquent	Good
		PAGE <input type="text" value="1"/> OF 1	RESULTS: 1-1 OF 1			

*Filing ID refers to the identification number assigned to the business entity by the Secretary of State's Office. If you do not know your Filing ID, please search by the name of the business entity.*

## Online Services

This detail reflects the current data for the filing in the system.

[File your Annual Report](#)

[Start a new search](#)

**ENTITY DETAIL**

<b>Name:</b> Envirotank, Inc.	<b>Status:</b> Inactive - Administratively Dissolved (Tax)
<b>Filing No:</b> 2001-000428258	<b>Sub Status:</b> Current
<b>Type:</b> Profit Corporation - Domestic	<b>Standing - Tax:</b> Delinquent
<b>Old Name:</b>	<b>Standing - RA:</b> Good
<b>Fictitious Name:</b>	<b>Standing - Other:</b> Good
<b>Sub Type:</b>	
<b>Formed in:</b> Wyoming	<b>Initial Filing:</b> 12/26/2001
<b>Term of Duration:</b> Perpetual	<b>Inactive Date:</b> 02/09/2012
<b>Purpose Code:</b>	
<b>Principal Office:</b> 377 Clarkellen Rd Gillette, WY 82718 USA	<b>Mailing Address:</b> PO Box 302 Ft Lupton, CO 80621 USA

ADDITIONAL  
DETAILS

HISTORY

PUBLIC  
NOTES

PARTIES

**ADDITIONAL DETAILS**

<b>Registered Agent:</b> Throne, Mary A	<b>Agent Address:</b> 211 W 19th St Ste 200 Cheyenne, WY 82001 USA
<b>Latest AR/Year:</b> 01093662 / 2010	
<b>AR Exempt:</b> N	<b>License Tax Paid:</b> \$50.00
<b>Preferred Shares:</b>	<b>Preferred Par Value:</b>
<b>Common Shares:</b> 1,500	<b>Common Par Value:</b>

Entity Detail PDF - Print a copy of this Business Entity detail

*Please note that the printed business entity page or document CANNOT be submitted in place of your Annual Report.*

**STATE OF WYOMING \* SECRETARY OF STATE**  
**MAX MAXFIELD**  
**BUSINESS DIVISION**

200 West 24th Street, Cheyenne, WY 82002-0200  
Phone 307-777-7311 · Fax 307-777-5339  
Website: <http://soswy.state.wy.us> · Email: [business@wyo.gov](mailto:business@wyo.gov)

**Filing Information**



Please note that this form CANNOT be submitted in place of your Annual Report.

Name **Envirotank, Inc.**  
Filing Type Profit Corporation  
Status Inactive - Administratively Dissolved (Tax)

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**General Information**

Fictitious Name		ID	<b>2001-000428258</b>
Old Name		Standing - Tax	Delinquent
Sub Status	Current	Standing - RA	Good
Sub Type		Standing - Other	Good
Formation Locale	Wyoming	Name Consent	N
Filing Date	12/26/2001 12:00 AM	Term of Duration	Perpetual
Delayed Effective Date		Expiration Date	
Inactive Date	02/09/2012		

**Share Information**

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Common Shares	1,500	Preferred Shares		Additional Stock	N
Par Value	0.0000	Par Value	0.0000		

**Registered Agent Address**

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Mary A Throne  
211 W 19th St Ste 200  
Cheyenne, WY 82001

**Mailing Address**

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PO Box 302  
Ft Lupton, CO 80621

**Parties**

Type	Name / Organization / Address
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## Filing Information



Please note that this form CANNOT be submitted in place of your Annual Report.

Name **Envirotank, Inc.**  
Filing Type Profit Corporation  
Status Inactive - Administratively Dissolved (Tax)

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### Most Recent Annual Report Information

Type	Original	AR Year	2010
License Tax	\$50.00	AR Exempt	N
AR Date	12/23/2009 2:07 PM	AR ID	01093662
Web Filed	Y		

### Officers / Directors

Type	Name / Organization / Address
President	Micahel J Bulger P O Box 302 Ft. Lupton CO 80621

### Principal Address

377 Clarkellen Rd  
Gillette, WY 82718

### Mailing Address

PO Box 302  
Ft Lupton, CO 80621

## Filing Information



Please note that this form CANNOT be submitted in place of your Annual Report.

Name **Envirotank, Inc.**  
Filing Type Profit Corporation  
Status Inactive - Administratively Dissolved (Tax)

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### Amendment History

Num	Type	Date	Delayed Date	Status
2012-001304654	System Amendment	02/09/2012		Active
2011-001279916	System Amendment	12/02/2011		Active
2010-000816186	RA Address Change	01/04/2010		Active
2009-000802444	System Amendment	12/02/2009		Active
2009-000749884	RA Name/Address Change	04/15/2009		Active
2009-000749883	Reinstatement - Admin. Diss. Tax	04/15/2009		Active
2008-000685101	System Amendment	06/09/2008		Active
2007-000647036	System Amendment	12/02/2007		Active
2007-000645003	Reinstatement - Admin. Diss. Tax	11/13/2007		Active
2007-000614319	System Amendment	06/04/2007		Active
	RA Name Change	04/13/2006		Active
	RA Address Change	04/13/2006		Active
See Filing ID	Initial Filing	12/26/2001		Active



Attorneys at Law  
**Daly Law Associates, P. C.**  
A Professional Corporation

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John M. Daly  
Tad T. Daly  
Patrick G. Davidson

510 South Gillette Avenue  
Gillette, Wyoming 82716  
Telephone: (307) 682-5141  
Fax: (307) 682-7051

wyolaw@vcn.com  
wyolaw2@vcn.com  
pdavidson@vcn.com

February 7, 2003

Solid and Hazardous Waste Division  
Solid Waster Permit Application

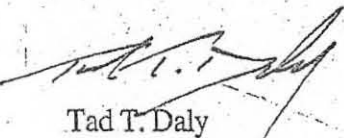
Re: Envirotank

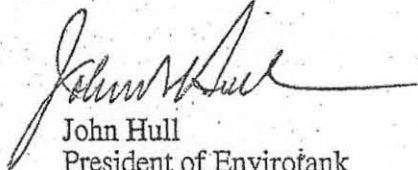
To whom it may concern:

This firm represents Envirotank and their application for a solid waste permit. Please be advised that pursuant to the Bylaws of Envirotank and the Waiver of Notice of Organizational Meeting of Incorporation, John Hull has been named as President of Envirotank. Mr. Hull is authorized to bind Envirotank to the terms of the specific permit application. The Articles of Organization and the Bylaws for Envirotank are both in effect and full force at this time. Pursuant to Solid Waste Guideline #3, we believe these documents fulfill this requirement for Envirotank's permit.

If you have any questions, please do not hesitate to contact my office. Thank you.

Sincerely,

  
Tad T. Daly  
Attorney at Law

  
John Hull  
President of Envirotank

Solid Waste Guideline #3 (August 16, 1999) : Appendix B

Solid Waste Facility Permit Application Form

For SHWD Use Only

Facility Name:	SHWD File No.:
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Applicant Information

Name: Envirotank, Inc / John Hull	Phone: 307-686-0086
Address: 2513 Hillcrest Drive	
City, State, Zip: Gillette, WY 82718	

Landowner Information

Name: Norman Study	Phone: 307-686-2171
Address: 377 Clarkelen Road	
City, State, Zip: Gillette WY 82718	

Lienholder Information

Name:	Phone:
Address:	
City, State, Zip:	

**Facility Information**

Application Type: <i>Operating</i>	Facility Type: <i>Scrap Tire Processing</i>	
Township: <i>48 N</i>	Range: <i>73 W</i>	Section: <del>28</del> <i>28 (SW 1/4 of NW 1/4)</i>
County: <i>Campbell</i>	Total Acreage: <i>10</i>	
Service Area: <i>SD, WY, MT</i>		
Total Disposal Capacity: <i>Low Hazard / Low Volume Facility</i>		
Total Transfer/Treatment/Storage Capacity: <i>Treatment / Processing: up to 3,000 tires / year</i> <i>Storage: 300 tires, 300 tanks, 1,500 tons</i>		
Waste Type(s): <i>Scrap Tires</i>		

**Landowner Approval**

I have read this application and consent to the operations which are described herein. I understand the land use restrictions and any deed notice which are part of this application.

*[Signature]*

**Lienholder Approval**

I have read this application and consent to the operations which are described herein. I understand the land use restrictions and deed notice which are part of this application.

**Professional Engineer Certification**

I am a registered professional engineer in the State of Wyoming and am qualified to design solid waste management facilities. I certify that this application was prepared by me or under my direct supervision.  
(Stamp, sign and date)

**Professional Geologist Certification**

I am a registered professional geologist in the State of Wyoming. I certify that the geologic services and work contained in this application were prepared by me or under my direct supervision.  
(Stamp, sign and date)

**Applicant Oath**

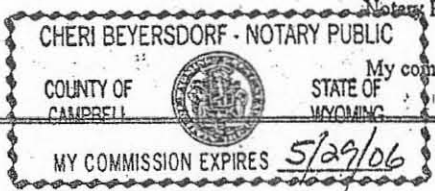
I (we) have prepared or reviewed this application and swear that the information contained in it is accurate and represents actual site conditions. I (we) understand that submission of false information subjects me (us) to a penalty for perjury in accord with W.S. 35-11-506. I (we) shall allow the administrator or an authorized representative, upon the presentation of credentials and other documents as may be required by law to enter upon the premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit; have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit; inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the appropriate rules and regulations of the department, any substances or parameters at any location.

John Hall President 2/13/03  
signature title date

\_\_\_\_\_  
signature title date

The forgoing permit application form was acknowledged before me by John Hall  
in Campbell County, State of Wyoming this 13 day of February 2003

Witness my hand and official seal.  
Cheri Beversdorf  
Notary Public signature



My commission expires: \_\_\_\_\_

## Attachment in support of Permit Application for Envirotank, Inc.

### **Facility Description:**

Envirotank, Inc. operates a tire processing facility on a 10 acre leased parcel of land in the Northwest Quarter of Section 28, Township 48 North, Range 73 West, Campbell County, Wyoming. The facility is approximately 14 miles south of Gillette, approximately 3 miles east of State Highway 50, located on Clarkelen Road. There are no permanent facilities on the site.

### **Location Plan:**

The facility is located along the east side of Clarkelen Road in a rural area of Campbell County, addressed as 377 Clarkelen Road. There are six residences located within 1,000 feet of the property. The property is not visible from nor located near any Interstate or State Highway. The area surrounding the property is predominantly grazing land, with limited cultivation. There is a small rural subdivision located approximately 1/3 mile north of the facility. There are no watercourses or natural bodies of water within 1,000 feet of the facility. A small stock pond exists approximately 500 feet north of the facility.

### **Screening:**

The facility has operated at this location under a previous owner since approximately 1991. To screen the facility, which previously had no screening from the neighboring residences, the current business operator proposes to plant trees along the north and south boundaries of the working area of the facility, and along a portion of the fronting road. The trees will be Russian Olive (*Eleagnus angustifolia*) which have a low to moderate water requirement, tolerate both sodic and alkaline soils well, and are relatively fast growing. These will be planted 10-12 feet apart for development as a dense hedge. A drip irrigation system will be installed using 55 gallon steel barrels to supply 4-12 trees each through a gravity drip system. The barrels will be supplied from a trailer mounted tank. The tank will be periodically filled from local coal-bed methane water supplies and transported to the site to fill the drip reservoirs. Alternatively, the drip system may be supplied with water from a nearby well if available.

### **Operating Plan:**

Tires are received via trucks and unloaded and stored on the ground for processing. Up to 70 raw tires are held in inventory at any one time. The tires are moved about the site for processing by skidding on the ground with a small tractor. In dry weather, dust from this operation will be controlled as specified below. The tires are mounted on a rotary table for processing, where they are slit into two pieces. The lower pieces are sold to be used for stock watering tanks. The upper portion, the sidewall or "top" is relatively flat and is sold to be used in stacks for livestock windbreaks or for erosion control rip rap on dams and stream banks.

Finished tanks and tops are stored on site until sold. The tanks are sold in small lots of one or more and are stored until delivery to the purchaser. The tops are sold in larger lots for windbreaks or erosion-control rip rap. Since the typical purchase involves a large number (a dozen or more), the inventory of finished tops is larger than the inventory of tanks. Normally, the facility stores up to 75 finished tanks, and up to 600 finished tops.

### **Dust Control:**

The site is unpaved and the operations on site are conducted in the open, movement of the tires (and vehicles) on the site occasionally causes dust to be generated. During dry, windy periods this dust affects areas off the site unless controlled. Control will consist of any combination of the following measures depending on the season and extent of dust generation:

- Locating unloading and storage areas conveniently to the processing area to minimize the movement of tires.
- Minimizing tire movements during extremely windy periods.
- Applying water to dust prone areas such as the slitting area and entry drive.
- Applying dust-control chemicals (such as magnesium chloride solution) to the processing and traffic areas.

### **Facility Closure:**

The operation has currently disturbed approximately 8 acres of the total leasehold. Closure of the facility would involve removing the tire cutting equipment and support facilities (trailer, etc) from the site; selling and removing the raw tires, finished tanks, and tire tops; removing and disposing of tire scraps and rubber crumbs; and preparing the disturbed surface and seeding with an approved seed mix.

The closure process could result in the disposal of the maximum inventory of raw tires, finished tanks, tops, and rubber waste. The estimated costs for disposal are shown below. The cost of disposing of the tops and rubber waste assume they will be treated as solid waste. The raw tires and the finished tanks will be removed by a specific Montana business who will market them in southeast Montana as tanks or windbreaks. An agreement letter is attached.

In 2002, the business processed approximately 1,400 raw tires into tanks and tops. The inventory of finished tanks was approximately 50-70 during that period, and the inventory of tops ranged from 200 to 1,200 during the year. This inventory turnover rate demonstrates that the products of the business are readily marketable.

The slitting process generates a small amount of waste in the form of rubber crumbs and unusable pieces of tires which would have to be collected and hauled to a permitted disposal. Two such facilities are readily available – Tire Mountain near Hudson, Colorado will take tires or pieces of tires; and the Campbell County Landfill which will

take the tires, pieces, and other solid waste. The cost of either option is approximately the same for tires and pieces, the landfill is considerably less expensive for other waste because of the lesser travel distance.

Upon closure, the owner/operator would stop receiving raw tires at the facility and complete the processing of raw tires then on site into finished products. The slitting equipment and inventory of tanks and tops would be removed and/or sold, the remaining waste would be transported to the landfill for disposal. It is estimated that up to two truckloads of solid rubber pieces and crumbs will need to be disposed of upon closure of the facility.

Following removal of equipment, inventory and waste products, the site would be reclaimed by blading and/or disking as necessary to restore the contour of the site and prepare an adequate seedbed. The site would then be seeded during the appropriate season with a mixture of grasses as described below.

Seeding will be done by broadcasting seed at the rate of 15 lb per acre, using the following seed mixture:

40% (6 lb/acre)	Western Wheatgrass
20% (3 lb/acre)	Thickspike Wheatgrass
20% (3 lb/acre)	Slender Wheatgrass
13% (2 lb/acre)	Annual Rye
7% (1 lb/acre)	Alfalfa

Only certified weed-free seed mixtures will be used. The soil will be prepared by rotary disking and/or tilling with an English harrow before seeding, and the seed will be set with a dragged chain harrow. No mulch will be used, and no irrigation will be done.

#### **Financial Assurance**

Financial assurance for closure costs will be provided in the form of a federally insured bank Certificate of Deposit in accordance with SWRR Chapter 7, Section 4.

## Cost of Reclamation Activities:

### Removal of rubber waste:

assume 2 truckloads to Campbell County Landfill; 2 loads x 4 hours/load (including loading and unloading) x \$55/hr = \$440.00 plus tipping fees of \$56/ton x 30 tons = \$1,680. Total cost = \$2,120.00

### Site Preparation:

Contour site, rip compacted areas with chisel tooth, restore natural drainage.

Lump sum per contractor's estimate = \$2,200.00

### Seedbed preparation and seeding:

Disk and/or harrow seedbed, supply and spread seed,

10 acres at \$250/acre per contractor's estimate = \$2,500.00

Total Cost to reclaim site: \$6,820.00

## Tire and Top Disposal Costs:

### Tops:

Option 1: Haul by truck to Tire Mountain facility near Hudson, Colorado.

Disposal charge is \$27.58 per top.

Trucking cost is \$2.25 / loaded mile, 350 miles, 24 tops per truckload.

24 tops / load x 27.58 / top = 661.92 / load for disposal fees.

350 miles / load x 2.25 / mile = 787.50 for hauling

Total cost for 24 tops = \$1,449.42 or \$60.39 each top.

Option 2: Haul to Campbell County landfill:

Disposal charge is \$56.00 per ton ( 1 top = approx 1 ton )

Trucking cost is \$55.00 per hour, estimate 2 hours per load.

24 tops / load x 56.00 / top = \$1,344.00 for disposal fees.

2 hours / load x \$55.00 / hour = \$110.00 for hauling.

Total cost of 24 tops = \$1,440.00 or \$60.16 each top.

Total Cost for 600 tops in inventory = \$60.16 x 600 = \$36,096.00



**Raw Tires:**

Cost to dispose of raw un-slit tires is \$35.00 per tire per agreement with Copps Hardware:

Total cost to dispose of raw tire inventory = 70 tires x \$35.00 per tire = \$2,450.00

**Finished Tanks:**

Finished tank inventory will be sold to Copps Hardware per agreement, thus net disposal cost is \$0.

**Reclamation Cost Summary:**

Site Reclamation and Rubber Waste Disposal:	\$6,820.00
Tire Top Disposal:	36,096.00
Raw Tire Disposal	2,450.00
Finished Tank Disposal	0.00
Total Estimated Reclamation Costs	45,366.00
Contingency (15%)	<u>6,805.00</u>
Total Cost of Reclamation	\$52,171.00

Attorneys at Law  
**Daly Law Associates, P. C.**  
A Professional Corporation

John M. Daly  
Tad T. Daly  
Patrick G. Davidson

510 South Gillette Avenue  
Gillette, Wyoming 82716  
Telephone: (307) 682-5141  
Fax: (307) 682-7051

RECEIVED  
JUL 22 2004  
WYOMING DEQ  
CASPER, WY

wyolaw@vcn.com  
wyolaw2@vcn.com  
pdavidson@vcn.com

July 20, 2004

Dale Anderson  
DEQ  
3030 Energy Lane, Suite 200  
Casper, WY 82604

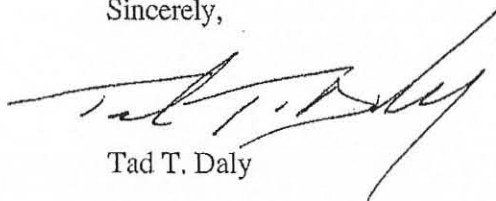
Re: Envirotank, Inc.

Dear Mr. Anderson:

Enclosed for your review and processing is a revised application for Solid Waste Facility from my client, Envirotank. Pursuant to our letter of June 10, 2004 to Mike Barrash, Envirotank, Inc. has chosen to reduce the inventory in order to reduce the financial assurance.

If this revised application does not meet with your approval, please do not hesitate to contact our office. Thank you.

Sincerely,



Tad T. Daly

Enclosure  
TTD/cb  
Cc: client

RECEIVED

JUL 22 2004

WYOMING DEQ  
CASPER, WY

**APPLICATION FOR SOLID WASTE FACILITY PERMIT**

Submitted by:

**Envirotank, Inc.**

2513 Hillcrest Drive  
Gillette, Wyoming 82718

Revised July 15, 2004

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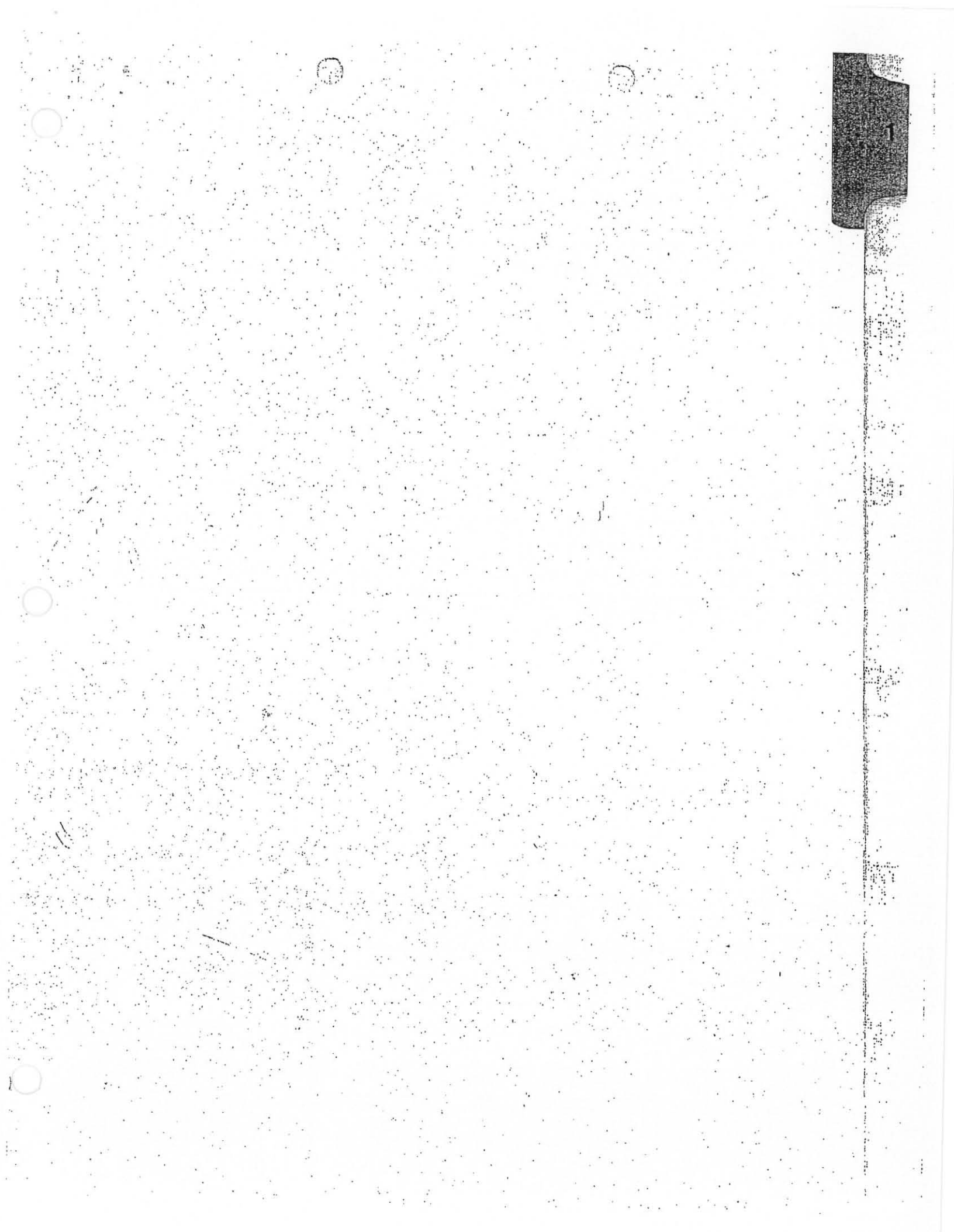
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Attorneys at Law  
**Daly Law Associates, P. C.**  
A Professional Corporation

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John M. Daly  
Tad T. Daly  
Patrick G. Davidson

510 South Gillette Avenue  
Gillette, Wyoming 82716  
Telephone: (307) 682-5141  
Fax: (307) 682-7051

wyolaw@vcn.com  
wyolaw2@vcn.com  
pdavidson@vcn.com

February 7, 2003

Solid and Hazardous Waste Division  
Solid Waster Permit Application

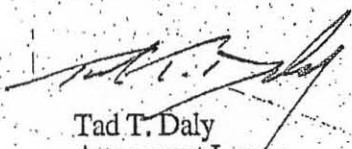
Re: Envirotank

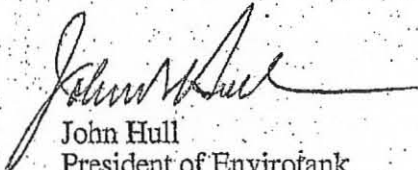
To whom it may concern:

This firm represents Envirotank and their application for a solid waste permit. Please be advised that pursuant to the Bylaws of Envirotank and the Waiver of Notice of Organizational Meeting of Incorporation, John Hull has been named as President of Envirotank. Mr. Hull is authorized to bind Envirotank to the terms of the specific permit application. The Articles of Organization and the Bylaws for Envirotank are both in effect and full force at this time. Pursuant to Solid Waste Guideline #3, we believe these documents fulfill this requirement for Envirotank's permit.

If you have any questions, please do not hesitate to contact my office. Thank you.

Sincerely,

  
Tad T. Daly  
Attorney at Law

  
John Hull  
President of Envirotank



Solid Waste Guideline #3 (August 16, 1999) : Appendix B

Solid Waste Facility Permit Application Form

For SHWD Use Only

Facility Name:	SHWD File No.:
----------------	----------------

Applicant Information

Name:	Envirotank, Inc / John Hull	Phone:	307-686-0086
Address:	2513 Hillcrest Drive		
City, State, Zip:	Gillette, WY 82718		

Landowner Information

Name:	Norman Study	Phone:	307-686-2171
Address:	377 Clarkelen Road		
City, State, Zip:	Gillette WY 82718		

Lienholder Information

Name:	Phone:
Address:	
City, State, Zip:	



**Facility Information**

Application Type: <i>Operating</i>	Facility Type: <i>Scrap Tire Processing</i>	
Township: <i>48 N</i>	Range: <i>73 W</i>	Section: <del>27</del> <i>28</i> ( <i>SW 1/4 of NW 1/4</i> )
County: <i>Campbell</i>	Total Acreage: <i>10</i>	
Service Area: <i>SD, WY, MT</i>		
Total Disposal Capacity: <i>Low Hazard / Low Volume Facility</i>		
Total Transfer/Treatment/Storage Capacity: <i>Treatment / Processing: up to 3,000 tires / year</i> <i>Storage: 300 tires, 300 tanks, 6,500 tops</i>		
Waste Type(s): <i>Scrap Tires</i>		

**Landowner Approval**

I have read this application and consent to the operations which are described herein. I understand the land use restrictions and any deed notice which are part of this application.

*Morgan Stutz*

**Lienholder Approval**

I have read this application and consent to the operations which are described herein. I understand the land use restrictions and deed notice which are part of this application.

**Professional Engineer Certification**

I am a registered professional engineer in the State of Wyoming and am qualified to design solid waste management facilities. I certify that this application was prepared by me or under my direct supervision.  
(Stamp, sign and date)

**Professional Geologist Certification**

I am a registered professional geologist in the State of Wyoming. I certify that the geologic services and work contained in this application were prepared by me or under my direct supervision.  
(Stamp, sign and date)

**Applicant Oath**

I (we) have prepared or reviewed this application and swear that the information contained in it is accurate and represents actual site conditions. I (we) understand that submission of false information subjects me (us) to a penalty for perjury in accord with W.S. 35-11-506. I (we) shall allow the administrator or an authorized representative, upon the presentation of credentials and other documents as may be required by law to enter upon the premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit; have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit; inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the appropriate rules and regulations of the department, any substances or parameters at any location.

John Hull President 2/13/03  
signature title date

\_\_\_\_\_  
signature title date

The forgoing permit application form was acknowledged before me by John Hull  
in Campbell County, State of Wyoming this 13 day of February 2003  
Witness my hand and official seal.

Cheri Beyersdorf  
Notary Public signature



My commission expires: \_\_\_\_\_



## Attachment in support of Permit Application for Envirotank, Inc.

### Facility Description:

Envirotank, Inc. operates a tire processing facility on a 10 acre leased parcel of land in the Northwest Quarter of Section 28, Township 48 North, Range 73 West, Campbell County, Wyoming. The facility is approximately 14 miles south of Gillette, approximately 3 miles east of State Highway 50, located on Clarkelen Road. There are no permanent facilities on the site.

### Location Plan:

The facility is located along the east side of Clarkelen Road in a rural area of Campbell County, addressed as 377 Clarkelen Road. There are six residences located within 1,000 feet of the property. The property is not visible from nor located near any Interstate or State Highway. The area surrounding the property is predominantly grazing land, with limited cultivation. There is a small rural subdivision located approximately 1/3 mile north of the facility. There are no watercourses or natural bodies of water within 1,000 feet of the facility. A small stock pond exists approximately 500 feet north of the facility.

### Screening:

The facility has operated at this location under a previous owner since approximately 1991. To screen the facility, which previously had no screening from the neighboring residences, the current business operator proposes to plant trees along the north and south boundaries of the working area of the facility, and along a portion of the fronting road. The trees will be Russian Olive (*Eleagnus angustifolia*) which have a low to moderate water requirement, tolerate both sodic and alkaline soils well, and are relatively fast growing. These will be planted 10-12 feet apart for development as a dense hedge. A drip irrigation system will be installed using 55 gallon steel barrels to supply 4-12 trees each through a gravity drip system. The barrels will be supplied from a trailer mounted tank. The tank will be periodically filled from local coal-bed methane water supplies and transported to the site to fill the drip reservoirs. Alternatively, the drip system may be supplied with water from a nearby well if available.

### Operating Plan;

*reduced from 10*  
Tires are received via trucks and unloaded and stored on the ground for processing. Up to 30 raw tires are held in inventory at any one time. The tires are moved about the site for processing by skidding on the ground with a small tractor. In dry weather, dust from this operation will be controlled as specified below. The tires are mounted on a rotary table for processing, where they are slit into two pieces. The lower pieces are sold to be used for stock watering tanks. The upper portion, the sidewall or "top" is relatively flat and is sold to be used in stacks for livestock windbreaks or for erosion control rip rap on dams and stream banks.

Finished tanks and tops are stored on site until sold. The tanks are sold in small lots of one or more and are stored until delivery to the purchaser. The tops are sold in larger lots for windbreaks or erosion-control rip rap. Since the typical purchase involves a large number (a dozen or more), the inventory of finished tops is larger than the inventory of tanks. Normally, the facility stores up to 75 finished tanks, and up to 200 finished tops.

*reduced from 600*

### **Dust Control:**

The site is unpaved and the operations on site are conducted in the open, movement of the tires (and vehicles) on the site occasionally causes dust to be generated. During dry, windy periods this dust affects areas off the site unless controlled. Control will consist of any combination of the following measures depending on the season and extent of dust generation:

- Locating unloading and storage areas conveniently to the processing area to minimize the movement of tires.
- Minimizing tire movements during extremely windy periods.
- Applying water to dust prone areas such as the slitting area and entry drive.
- Applying dust-control chemicals (such as magnesium chloride solution) to the processing and traffic areas.

### **Facility Closure:**

The operation has currently disturbed approximately 8 acres of the total leasehold. Closure of the facility would involve removing the tire cutting equipment and support facilities (trailer, etc) from the site; selling and removing the raw tires, finished tanks, and tire tops; removing and disposing of tire scraps and rubber crumbs; and preparing the disturbed surface and seeding with an approved seed mix.

The closure process could result in the disposal of the maximum inventory of raw tires, finished tanks, tops, and rubber waste. The estimated costs for disposal are shown below. The cost of disposing of the tops and rubber waste assume they will be treated as solid waste. The raw tires and the finished tanks will be removed by a specific Montana business who will market them in southeast Montana as tanks or windbreaks. An agreement letter is attached.

In 2002, the business processed approximately 1,400 raw tires into tanks and tops. The inventory of finished tanks was approximately 50-70 during that period, and the inventory of tops ranged from 200 to 1,200 during the year. This inventory turnover rate demonstrates that the products of the business are readily marketable.

The slitting process generates a small amount of waste in the form of rubber crumbs and unusable pieces of tires which would have to be collected and hauled to a permitted disposal. Two such facilities are readily available – Tire Mountain near Hudson,

Colorado will take tires or pieces of tires; and the Campbell County Landfill which will take the tires, pieces, and other solid waste. The cost of either option is approximately the same for tires and pieces, the landfill is considerably less expensive for other waste because of the lesser travel distance.

Upon closure, the owner/operator would stop receiving raw tires at the facility and complete the processing of raw tires then on site into finished products. The slitting equipment and inventory of tanks and tops would be removed and/or sold, the remaining waste would be transported to the landfill for disposal. It is estimated that up to two truckloads of solid rubber pieces and crumbs will need to be disposed of upon closure of the facility.

Following removal of equipment, inventory and waste products, the site would be reclaimed by blading and/or disking as necessary to restore the contour of the site and prepare an adequate seedbed. The site would then be seeded during the appropriate season with a mixture of grasses as described below.

Seeding will be done by broadcasting seed at the rate of 15 lb per acre, using the following seed mixture:

40% (6 lb/acre)	Western Wheatgrass
20% (3 lb/acre)	Thickspike Wheatgrass
20% (3 lb/acre)	Slender Wheatgrass
13% (2 lb/acre)	Annual Rye
7% (1 lb/acre)	Alfalfa

Only certified weed-free seed mixtures will be used. The soil will be prepared by rotary disking and/or tilling with an English harrow before seeding, and the seed will be set with a dragged chain harrow. No mulch will be used, and no irrigation will be done.

#### **Financial Assurance**

Financial assurance for closure costs will be provided in the form of a federally insured bank Certificate of Deposit in accordance with SWRR Chapter 7, Section 4.

## Cost of Reclamation Activities:

### Removal of rubber waste:

assume 2 truckloads to Campbell County Landfill; 2 loads x 4 hours/load (including loading and unloading) x \$55/hr = \$440.00 plus tipping fees of \$56/ton x 30 tons = \$1,680. Total cost = \$2,120.00

### Site Preparation:

Contour site, rip compacted areas with chisel tooth, restore natural drainage.

Lump sum per contractor's estimate = \$2,200.00

### Seedbed preparation and seeding:

Disk and/or harrow seedbed, supply and spread seed,  
10 acres at \$250/acre per contractor's estimate= \$2,500.00

Total Cost to reclaim site: \$6,820.00

## Tire and Top Disposal Costs:

### Tops:

Option 1: Haul by truck to Tire Mountain facility near Hudson, Colorado.

Disposal charge is \$27.58 per top.

Trucking cost is \$2.25 / loaded mile, 350 miles, 24 tops per truckload.

24 tops / load x 27.58 / top = 661.92 / load for disposal fees.

350 miles / load x 2.25 / mile = 787.50 for hauling

Total cost for 24 tops = \$1,449.42 or \$60.39 each top.

Option 2: Haul to Campbell County landfill:

Disposal charge is \$56.00 per ton ( 1 top = approx 1 ton )

Trucking cost is \$55.00 per hour, estimate 2 hours per load.

24 tops / load x 56.00 / top = \$1,344.00 for disposal fees.

2 hours / load x \$55.00 / hour = \$110.00 for hauling.

Total cost of 24 tops = \$1,440.00 or \$60.16 each top.

Total Cost for 200 tops in inventory = \$60.16 x 200 = \$12,032.00 ✓

**Raw Tires:**

Cost to dispose of raw un-slit tires is \$35.00 per tire per agreement with Copps Hardware:

Total cost to dispose of raw tire inventory = 30 tires x \$35.00 per tire = \$1,050.00

**Finished Tanks:**

Finished tank inventory will be sold to Copps Hardware per agreement, thus net disposal cost is \$0.

**Reclamation Cost Summary:**

Site Reclamation and Rubber Waste Disposal:	\$6,820.00
Tire Top Disposal:	12,032.00
Raw Tire Disposal	1,050.00
Finished Tank Disposal	0.00
Total Estimated Reclamation Costs	19,902.00
Contingency (15%)	<u>2,985.00</u>
Total Cost of Reclamation	\$22,887.00





The State  
of Wyoming

# Department of Environmental Quality



Dave Freudenthal, Governor

3030 Energy Lane • Suite 200 • Casper, Wyoming 82604

SOLID & HAZARDOUS WASTE DIVISION  
(307) 473-3450  
Fax: (307) 473-3458

AIR QUALITY DIVISION  
(307) 473-3455  
Fax: (307) 473-3458

WATER QUALITY DIVISION  
(307) 473-3465  
Fax: (307) 473-3458

ABANDONED MINES  
(307) 473-3460  
Fax: (307) 473-3458

August 16, 2004

Mr. Tad Daly  
Daly Law Associates, P.C.  
510 South Gillette Avenue  
Gillette, WY 82716

RE: Envirotank Inc. (SHWD File # 51.031) revised permit application

Dear Mr. Daly:

The Department has received and reviewed the revised permit application for the Envirotank Inc., facility in Campbell County. The revised permit application is dated July 15, 2004 and was received July 22, 2004. The Department has determined that the revised permit application is generally complete and technically adequate, with acceptable financial assurance. Per previous conversations, the revised permit application reflects lower quantities of raw tires and tops that will be accumulated on site, resulting in a lower financial assurance requirement for the facility.

In light of Department acceptance of the revised permit application, prior to issuance of a final operating permit for this facility, Envirotank, Inc, will need to provide an acceptable financial assurance mechanism for Department review and approval. Per the revised permit application the amount of financial assurance is \$22,887.00. Envirotank Inc. will also need to provide an updated, signed permit application form which reflects the revised, lower amount of material that will be stored/accumulated on site.

If you have any questions, please feel free to contact me at (307) 473-3472.

Sincerely,

Dale Anderson  
Program Principal  
Solid and Hazardous Waste Division

Copy: Mike Barrash Cheyenne SHWD  
Dave Finley & Tim Link & Cheyenne SHWD File # 51.031  
Bob Doctor & Casper SHWD File # 51.031

Attorneys at Law  
**Daly Law Associates, P. C.**  
A Professional Corporation

---

John M. Daly  
Tad T. Daly  
Patrick G. Davidson

510 South Gillette Avenue  
Gillette, Wyoming 82716  
Telephone: (307) 682-5141  
Fax: (307) 682-7051

wyolaw@vcn.com  
wyolaw2@vcn.com  
pdavidson@vcn.com

October 18, 2004

Dale Anderson  
DEQ  
3030 Energy Lane, Suite 200  
Casper, WY 82604

RECEIVED

OCT 20 2004

WYOMING DEQ  
CASPER, WY

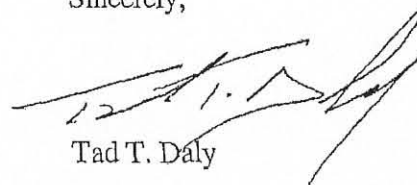
Re: Envirotank, Inc.

Dear Mr. Anderson:

I am enclosing the application for the Solid Waste Facility executed by John Hull as President of Envirotank, Inc. and Norman Study, landowner. Also enclosed is a cashier's check in the amount of \$22,887.00.

If I may be of any further assistance to you and the Department of Environmental Quality on this matter, please do not hesitate to contact our office. Thank you.

Sincerely,



Tad T. Daly

Enclosure  
TTD/cb  
Cc: client

## Solid Waste Facility Permit Application Form

### For SHWD Use Only

Facility Name: _____	SHWD File No.: _____
----------------------	----------------------

### Applicant Information

Name: <u>Envirotank, Inc.</u>	Telephone: <u>(972) 987-7733</u>	Fax: <u>(972) 987-7709</u>
Address: <u>8201 Towne Main Drive #</u> <u>1212</u>	<u>Plano</u> , <u>TX</u> <u>75024</u>	

### Landowner Information

Name: <u>Norman Study</u>	Telephone: <u>(307) 686-2171</u>	Fax: _____
Address: <u>377 Clarkelen Road</u>	<u>Gillette</u> , <u>WY</u> <u>82718</u>	

### Lienholder Information

Name: <u>N/A</u>	Telephone: _____	Fax: _____
Address: _____	<u>_____</u> , <u>WY</u> _____	


### Facility Information

Application Type: _____	Facility Type: <u>Scrape Tire processing</u>
Township: <u>48N</u>	Range: <u>73W</u> Section: <u>28</u>
County: <u>Campbell</u>	Total Acreage: <u>10</u>
Service Area: <u>WY, SD, MT</u>	
Total Disposal Capacity: <u>Low Hazard/Low Volume</u>	
Total Transfer/Treatment/Storage Capacity: <u>30 raw tires for storage 75 finished tanks 200 finished tops</u>	
Waste Type(s): <u>scrap tires</u>	

### Landowner Approval

---

I have read this application and consent to the operations which are described herein. I understand the land use restrictions and any deed notice which are part of this application.

  
Signature

10-18-04  
Date

**Lienholder Approval**

I have read this application and consent to the operations which are described herein. I understand the land use restrictions and deed notice which are part of this application.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Professional Engineer Certification**

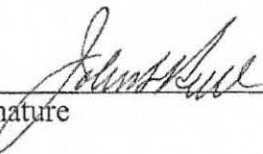
I am a registered professional engineer in the State of Wyoming and am qualified to design solid waste management facilities. I certify that this application was prepared by me or under my direct supervision. (Stamp, sign and date)

**Professional Geologist Certification**

I am a registered professional geologist in the State of Wyoming. I certify that the geologic services and work contained in this application were prepared by me or under my direct supervision. (Stamp, sign and date)

### Applicant Oath

I (we) have prepared or reviewed this application and swear that the information contained in it is accurate and represents actual site conditions. I (we) understand that submission of false information subjects me (us) to a penalty for perjury in accord with W.S. 35-11-506. I (we) shall allow the administrator or an authorized representative, upon the presentation of credentials and other documents as may be required by law to enter upon the premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit; have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit; inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the appropriate rules and regulations of the department, any substances or parameters at any location.

	<u>PRESIDENT</u>	<u>9/23/04</u>
Signature	Title	Date

Signature	Title	Date

The forgoing permit application form was acknowledged before me by John Hull  
 in Collin County, State of Texas, this 23<sup>rd</sup> day of September, 2004.

Witness my hand and official seal.

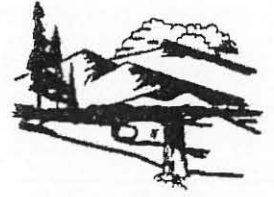


Megan O'Keefe  
 Notary Public signature

My commission expires: 4-19-08



# 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

November 15, 2004

CERTIFIED MAIL # 7003 1680 0007 0340 7185

RETURN RECEIPT REQUESTED

Mr. John Hull  
Envirotank, Inc.  
8201 Towne Main Drive # 1212  
Plano, TX 75024

RE: Solid Waste Chapter 6 Operating Permit (Low-Hazard/Low-Volume Facility)  
Envirotank Inc., SHWD File # 51.031

Dear Mr. Hull:

This letter constitutes a Wyoming Department of Environmental Quality, Solid Waste Chapter 6 operating permit (Low-Hazard/Low-Volume Facility) for Envirotank, Inc. (SHWD File # 51.031).

On August 7, 2003, the Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division (Department) completed its final review of the most recent permit application for the facility identified above, dated July 11, 2003. The Department has determined this application is generally complete and technically adequate. On October 20, 2004 the Department received the final permit application form and financial assurance.

The Department has also received the necessary information to document that the public notice requirements of Chapter 1, Section 2(j) of the Solid Waste Rules and Regulations were properly completed.

This facility is subject to the financial assurance requirements of Chapter 7 of the Solid Waste Rules and Regulations. The financial assurance mechanism provided for this facility is a cashier's check, number 0676703964 issued by Wells Fargo Bank, Plano, Texas. The amount of the financial assurance mechanism is \$22,887. This mechanism has been accepted as financial assurance, and receipt # 6391 is enclosed.

The operator of the facility authorized by this permit shall be responsible for complying the terms of the permit application specified above and this permit. Based on the Department's permit application review and/or the Department's inspection of this facility, the Department has concluded that this permit shall be issued under the following conditions:

*Permit Condition #1*

*The operator shall locate this facility in compliance with the minimum standards of*

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7758 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-6937	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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DEQ Exhibit 9



Mr. John Hull

November 15, 2004/Page 2 of 8

*Chapter 6, Section 3(b) of the Solid Waste Rules and Regulations (copy enclosed). The operator may request written guidance regarding how to comply with any specific standard.*

*Permit Condition #2*

*The operator shall design and construct this facility in compliance with the minimum standards of Chapter 6, Section 4(b) of the Solid Waste Rules and Regulations (copy enclosed). The operator may request written guidance regarding how to comply with any specific standard.*

*Permit Condition #3*

*The operator shall operate this facility in compliance with the minimum standards of Chapter 6, Section 5(b) of the Solid Waste Rules and Regulations (copy enclosed). The operator may request written guidance regarding how to comply with any specific standard.*

*Permit Condition #4*

*The operator shall close this facility in compliance with the minimum standards of Chapter 6, Section 7(b) of the Solid Waste Rules and Regulations (copy enclosed). The operator may request written guidance regarding how to comply with any specific standard.*

*Permit Condition #5*

*The operator shall design, construct and operate this facility in compliance with the minimum standards of Chapter 8, Section 2 of the Solid Waste Rules and Regulations (copy enclosed). The operator may request written guidance regarding how to comply with any specific standard.*

*Permit Condition #6*

*As listed in the application permit, not more than thirty (30) raw tires, seventy-five (75) finished tanks, and two hundred (200) tops shall be stored at this facility at any time.*

The operator of the facility authorized by this permit shall allow the administrator or an authorized representative, upon the presentation of credentials and other documents as may be required by law to enter upon the operator's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit; have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit; inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the appropriate rules and regulations of the Department, any substances or parameters at any location.

Mr. John Hull

November 15, 2004/Page 3 of 8

This permit is valid for eight (8) years from the date of this letter. In order to renew this permit, a renewal permit application shall be submitted between nine (9) and six (6) months prior to the expiration of this permit. Prior to the preparation of a renewal permit application, the Department strongly recommends a face-to-face pre-application meeting with the operator, manager, consultant and the Department.

The conditions imposed by this permit shall take precedence over conflicting designs, specifications or procedures contained in the referenced permit application document. Failure to comply with this permit or the condition(s) which have been imposed may be grounds for permit revocation under the provisions of Chapter 1, Section 4(b) of the Wyoming Solid Waste Rules and Regulations.

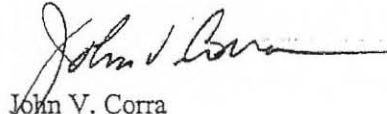
If you are unable to accept any of the conditions in this permit, you must appeal this permit by sending a letter stating your objections to the Environmental Quality Council, Herschler Building, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming 82002, within sixty (60) days of your receipt of this permit.

If you have any questions regarding the Department's review of this permit, please feel free to contact Dale Anderson at (307) 473-3472.

Sincerely,



David A. Finley  
Administrator  
Solid and Hazardous Waste Division



John V. Corra  
Director  
Department of Environmental Quality

encl. : Solid Waste Rules and Regulations Chapter 6, Sections 3 (b), 4(b), 5(b), and 7(b)  
(Excerpt, October 15, 1998)  
: Solid Waste Rules and Regulations Chapter 8, Section 2 (Excerpt, October 15, 1998)

copy : Tim Link ☞ Cheyenne SHWD File # 51.031 (w/ encl.)  
: Dale Anderson ☞ Casper SHWD File # 51.031 (w/ encl.)



NOTE: Do not cut or modify this form. Use typewriter or print neatly with blue or black ink.

RECEIVED

APR 03 2006

STATE OF WYOMING  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
SOLID & HAZARDOUS WASTE DIVISION

CASPER DEQ

APPLICATION FOR PERMIT TRANSFER

1. (a) Name, telephone number, and mailing address of transferor (current permittee):  
John Hull 2075 Quail Meadow Lane, Frisco TX 75034
- (b) Location of the facility including the county:  
377 Clarkelen Road Gillette WY 82718 (Campbell county)
- (c) Permit to be transferred (File number, name and type) and proposed date of transfer:  
SOLID WASTE chapter 6 operating permit (Low-Hazard/ Low volume FAC)  
EnviroTank INC., SHWD FILE# 51.031
- (d) The legal description of the facility:  
SCRAP TIRE Processing
2. (a) Name, telephone number, and mailing address of transferee (proposed permittee):  
Michael J.F. Bulger II  
4210 combine PL  
Brighton CO. 80601 303-659-6134
- (b) If the Transferee is a partnership, association or corporation, the names and addresses of all managers, partners and executives directly responsible for operations in this State:
 

Name:	MIKE BEDNARZ	Address:	3400 Collins RD Gillette Wyo 82718
Title:	Employee MGR	Phone No:	370-660-0845
Name:	_____	Address:	_____
Title:	_____	Phone No:	_____
Name:	_____	Address:	_____
Title:	_____	Phone No:	_____
3. Name, telephone number, and address of the agent or person of the Transferee to whom any notices under the provisions of the Wyoming Environmental Quality Act, Solid & Hazardous Waste Division Rules and Regulations adopted thereunder may be sent:  
Michael J.F. Bulger II  
4210 COMBINE PL  
Brighton, CO. 80601 303-659-6134
4. Right of entry to or inspection of any operation, premises, records, or equipment shall not require advance notice.

J.H.

SWORN STATEMENT OF TRANSFEROR

State of Texas )  
County of Collin )ss

I JOHN HULL being duly sworn on my oath that I am the Transferor (or President or Vice President if the Transferor is a corporation) for the foregoing permit transfer; that I have read the said application and fully know the contents thereof; that all statements contained in the permit transfer application are true and correct to my best knowledge and belief; by execution of this statement I certify that Transferor is in full compliance with the Wyoming Environmental Quality Act, the Rules and Regulations promulgated thereunder, and the terms and conditions of the permit (File No. 51.031). Approval of this transfer by the Department of Environmental Quality does not constitute a conclusion that the Transferor is full in compliance.

Dated this 31<sup>st</sup> day of MARCH 19 2006

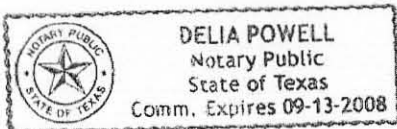
Signature: John D. Hull  
Name: JOHN D. HULL  
(Printed or typed)

(Corporate Seal)

Title: President

The foregoing instrument was acknowledged before me by John D. Hull this 31 day of March, 19 2006

Witness my hand and official seal.



(Notary Seal)

(Notary Public or Secretary if a Corporation)

Delia Powell

(Name printed or typed)

Delia Powell

My Commission Expires:

9-13-2008

SWORN STATEMENT OF TRANSFEREE

State of Colorado )

)ss 458-55-0038

County of ADAMS )

I Michael J.F. Bulger II being duly sworn on my oath that I am the Transferee (or President or Vice President if the Transferee is a corporation) for the foregoing Solid & Hazardous Waste Division permit transfer; that I have read the said application and fully know the contents thereof; that I further agree to be bound by all of the terms and conditions of the original permit and any amendments, revisions, or renewals thereof and accept all unfulfilled closure and post closure liabilities of statutes, rules and of the permit; that all statements contained in the permit transfer application are true and correct to my best knowledge and belief, by execution of this statement I certify that Transferee has the right and power by legal estate owner or consent to operate the facility for which this permit transfer is desired; that Transferee has by completion and submission of this application, hereby given consent to allow the Director, the Administrator and/or his authorized representatives, at reasonable times and upon presentation of appropriate credentials, to enter upon and have access to any and all lands covered by this permit and amendments thereto and to inspect and copy any records or documents, obtain or monitor any samples or sampling, for any activities associated with the operation and permit.

Dated this 24<sup>th</sup> day of March, 2006, 19  

Signature: Michael J.F. Bulger II

Name: Michael J.F. Bulger II  
(Printed or typed)

(Corporate Seal)

Title: Owner

The foregoing instrument was acknowledged before me by Michael J.F. Bulger II this 24<sup>th</sup> day of March, 19  , 2006

Witness my hand and official seal.

(Notary Public or Secretary if a Corporation)

Teresa K. Anderson

(Name printed or typed)

TERESA K ANDERSON

My Commission Expires:

May 6, 2006

(Notary Seal)



THE STATE OF WYOMING)

)ss

DEPARTMENT OF ENVIRONMENTAL QUALITY)

This is to certify that I have examined the foregoing application and do hereby grant the same subject to the following limitations and conditions.

1. This permit transfer grants only the right to operate the facility described in the permit.
2. The transferee has acquired a good and sufficient closure/post closure bond fully executed and signed. The bond shall be effective on the date of transfer.
3. Acceptance of the approved permit transfer obligates the operator to abide by the standard conditions specified in the original permit. Any condition and/or special condition attached to this permit transfer shall supersede and/or replace any conflicts with the original permit, amendments, or any renewals.

APPROVED:

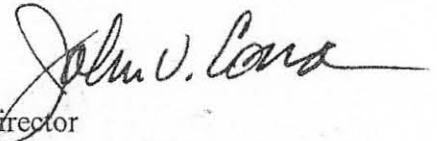


Administrator  
Solid & Hazardous Waste Division

Quality

Department of Environmental Quality

APPROVED:



Director  
Department of Environmental

Effective Date:





# 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

April 19, 2006

CERTIFIED MAIL #7004 2890 0004 5120 1234  
RETURN RECEIPT REQUESTED

Mr. Michael Bulger  
Envirotank, Inc.  
4210 Combine Place  
Brighton, CO 80601

RE: Approval of Transfer, Solid Waste Chapter 6 Operating Permit  
Envirotank, Inc., SHWD File # 51.031

Dear Mr. Bulger:

On April 3, 2006, the Wyoming Department of Environmental Quality (WDEQ), Solid and Hazardous Waste Division (SHWD) received a request to transfer the Solid Waste Chapter 6 operating permit for the Envirotank Inc. (SHWD File # 51.031) from Mr. John Hull to Mr. Michael Bulger. The current permit for this facility was issued on November 15, 2004, and is valid until November 15, 2012. The referenced permit encompasses approximately 10 acres at 377 Clarkelen Road, in the NW ¼ Section 28, T48N R73W, Campbell County, Wyoming.

The purpose of this letter is to acknowledge that the WDEQ/SHWD has approved the requested permit transfer. A copy of the approved permit transfer form is enclosed. As operator of this facility, Michael Bulger is now responsible for complying with the referenced permit and the applicable Solid Waste Rules and Regulations. As operator of this facility, Michael Bulger is also responsible for all wastes which have been placed at this facility by previous operators and any corrective actions which may be necessary to mitigate any and all releases from the referenced facility.

This facility is subject to the financial assurance requirements of Chapter 7 of the Solid Waste Rules and Regulations. The financial assurance mechanism provided for this facility is a cashier's check, number 0676703964 issued by Wells Fargo Bank, Plano Texas. The amount of the financial assurance mechanism is \$ 22,887. This mechanism was reviewed and approved by the Department.

The operator of the facility authorized by this permit shall be responsible for complying the terms of the permit application specified above and this permit. Based on



2334

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ADMIN/OUTREACH  
(307) 777-7758  
FAX 777-3610

ABANDONED MINES  
(307) 777-6145  
FAX 777-6462

AIR QUALITY  
(307) 777-7391  
FAX 777-5616

INDUSTRIAL SITING  
(307) 777-7369  
FAX 777-6937

LAND QUALITY  
(307) 777-7756  
FAX 777-5864

SOLID & HAZ. WASTE  
(307) 777-7752  
FAX 777-5973

WATER QUALITY  
(307) 777-7781  
FAX 777-5973



DEQ Exhibit 11

Mr. Michael Bulger  
April 19, 2006/Page 2 of 2

an inspection conducted prior to the permit transfer, the Department has concluded that this permit shall be issued under the following conditions:

*Permit Condition #1*

*As described in the approved permit application, the operator of this facility shall complete the planting of trees to screen the facility. This work shall be completed no later than July 1, 2006.*

If you have any questions regarding the approval of this permit transfer, please contact Dale Anderson at (307) 473-3472.

Sincerely,



LeRoy C. Feusner, P.E., BCEE  
Administrator  
Solid and Hazardous Waste Division



John V. Corra  
Director  
Department of Environmental Quality

encl. :Approved Permit Transfer Form (SHWD File # 51.031)

Copy: Dale Anderson ☞ Casper SHWD File # 51.031 (w/ encl.)  
Tim Link ☞ Cheyenne SHWD File # 51.031 (w/ encl.)  
Deanna Hill ☞ Cheyenne LQD (w/ encl.)