



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

999 18TH STREET- SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: ENF-L

APR - 6 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

National Registered Agents, Inc.
Registered Agent for R360 Environmental Solutions, Inc.
1821 Logan Avenue
Cheyenne, Wyoming 82001

Re: Administrative Order Issued to R360 Environmental Solutions, Inc.
Pursuant to Section 7003 of RCRA

To Whom it May Concern:

You are listed as the registered agent for service of process for R360 Environmental Solutions, Inc., in Wyoming. Enclosed with this letter is an administrative order (Order) issued by the United States Environmental Protection Agency, Region 8 (EPA) to R360 Environmental Solutions, Inc. (R360) pursuant to the authority of Section 7003 of the Solid Waste Disposal Act, as amended (commonly referred to as the Resource Conservation and Recovery Act, or RCRA), 42 U.S.C. § 7003.

The Order requires that R360 quickly take steps to abate imminent and substantial endangerments to health or the environment, particularly wildlife, at its commercial oilfield waste disposal facility in Sublette County, Wyoming (facility). The Order requires that R360 quickly develop and implement a work plan to address the identified threats to health and the environment at the facility. The order also requires that the facility hereafter be maintained and operated in a manner that is protective of human health and the environment.

We recommend that R360 pay particular attention to the following sections of the Order: section VII Work to be Performed; section XVII Opportunity to Confer; XVIII Notice of Intent to Comply; and section XXI Effective Dates. Each of these sections provides details on certain time-critical elements of the Order.

EPA is encouraged that R360 already is working to improve environmental conditions at the facility, as described in the letter dated December 19, 2011, from Mr. Manny Gonzalez of R360, to Mr. R. Mark Sattelberg of the United States Fish and Wildlife Service. Although these activities are not likely to be

completed before the spring migration, they are likely to mitigate many of the threats to wildlife at the facility when completed. These activities, and others you determine are necessary, as well as operational changes at the facility, are the detailed steps EPA expects in the work plan required under the Order. In addition, EPA expects that an aggressive timeline for completion of activities be proposed in the work plan, and that all activities be completed well in advance of the fall 2012 migration.

If R360 has any questions or would like to set up the offered conference, please feel free to call Randy Lamdin at (303) 312-6350, within the time frame set forth in the Order.

Sincerely,



Eduardo Quintana
Acting Supervisory Enforcement Attorney
Legal Enforcement Program



Kelcey Eand, Director
Technical Enforcement Program

Enclosure (order)

Copy by certified mail:

Mr. Wayne Crawley, VP Regulatory Affairs
R360 Environmental Solutions
Greenspoint Plaza #4
16945 Northchase Drive
Houston, Texas 77060

Copy:

Mr. Richard Altman, Senior Vice President
R360 Environmental Solutions
Greenspoint Plaza #4
16945 Northchase Drive
Houston, Texas 77060

Mr. Colton Ellingford
R360 Environmental Solutions
1017 Sublet Drive
Kemmerer, Wyoming 83101

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

APR -6 AM 8:15
FILED
EPA REGION VIII
FEDERAL BUILDING

REGION 8

Docket No. RCRA-08-2012-0001

IN THE MATTER OF:)
)
)
R360 Environmental Solutions, Inc.)
16945 Northchase Drive)
Houston, Texas 77060)
)
Respondent.)
_____)

**ADMINISTRATIVE ORDER
PURSUANT TO
SECTION 7003 OF RCRA**

I. JURISDICTION

The United States Environmental Protection Agency Region 8 (EPA) issues this order pursuant to its authority under section 7003 of the Solid Waste Disposal Act (commonly referred to as the Resource Conservation and Recovery Act, or RCRA), as amended, 42 U.S.C. § 6901 *et seq.* (the Act), 42 U.S.C. § 6973.

II. INTRODUCTION

- A. R360 Environmental Solutions, Inc. (Respondent) is a “person” within the meaning of section 1004(15) of the Act, 42 U.S.C. § 6903(15).
- B. Respondent has handled “solid waste” within the meaning of section 1004(27) of the Act, 42 U.S.C. § 6903(27), at its commercial oilfield waste disposal facility in Sublette County, Wyoming (facility). The facility is commonly referred to as the Calpet facility.
- C. Based upon evidence received, EPA has determined that Respondent’s handling of solid waste at the facility may present an imminent and substantial endangerment to health or the environment within the meaning of section 7003 of the Act, 42 U.S.C. § 6973 (section 7003).
- D. Pursuant to section 7003(a) of the Act, EPA notified Mr. Dennis Lamb, Wyoming Department of Environmental Quality (WDEQ), of this action on or before April 3, 2012. Pursuant to section 7003(b) of the Act, EPA notified Dr. J. Thomas Johnston, Sublette County Public Health Officer, of this action on April 3, 2012.

- E. Documents comprising the administrative record for this order (Order) are referred to as "AR-#". An index to the administrative record is provided as Attachment 1 to this Order.
- F. EPA takes this action pursuant to section 7003 having determined that the issuance of this Order is necessary to protect human health or the environment.

III. PARTIES BOUND

- A. This Order shall apply to and be binding upon Respondent, its employees, agents, successors and assigns.
- B. Respondent shall provide a copy of this Order to all contractors, subcontractors, laboratories, and consultants retained to conduct or monitor any portion of the work performed pursuant to this Order within two (2) calendar days of the date of Respondent's receipt of this order or date of retention, and shall condition all such contracts on compliance with the terms of this Order.
- C. Respondent shall give notice to EPA thirty (30) or more days prior to transfer of ownership or operation of the facility.

IV. FINDINGS OF FACT

- A. On or about May 5, 2011, representatives of EPA, WDEQ, and the United States Fish and Wildlife Service (USFWS) inspected the facility. (AR-1, 2) Inspectors observed that cell 4 was completely (100%) covered with oily waste. Multiple oily sheens were observed on the surface of cell 6 (mistakenly referred to as cell 9 in AR-1, 2, 3, 4). Inspectors also observed that the liquid surface in a smaller pit near cell 6, possibly used for tank bottom waste management, was approximately one quarter (25%) covered with oily waste. While approximately 25% of the eastern part of cell 4 was covered with netting, the rest of cell 4, cell 6, and the smaller pit near cell 6, were completely open to access by wildlife.
- B. By letter dated June 17, 2011, USFWS informed Respondent of the conditions observed at the facility, the threats to wildlife posed by these conditions, and provided a number of suggested general operational improvements to abate the threats to wildlife at the facility. (AR-3)
- C. By letter dated June 29, 2011, EPA informed Respondent of the conditions observed at the facility, the threats to wildlife posed by these conditions, and requested information regarding actions Respondent had taken, or intended to take to abate the threats to wildlife at the facility. EPA also requested that measures to protect wildlife be completed by September 1, 2011 (the approximate start date of the fall migration through this area). (AR-4)
- D. On or about October 4, 2011, representatives of EPA, WDEQ, and USFWS inspected the facility. (AR-5, 6) Inspectors observed that cell 4 was almost completely (90-100%) covered

with oily waste, and that cell 6 was approximately three quarters (75%) covered with oily waste. During the inspection the inspectors were informed that cell 6 was being used for disposal of a variety of oil and gas exploration and production wastes in addition to produced water, including: drilling muds, sludges, waste fluids from hydraulic fracturing, and miscellaneous oil/paraffin based hydrocarbons. Inspectors were informed that the smaller pit near cell 6 observed during the May 5, 2011, inspection had been reclaimed. Inspectors observed that the liquid surface in a new smaller pit near cell 6 (also apparently used to manage tank bottom wastes) was approximately one quarter (25%) covered with oily waste. While approximately 25% of the eastern part of cell 4 was covered with netting, the rest of cell 4, cell 6, and the smaller pit near cell 6, were completely open to access by wildlife. (AR-5, 6)

- E. By letter dated November 28, 2011, USFWS informed Respondent of the conditions observed at the facility during the October inspection, including the observation that the threats to wildlife posed by facility conditions had increased since the May 2011 inspection. USFWS urged Respondent to take immediate action to abate the increased threats to wildlife at the facility. (AR-7)
- F. By letter dated December 19, 2011, Respondent informed USFWS of actions Respondent already had taken at the facility, and Respondent's plans for engineering and operational changes at the facility, including: managing all tank bottoms in heated tanks before disposal into cell 4; completely netting cell 4; allowing only solids to be disposed into cell 6 (upon completion of a new unloading area); and use of cell 9 for future liquid mud disposal, with a comprehensive set of skimming operations to minimize the amount of oil on the surface at any given time. (AR-8)

V. CONCLUSIONS OF LAW

- A. Respondent is a "person" within the meaning of section 1004(15) of the Act, 42 U.S.C. § 6903(15).
- B. Wastes received by, and handled at, the facility are "solid waste[s]" as defined in section 1004(27) of the Act, 42 U.S.C. § 6903(27).
- C. Respondent has contributed and/or is contributing to the handling, storage, treatment, transportation or disposal of solid waste at the facility within the meaning of section 7003 of the Act, 42 U.S.C. § 6973.
- D. Respondent's handling of solid waste at the facility may present an imminent and substantial endangerment to health or the environment within the meaning of section 7003 of the Act.

VI. ORDER

Based on the above, and on other information contained in the administrative record for this Order, EPA has determined that the activities required by this Order are necessary to protect health or the environment. EPA, therefore, hereby orders Respondent to perform the work specified in this Order in the manner and by the dates specified herein. All work undertaken pursuant to this Order shall be performed in a manner consistent with this Order, including all documents incorporated herein pursuant to this Order, and all applicable laws.

VII. WORK TO BE PERFORMED

A. CORRECTIVE MEASURES

1. Respondent shall evaluate all corrective measures necessary to protect wildlife, including migratory birds and threatened or endangered species, at the facility. The corrective measures shall include at a minimum, but not be limited to methods for permanently and continuously eliminating contact by wildlife with any oily wastes throughout the facility, including remediation of shorelines and other ground surfaces as presently necessary and as may be necessary in the future. Synthetic liners at un-netted cells also must be kept oil free, to prevent chronic oiling of the liquids in these cells.
2. Within fourteen (14) calendar days of the effective date of this Order Respondent shall submit by certified mail to EPA, with a copy to USFWS and WDEQ, a work plan for the facility (Work Plan).
3. The Work Plan shall describe:
 - a) all work conducted as of the date of transmittal of the Work Plan to abate threats to wildlife at the facility, as well as changes in operation of the facility that have already been implemented to abate threats to wildlife;
 - b) in detail, the corrective measures selected by Respondent after the evaluation required under paragraph VII.A.1. above; and
 - c) a detailed schedule for completion of all remaining work described in the Work Plan.
4. The Work Plan shall include:
 - a) an operations and maintenance plan which will result in uninterrupted effectiveness of all corrective measures; and
 - b) the names and qualifications of the personnel and contractor(s) to be used in carrying out the work required by this Order. The Work Plan, or any supplements to

the Work Plan shall demonstrate that such personnel and contractor(s) possess all appropriate qualifications.

5. EPA will notify Respondent in writing of any comments it may have on the Work Plan which must be incorporated into the Work Plan before it can be approved; or EPA will approve the Work Plan as submitted. EPA also may approve the Work Plan with EPA's comments incorporated into the approved Work Plan.
6. If EPA affords Respondent an opportunity to incorporate EPA's comments, Respondent shall incorporate EPA's comments into the Work Plan and resubmit the Work Plan to EPA within seven (7) calendar days of receipt of EPA's comments.
7. Upon receipt of the revised Work Plan EPA will notify Respondent in writing of its approval, approval with modifications or disapproval of the Work Plan. If approved with modifications, the EPA notification correspondence shall serve as an addendum to the final Work Plan and shall be considered part of the Work Plan.
8. Upon receipt of EPA's written approval or approval with modifications, Respondent shall implement the Work Plan in accordance with the procedures and schedules contained in the Work Plan as approved by EPA.
9. If EPA concludes it must disapprove the Work Plan after Respondent has had the opportunity to incorporate EPA's comments, EPA may choose to draft a Work Plan which EPA will transmit to Respondent as the approved Work Plan. EPA may also choose to request that a court order Respondent to take action as is necessary to protect health or the environment at the facility.
10. Within fifteen (15) calendar days of completing the work as set forth in the approved Work Plan, Respondent shall provide a written Corrective Measures Summary Report ("CMSR") to EPA detailing the completion of the activities conducted pursuant to the Work Plan, including confirmation through photographic evidence. The CMSR, with photographs, shall demonstrate the adequate installation, coverage and integrity of the corrective measures implemented. All analytical results of sampling conducted to determine compliance with the workplans or Work Plan will be submitted to EPA within three (3) days of receipt of such results. EPA may request any and all information related to such sampling and analysis efforts, including quality assurance and quality control information. Respondent must provide such information within three (3) days of receipt of EPA's request.
11. EPA shall notify Respondent as soon as possible after receipt of the CMSR whether the CMSR is accepted and all work, except ongoing operations and maintenance work, is completed under this Order.

B. EMERGENCY ACTION

1. In the event Respondent identifies a threat to human health or the environment at the facility at any time during implementation of this Order, including during the operation and maintenance period, which warrants more immediate action than pursuant to any requirement of this Order, Respondent shall orally notify the EPA Project Manager identified below not more than twenty-four (24) hours after discovery and notify EPA, FWS, and WDEQ in writing not more than three (3) calendar days after such discovery, summarizing the nature, immediacy and magnitude of such threat(s). Threats to the environment shall include, but not be limited to, the discovery of any mortality of, or injury to any wildlife, and in particular to any animal subject to the Endangered Species Act or the Migratory Bird Treaty Act at the facility.
2. Proper notification as required in this Order, does not relieve Respondent of any other notification responsibility Respondent may have under any other law, including, but not limited to, section 103 of the Comprehensive Environmental Response, Compensation and Liability Act, section 304 of the Emergency Planning and Community Right to Know Act, the Migratory Bird Treaty Act, or State law.
3. If EPA determines that immediate action is required, the EPA Project Manager may orally authorize and require Respondent to take actions to abate the threat(s).
4. If EPA, FWS, or WDEQ identifies such a threat at the facility at any time during implementation of this Order, EPA will notify Respondent orally and provide subsequent notification in writing. If EPA determines that immediate action is required, the EPA Project Manager may orally authorize and require Respondent to take actions to abate the threat.
5. Any oral requirements made pursuant to this subsection shall be immediately incorporated into this Order by reference and are immediately enforceable, unless EPA does not provide to Respondent in writing a description of such requirements within five (5) calendar days of oral notification.

C. ADDITIONAL WORK

If EPA determines that additional work is necessary, EPA will inform Respondent of such additional requirements in writing, including a written justification for requiring the specified additional work and Respondent shall conduct such work according to EPA direction.

D. PUBLIC PARTICIPATION

1. Because the spring migration is imminent, and the threat of mortality to wildlife is extremely high, EPA does not anticipate making the Work Plan available for public review prior to approval. EPA plans to make the Work Plan available for public review after

approval, and may require modifications to the approved Work Plan on the basis of information received from the public.

2. Unless exigent circumstances exist at the time, EPA may make any other work plan or other document available to the public for review and comment for an appropriate period prior to taking final action on such document.

E. REPORTING

1. Commencing the first full month after the effective date of this Order, Respondent shall provide EPA, FWS, and WDEQ with monthly progress reports which shall include, at a minimum, the following information:
 - a) activities conducted at the facility in the previous month;
 - b) summaries of problems encountered during the previous month and how the problems were or are being addressed;
 - c) changes in work performed at the facility from that projected in the previous monthly progress report; and
 - d) projected work for the next reporting period.
2. These progress reports are to be submitted by the tenth calendar day of the month following the monthly reporting period.
3. The reporting requirement in VII.E.1. becomes a quarterly (calendar) reporting requirement after EPA's acceptance of the CMSR. The first quarterly report will be due on the tenth day of the first January, April, July, or October after the CMSR is accepted.
4. Respondent shall continue submitting quarterly reports until EPA, after consultation with WDEQ and USFWS determines that reporting can continue on a semi-annual or annual basis. Respondent may request such a determination at any time after two quarterly reports have been submitted.

VIII. CERTIFICATION

- A. Any notice, report, certification, data presentation, or other document submitted by Respondent pursuant to this Order which discusses, describes, demonstrates, or supports any finding or makes any representation concerning Respondent's compliance or noncompliance with any requirement of this Order shall be certified by a duly authorized representative of Respondent. A person is a "duly authorized representative" only if: (a) the authorization is made in writing; (b) the authorization specifies either an individual or position having responsibility for overall operation of the facility (a duly authorized representative thus may be either a named individual or any individual occupying a named position); and (c) the written authorization is submitted to the EPA Project Manager designated below.

- B. The certification shall be in the following form:

I certify that the information contained in or accompanying this [type of submission] is true, accurate, and complete. As to [the/those identified portion(s)] of this [type of submission] for which I cannot personally verify [its/their] accuracy, I certify under penalty of law that this [type of submission] and all attachments were prepared in accordance with procedures designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, or the immediate supervisor of such person(s), the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature :

Name :

Title :

IX. ACCESS

Respondent shall permit full access to EPA, FWS, WDEQ, and Sublette County, and their authorized representatives or agents, as may be necessary for the purposes of oversight of and implementation of this Order.

X. GENERAL PROVISIONS

- A. All plans and documents submitted under any section of this Order shall, upon approval by EPA, be incorporated by reference into this Order as if set forth fully herein.
- B. Respondent shall obtain any permits or approvals which are necessary to perform work on or outside the facility under applicable law and shall submit timely applications and requests for any such permits and approvals.
- C. Respondent shall employ sound scientific, engineering, and construction practices and principles under this Order.

XI. AVAILABILITY AND RETENTION OF INFORMATION

- A. Respondent shall make available to EPA, and shall retain, during the pendency of this Order and for a period of five (5) years after its termination, all records and documents in its possession, custody, or control, or in the possession, custody or control of their contractors and subcontractors, which relate to the performance of this Order, including but not limited

to documents reflecting the results of any sampling, tests, or other data or information generated or acquired by Respondent, or on Respondent's behalf, with respect to the implementation of this Order.

- B. After the document retention period, Respondent shall notify EPA at least ninety (90) calendar days prior to the destruction of any such documents and, upon request by EPA, shall deliver the documents to EPA.

XII. CONFIDENTIALITY CLAIMS

Respondent may assert confidentiality claims pursuant to 40 C.F.R. part 2. Information determined to be confidential by EPA will be afforded the protection specified in 40 C.F.R. part 2, subpart B. If no such claim accompanies the information when it is submitted to the EPA, the public may be given access to such information without further notice to Respondent.

XIII. AVAILABILITY OF ADMINISTRATIVE RECORD

The administrative record supporting this Order shall be available for public review at the RCRA File Room, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado from 8 a.m. to 5 p.m., every Federal business day.

XIV. NOTICES, CONTACTS, AND EPA PROJECT MANAGER

- A. Whenever under the terms of this Order, notice is required to be given, and/or a report or other document is required to be forwarded by one party to another, such correspondence shall be sent by US mail (certified-mail where specified in this Order) or hand carried to the following individuals at the addresses specified below. The following EPA person is designated as the Project Manager for EPA for this Order.

Mr. Randy Lamdin
EPA Region 8, 8ENF-RC
1595 Wynkoop Street
Denver, Colorado 80202-1129
(303) 312-6350
Lamdin.Randy@epa.gov

As to FWS:
Mr. Pedro Ramirez, Jr.
Ecological Services
Wyoming Field Office
U.S. Fish & Wildlife Service
5353 Yellowstone Road, Suite 308A
Cheyenne, Wyoming 82009
(307) 772-2374 ext. 236

As to WDEQ:
Mr. John Wagner, Administrator
Water Quality Division
Department of Environmental Quality
122 West 25th Street
Herschler Building, 4th floor - West
Cheyenne, Wyoming 82002
(307) 777-7781

- B. If the date for submission of any item or notification required by this Order falls upon a weekend or state or federal holiday, the time period for submission of that item or notification is extended to the next federal working day following the weekend or holiday.

XV. RESERVATION OF RIGHTS

- A. Nothing in this Order shall limit the information gathering, access, and response authority of the United States under any other applicable law, nor shall it limit the authority of EPA to issue additional orders to Respondent as may be necessary.
- B. This Order shall not be construed as a waiver or limitation of any rights, remedies, powers and/or authorities which EPA has under the Act, CERCLA or any other applicable law.
- C. EPA hereby reserves all of its statutory and regulatory powers, authorities, rights, remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any applicable laws and regulations and with any of the requirements of this Order, including but not limited to, the right to disapprove of work performed by Respondent, to request that Respondent perform additional tasks, and the right to perform any portion of the work herein.
- D. Compliance by Respondent with the terms of this Order shall not relieve Respondent of its obligation to comply with the Act and/or any other applicable state, federal, or other law, regulation, permit, or other requirement.

XVI. FAILURE TO COMPLY

Pursuant to section 7003(b) of the Act and 40 C.F.R. part 19, any failure by Respondent to comply with this Order shall subject Respondent to civil penalties of not more than \$7,500.00 for each day of each failure to comply with this Order. *See also*, the Federal Register notice dated December 11, 2008 (73 Fed. Reg. 75340).

XVII. OPPORTUNITY TO CONFER, AND MODIFICATION

- A. Respondent has the opportunity to confer informally with EPA concerning the terms and applicability of this Order. If Respondent desires a conference, Respondent must contact EPA's Project Manager by telephone to schedule such a conference within two (2) calendar days of receipt of this Order by Respondent and follow up this request in writing immediately thereafter. An email message to the EPA Project Manager containing automatically generated date and time information (as verified by EPA's electronic mail management system) will suffice to meet this writing requirement.
- B. Any conference held is not an evidentiary hearing and does not constitute a proceeding to challenge this Order. It does not give Respondent a right to seek review of this Order or to seek resolution of potential liability, and no official stenographic record of the conference

will be made. At any conference held pursuant to Respondent's request, Respondent may appear in person or by an attorney or other representative.

- C. If EPA determines that any element of this Order, including work to be performed or schedules, warrants modification after a conference is held, EPA will modify the order in writing, file the modification with the Regional Hearing Clerk and issue a copy to Respondent.
- D. Except as otherwise provided in this Order, no modification to this Order shall be effective unless and until it is issued in writing by EPA and filed with the Regional Hearing Clerk.

XVIII. NOTICE OF INTENT TO COMPLY

- A. Within two (2) days from receipt of this Order, or within twenty-four (24) hours from the end of any conference with EPA pursuant to the above section of the Order, Respondent shall provide written notice to EPA's Project Manager at the address set forth above stating whether Respondent will comply with the terms of this Order. The absence of a response by EPA to the notice required by this paragraph shall not be deemed to be acceptance of any assertions that Respondent may make in its notice, and shall not affect Respondent's obligation to implement this Order.
- B. Failure of Respondent to provide notification to EPA's Project Manager of intent to comply within this time period is a violation of this Order.

XIX. NOTICE OF NON-LIABILITY OF EPA

EPA shall not be deemed a party to any contract involving Respondent and relating to activities at the facility and shall not be liable for any claim or cause of action arising from or on account of any act, or the omission of Respondent, its employees, contractors, receivers, trustees, agents or assigns, in carrying out the activities required by this Order.

XX. SEVERABILITY

If any provision or authority of this Order or the application of this Order to any party or circumstance is held by any judicial or administrative authority to be invalid, the application of such provision to other parties or circumstances and the remainder of this Order shall not be affected thereby and shall remain in full force.

XXI. EFFECTIVE DATES

- A. This Order shall become effective two (2) days after the date this Order is filed with the Regional Hearing Clerk and mailed to Respondent, unless an informal conference is held. If such a conference is held, this Order becomes effective on the date of receipt by Respondent of EPA's decision on whether to modify the Order.

- B. Subsequent modifications made by EPA to this Order are effective on the date such modification is filed with the Regional Hearing Clerk, so long as Respondent is sent a copy by certified mail or Respondent is hand-delivered a copy of the modification as expeditiously as possible after the modification is filed with the Regional Hearing Clerk.

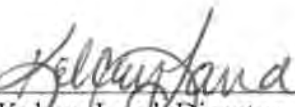
XXII. TERMINATION AND SATISFACTION

The provisions of this Order shall be deemed satisfied upon Respondent's receipt of written notice from EPA that Respondent has demonstrated, to the satisfaction of EPA, the terms of this Order, including ongoing operation and maintenance requirements in any approved workplan, or any additional tasks determined by EPA to be required pursuant to this Order, have been satisfactorily completed. This notice, however, shall not terminate Respondent's continuing obligations hereunder, including, but not limited to: record retention, reservations of rights, other claims, other applicable laws, and notice of non-liability of EPA.


IT IS SO ORDERED:

**ENVIRONMENTAL PROTECTION
AGENCY REGION 8**

Date: 4/5/12

By: 
Kelcey Land, Director
RCRA/CERCLA Technical Enforcement Program

Date: 3/29/2012

By: 
Eduardo Quintana
Acting Supervisory Enforcement Attorney
Legal Enforcement Program

ATTACHMENT 1

Administrative Record Index
to
Administrative Order Pursuant to Section 7003 of RCRA
Issued to R360 Environmental Solutions, Inc.
April 2012

- AR-1 United States Environmental Protection Agency Region 8 (EPA) Trip Report for May 4-6, 2011.
- AR-2 United States Fish and Wildlife Service (FWS) Field Inspection Report dated May 5, 2011.
- AR-3 Letter from FWS to R360 Environmental Solutions, Inc. (R360) dated June 17, 2011.
- AR-4 Letter from EPA to R360 dated June 29, 2011.
- AR-5 FWS Field Inspection Report dated October 4, 2011.
- AR-6 EPA Trip Report for October 3-5, 2011.
- AR-7 Letter from FWS to R360 dated November 28, 2011.
- AR-8 Letter from R360 to FWS dated December 19, 2011.
- AR-9 Printout of electronic mail from FWS to EPA dated December 20, 2011.
- AR-10 Map of subject facility (undated).
- AR-11 Wyoming Secretary of State filing information for R360 downloaded March 2012.

IN THE MATTER OF
DOCKET NUMBER :

R360 ENVIRONMENTAL SOLUTIONS, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and a true copy of the ADMINISTRATIVE ORDER was hand-carried to the Regional Hearing Clerk, EPA, Region VIII, 1595 Wynkoop Street Denver, Colorado 80202-1129, and that a true copy of the same was sent by certified mail, return receipt requested to:

Mr. Wayne Crawley
VP Regulatory Affairs
R360 Environmental Solutions
Greenspoint Plaza #4
16945 Northchase Drive
Houston, Texas 77060

National Register Agents, Inc.
Registered Agent for R360 Environmental Solutions, Inc.
1821 Logan Avenue
Cheyenne, Wyoming 82001

And true copies were sent by first class mail to:

Mr. Richard Altman
Senior Vice President
R360 Environmental Solutions
Greenspoint Plaza #4
16945 Northchase Drive
Houston, Texas 77060

Mr. Colton Ellingford
R360 Environmental Solutions
1017 Sublet Drive
Kemmerer, Wyoming 83101

4/6/12
Date

Kathi Glavin for
Judith M. Mc Ternan