

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF )  
VIOLATION AND ORDER ISSUED TO: )  
)  
Johnson County Cooperative Association )  
P. O. Box 907 )  
Buffalo, WY 82834 )  
)

DOCKET NUMBER: 4701-10

**FILED**  
JUL 09 2010  
Jim Ruby, Executive Secretary  
Environmental Quality Council

NOTICE OF VIOLATION  
AND  
ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Johnson County Cooperative Association owns and operates seven aboveground storage tanks (ASTs) that are used to sell fuel retail at the Johnson County Cooperative Store, storage tank facility 0-004100, which is located at 107 Highway 16 East, in Buffalo, Wyoming.
2. Johnson County Cooperative Association has not upgraded the ASTs at the Johnson County Cooperative Association Store.
3. The DEQ has determined that the following violation of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, has occurred at The Johnson County Cooperative Store:

**Count 1: Failure to Upgrade ASTs [WWQRR Chapter 17, Section 35(o)].** As owner of the ASTs, Johnson County Cooperative Association is in violation of WWQRR Chapter 17, Section 35(o), for failure to upgrade the ASTs by October 1, 2008.

4. Any person who violates any provision of the Environmental Quality Act, or any rule, standard, permit, license, or variance adopted there under, is liable for a penalty of ten thousand dollars (\$10,000.00) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the people of Wyoming.
5. This Notice is being sent to you pursuant to W.S. 35-11-701(c)(i), which requires that in any case of the failure to correct or remedy 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.

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Johnson County Cooperative Association return the facility into compliance with WWQRR, Chapter 17, Part I as described within 90 days of receipt of this NOV.
2. This is a Red Tagging Order. Immediately after receiving this Notice and Order, Johnson County Cooperative Association is hereby prohibited from purchasing any fuel for delivery to the registered retail ASTs at storage tank facility 0-004100, Johnson County Cooperative Association Store, located at 107 Highway 16 East, in Buffalo, Wyoming. All fuel suppliers are ordered not to deliver any fuel to these tanks until notified by the department that this order has been lifted. The order will be lifted when:

1. Johnson County Cooperative Association has upgraded the ASTs in accordance with WWQRR, Chapter 17, Part I.

Or

2. Johnson County Cooperative Association has permanently closed the existing ASTs in accordance with WWQRR, Chapter 17 Section 31(b).

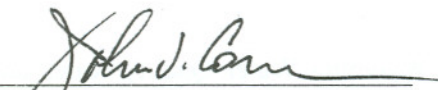
Or

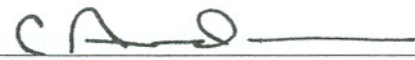
3. Johnson County Cooperative Association has changed the service of the existing ASTs in accordance with WWQRR, Chapter 17 Section 33(c).

THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing a written petition for a hearing before the Environmental Quality Council. If a hearing is requested, the petition shall be mailed to Chairman, Wyoming Environmental Quality Council, Room 1714 Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of Environmental Quality, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

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.

ORDERED this 9th day of JULY, 2010.

  
\_\_\_\_\_  
John V. Corra  
Director  
Department of Environmental Quality

  
\_\_\_\_\_  
Carl Anderson, PhD  
Administrator  
Solid and Hazardous Waste Management Division

PLEASE DIRECT ALL INQUIRES TO: Oma Gilbreth, Storage Tank Program Compliance Supervisor at 122 West 25th Street, Fourth Floor, West Wing, Cheyenne, WY 82002, (307) 777-7097 or (307) 777-5973 FAX for technical matters.

cc. Flying J Inc., 1104 Country Hills Drive, Ogden, UT 84403

JVC/CA/KH/OG