

11-5213

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

FILED

OCT 03 2011

*Jim Ruby, Executive Secretary
Environmental Quality Council*

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)

Mr. Rick Fierro)
RAM Trucking, Inc.)
P.O. Box 20382)
Cheyenne, WY 82003)

DOCKET NO. 4899-11

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. RAM Trucking, Inc. (RAM) operates a business from adjacent properties (the facility) located at 1413 E. Fox Farm Road and 217 Avenue(s) C / C-2 in Cheyenne, that includes hauling services and supplying large dumpsters for construction waste.
2. On March 21, 2011, in response to a complaint regarding accumulation of waste shingles, Wyoming Department of Environmental Quality (DEQ), Solid and Hazardous Waste Division (SHWD) staff conducted an inspection of the RAM facility located at 217 Avenue C2, Cheyenne, Wyoming.
3. The March 21, 2011 inspection found that RAM has been accumulating and storing scrap shingles (possibly containing asbestos), associated roofing waste (tar paper, wood waste, etc.), and other construction waste materials at its facility.
4. DEQ issued a Letter of Violation (LOV) dated May 11, 2011 informing RAM that its accumulation and storage of solid waste, including scrap shingles (possibly containing asbestos) and roofing materials, without a solid waste management permit was a violation of Wyoming Solid Waste Rules and Regulations (SWRR) and called for RAM to remove and dispose of such wastes at an authorized facility within 45 days and provide DEQ with documentation for proper disposal within 15 days after completion.
5. As of this date, a substantial accumulation of waste shingles and associated waste roofing materials remains at the RAM facility, and RAM has represented that it has removed some of the waste but has not provided DEQ with documentation confirming proper disposal of any waste shingles and roofing materials that have been removed.

6. W.S. 35-11-103(d)(i) defines "solid waste" to include discarded materials resulting from industrial or commercial operations or community activities.
7. W.S. 35-11-103(d)(ii) defines "solid waste management facility" to mean any facility for the transfer, treatment, processing, storage or disposal of solid waste.
8. W.S. 35-11-502(a) prohibits location, construction or operation of a solid waste management facility unless authorized under the solid waste permit system.
9. W.S. 35-11-504(a) requires a bond or financial assurance to be available during the operating life of a solid waste management facility to assure adequate funds for removal and off-site disposal of any wastes stored at the facility.
10. Scrap shingles, associated roofing waste (tar paper, wood waste, etc.), and other construction waste materials constitute solid waste.
11. To this date, RAM has not obtained a permit from the DEQ/SHWD to accumulate and store any solid waste at its facility, in violation of W.S. 35-11-502(a).
12. To this date, RAM has not posted a bond or financial assurance to assure adequate funds for removal and off-site disposal of any solid wastes stored at its facility, in violation of W.S. 35-11-504(a).

Pursuant to W.S. 35-11-901(a), any person who violates any provision of the Wyoming Environmental Quality Act, or any rule, standard or permit adopted thereunder is subject to a penalty not to exceed ten thousand dollars (\$10,000) for each day for which each violation persists. Any such penalty would be determined by a court 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 W.S. 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:

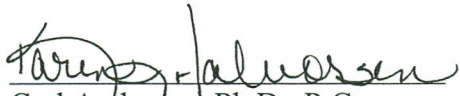
1. RAM shall immediately cease receipt of any additional waste shingles and any other solid waste materials at its facility.


2. RAM shall test waste shingles and associated roofing waste stored at the facility for asbestos content within twenty (20) days after issuance of this Order. If the testing reveals the presence of asbestos, then RAM shall complete removal of all such roofing waste from the RAM facility to an authorized facility in accordance with Chapter 8 of the Wyoming Solid Waste Rules within ninety (90) days after issuance of this Order.
3. RAM shall remove all non asbestos-containing roofing materials and any other accumulated solid wastes from the RAM facility to an authorized facility within ninety (90) days after issuance of this Order.
4. RAM shall obtain and provide DEQ/SHWD with copies of receipts and/or other signed documents specifying volumes, dates, name and location of receiving facilities for all solid wastes and shingles removed from the RAM facility within fifteen (15) days after completion of waste removal actions.

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, 1st Floor West, 122 W. 25th Street, Cheyenne, WY 82002, with a copy mailed to the Director of the Wyoming Department Environmental Quality, Herschler Building, 4th Floor West, 122 W. 25th 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.

DATED this 30 day of September, 2011.


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


John V. Corra
Director
Dept. of Environmental Quality