

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
)
77 Capital Corporation)
1500 East Valley Highway 26)
Torrington, WY 82240)
)

DOCKET NUMBER: 4714-10

FILED

AUG 18 2010

Jim Ruby, Executive Secretary
Environmental Quality Council

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. 77 Capital Corporation owns and operates one (1) aboveground storage tank (AST) that is used to sell fuel retail at the Torrington Travel Terminal, storage tank facility 0-004326, which is located at 1500 East Valley Highway 26, in Torrington, Wyoming.
2. 77 Capital Corporation has not upgraded the AST or conducted a Minimum Site Assessment at the Torrington Travel Terminal.
3. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, have occurred at the Torrington Travel Terminal:

Count 1: Failure to Upgrade ASTs [WWQRR Chapter 17, Section 35(o)]. As owner of the AST, 77 Capital Corporation is in violation of WWQRR Chapter 17, Section 35(o), for failure to upgrade the AST by October 1, 2008.

Count 2: Failure to Conduct a Minimum Site Assessment (MSA) [WWQRR Chapter 17, Section 29(i)]. As owner of the AST, 77 Capital Corporation is in violation of WWQRR Chapter 17, Section 29(i), for failure to complete an MSA by October 1, 2007.

Count 3: Failure to Report a Suspected Release [WWQRR Chapter 17, Section 19(c)]. As owner of the AST, 77 Capital Corporation is in violation of WWQRR Chapter 17, Section 19(c), for failure report a suspected release.

Count 4: Failure to Investigate a Suspected Release [WWQRR Chapter 17, Section 20]. As owner of the AST, 77 Capital Corporation is in violation of WWQRR Chapter 17, Section 20 for failure report a suspected release.

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. 77 Capital Corporation return the facility into compliance with WWQRR, Chapter 17, Part I and Section 29 as described within 90 days of receipt of this NOV.
2. This is a Red Tagging Order. Upon receipt of this Notice and Order, 77 Capital Corporation is hereby prohibited from purchasing any fuel for delivery to the registered retail AST at storage tank facility 0-004326, Torrington Travel Terminal, located at 1500 East Valley Highway 26 in Torrington, Wyoming. All fuel suppliers are ordered not to deliver any fuel to this tank until notified by the department that this order has been lifted. The order will be lifted when:
 - a. 77 Capital Corporation has investigated a suspected release and reported the findings to the department in accordance with WWQRR, Chapter 17 Section 20; has upgraded the AST in accordance with WWQRR, Chapter 17, Part I. and has conducted an MSA in accordance with WWQRR, Chapter 17, Section 29.

OR

- b. 77 Capital Corporation has permanently closed the existing AST in accordance with WWQRR, Chapter 17 Section 31(b).

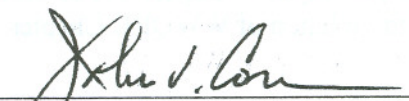
OR

- c. 77 Capital Corporation has changed the service of the existing AST in accordance with WWQRR, Chapter 17 Section 33(c) and has performed an MSA in accordance with WWQRR, Chapter 17, Section 29.

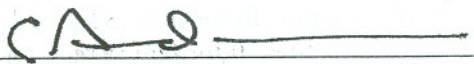
THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing a written petition for a hearing before the Environmental Quality Council. If a hearing is requested, the petition shall be mailed to Chairman, Wyoming Environmental Quality Council, 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 Division

PLEASE DIRECT ALL INQUIRES TO: Shain Wright, Storage Tank Program Compliance Inspector, at 122 West 25th Street, Fourth Floor, West Wing, Cheyenne, WY 82002, (307) 777-7095 or (307) 777-5973 FAX for technical matters.

JVC/CA/KH/OG/SLW