

10-5209

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**  
JUL 15 2010  
Jim Ruby, Executive Secretary  
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF )  
VIOLATION AND ORDER ISSUED TO: )  
)  
Wayne and Holli Jones )  
P.O. Box 389 )  
Buffalo, WY 82834 )  
)

DOCKET NUMBER: 4706-10

NOTICE OF VIOLATION  
  
AND  
  
ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Wayne and Holli Jones own and operate two aboveground storage tanks (ASTs) that are used to sell fuel retail at the Deer Haven Lodge, storage tank facility 0-002732, which is located approximately 18 miles east of Tensleep, Wyoming.
2. Wayne and Holli Jones have not upgraded the retail ASTs at the Deer Haven Lodge, and they have not performed a minimum site assessment.
3. The DEQ has determined that the following violation of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, has occurred at the Deer Haven Lodge:

**Count 1: Failure to Upgrade ASTs [WWQRR Chapter 17, Section 35(o)].** As owner of the ASTs, Wayne and Holli Jones are in violation of WWQRR Chapter 17, Section 35(o), for failure to upgrade the ASTs by October 1, 2008.

**Count 2: Failure to Perform a Minimum Site Assessment [WWQRR Chapter 17, Section 29(a)(i)].** As owner of the ASTs, Wayne and Holli Jones are in violation of WWQRR Chapter 17, Section 29(a)(i), for failure to perform a minimum site assessment 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 thereunder, 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. Wayne and Holli Jones return the facility into compliance with WWQRR, Chapter 17, Part I as described within 90 days of receipt of this NOV.

Wayne and Holli Jones perform a minimum site assessment in accordance with WWQRR, Chapter 17, Section 29, within 90 days of receipt of this NOV.

OR

2. Wayne and Holli Jones permanently close or permanently change the service of the retail ASTs in accordance with WWQRR, Chapter 17, Section 31, within 90 days of receipt of this NOV.

AND

3. This is a Red Tagging Order. Immediately after receiving this Notice and Order, Wayne and Holli Jones are hereby prohibited from purchasing any fuel for delivery to the registered retail ASTs at storage tank facility 0-002732, Deer Haven Lodge, located approximately 18 miles east of Tensleep, 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. Wayne and Holli Jones have upgraded the ASTs in accordance with WWQRR, Chapter 17, Part I.

Wayne and Holli Jones have performed a minimum site assessment in accordance with WWQRR, Chapter 17, Section 29.


OR

2. Wayne and Holli Jones have permanently closed or permanently changed the service of the existing ASTs in accordance with WWQRR, Chapter 17 Section 31.

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 15th 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. Red Eagle Oil, P. O. Box 2468 Cody, WY 82414  
JVC/CA/KH/OG