

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED
SEP 13 2010
Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
)
George Lenz)
41 Country Drive)
Worland, WY 82401)
)

DOCKET NUMBER: 4732-10

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. George Lenz owns and operates four underground storage tanks (USTs) that are used to sell fuel retail at the Kraft's Service Center, storage tank facility 0-000580, which is located at 944 Big Horn Avenue, Worland, Wyoming.
2. The last time an operator's annual inspection (OAI) was performed at the Kraft's Service Center was on June 12, 2008.

The last time the pressurized piping at the Kraft's Service Center was tightness tested was on June 12, 2008.

The last time the automatic line leak detectors at the Kraft's Service Center were function tested was on June 12, 2008.

3. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, have occurred at the Kraft's Service Center:

Count 1: Failure to Perform an OAI [WWQRR, Chapter 17, Section 13(e)]. As owner of USTs, George Lenz is in violation of WWQRR, Chapter 17, Section 13(e), for failure to perform an OAI by June 12, 2009.

Count 2: Failure to Perform Line Tightness Testing [WWQRR, Chapter 17, Section 14(g)(i)(B)(1)]. As owner of USTs, George Lenz is in violation of WWQRR, Chapter 17, Section 14(g)(i)(B)(1) for failure to perform annual line tightness testing.

Count 2: Failure to Function Test Automatic Line Leak Detectors [WWQRR, Chapter 17, Section 14(g)(i)(B)]. As owner of USTs, George Lenz is in violation of WWQRR, Chapter 17, Section 14(g)(i)(B) for failure to annually function test the automatic line leak detectors.

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 George Lenz 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. George Lenz return the facility into compliance with WWQRR, Chapter 17 as described within 20 days of receipt of this NOV.
2. This is a Red Tagging Order. Immediately after receiving this Notice and Order, George Lenz is hereby prohibited from purchasing any fuel for delivery to the registered retail USTs at storage tank facility 0-000580, Kraft's Service Center, located at 944 Big Horn Avenue, Worland, 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. George Lenz has performed an OAI at the Kraft's Service Center.
 - B. George Lenz has had a licensed tester perform line tightness testing on the piping connected to the USTs at the Kraft's Service Center.
 - C. George Lenz has had a licensed tester function test the automatic line leak detectors connected to the UST piping.


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 the 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 8 day of Sept, 2010.



John V. Corra
Director
Department of Environmental Quality



Carl Anderson, PhD
Administrator
Solid and Hazardous Waste 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. High Noon Petroleum, P. O. Box 7578, Missoula, MT 59807

JVC/CA/KH/OG