

10-5211

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
Craig Bollinder)
P.O. Box 663)
Mountain View, WY 82939)
)

DOCKET NUMBER: 4711-10

NOTICE OF VIOLATION

AND

ORDER

FILED
AUG 18 2010
Jim Ruby, Executive Secretary
Environmental Quality Council

NOTICE IS HEREBY GIVEN THAT:

1. Craig Bollinder owns and operates two riveted aboveground storage tanks (ASTs) that are used to sell fuel retail at The Fuel Stop, storage tank facility 0-004119, which is located along Highway 414, in Mountain View, Wyoming.
2. Craig Bollinder has not properly taken the riveted ASTs out of service.
3. The DEQ has determined that the following violation of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, have occurred at The Fuel Stop:

Count 1: Operating Riveted ASTs [WWQRR Chapter 17, Section 35]. As owner of the ASTs Craig Bollinder is in violation of WWQRR Chapter 17, Section 35(a), for operating riveted ASTs after December 1, 2005.

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. Within 90 days, Craig Bolinder:
 - a. Permanently close the riveted ASTs in accordance with WWQRR, Chapter 17 Section 31(b).
- OR
1.
 - b. Permanently change the service of the riveted ASTs in accordance with WWQRR, Chapter 17, Section 31(c).

2. This is a Red Tagging Order. Immediately after receiving this Notice and Order, Craig Bollinder is hereby prohibited from purchasing any fuel for delivery to the registered retail ASTs at storage tank facility 0-004119, The Fuel Stop, located along Highway 414, in Mountain View, 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:
- a. Craig Bollinder has permanently closed the existing ASTs in accordance with WWQRR, Chapter 17 Section 31(b).

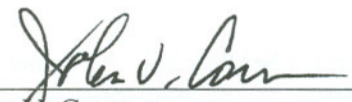
OR

- b. Craig Bollinder has changed the service of the existing ASTs in accordance with WWQRR, Chapter 17 Section 31(c).

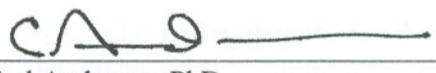
THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing a written petition for a hearing before the Environmental Quality Council. If a hearing is requested, the petition shall be mailed to Chairman, Wyoming Environmental Quality Council, 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 9 day of August, 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. Western Petroleum, P. O. Box 1846, Vernal, UT 84078

JVC/CA/KH/OG