

10-5214

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:)
)
WyGen Investments, Limited Partnership)
P. O. Box 359)
Santa Ynez, CA 93460)
)

DOCKET NUMBER: 4730-10

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. WyGen Investments, Limited Partnership, owns and operates two underground storage tanks (USTs) that are used to sell fuel retail at the Etna Trading Post, storage tank facility 0-004194, which is located at 107857 North Highway 89 in Etna, Wyoming.
2. WyGen Investments, Limited Partnership, has not paid annual tank fees for 2009 and 2010. The last time an operator's annual inspection (OAI) was performed at the Etna Trading Post was on November 15, 2007.
3. The DEQ has determined that the following violations of Wyoming Statute and Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, have occurred at the Etna Trading Post:

Count 1: Failure to Pay Annual Tank Fees [WS 35-11-1425(a)]. As owner of USTs, WyGen Investments, Limited Partnership, is in violation of WS 35-11-1425(a) for failure to pay the annual tank fees for 2009 and 2010.

Count 2: Failure to Perform an OAI [WWQRR, Chapter 17, Section 13(e)]. As owner of USTs, WyGen Investments, Limited Partnership, is in violation of WWQRR, Chapter 17, Section 13(e) for failure to perform an OAI by November 15, 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 WyGen Investments, Limited Partnership, 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.

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ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

1. WyGen Investments, Limited Partnership, return the facility into compliance with WWQRR, Chapter 17, and WS 35-14-1425(a) as described within 90 days of receipt of this NOV.
2. This is a Red Tagging Order. Immediately after receiving this Notice and Order, WyGen Investments, Limited Partnership, is hereby prohibited from purchasing any fuel for delivery to the registered retail USTs at storage tank facility 0-004194, the Etna Trading Post, located at 107857 North Highway 89 in Etna, 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. WyGen Investments, Limited Partnership, has paid the tank fees and associated late fees totaling \$1,200.00 (one thousand two hundred dollars).


AND

- b. WyGen Investments, Limited Partnership, has performed an OAI at the Etna Trading Post in accordance with WWQRR, Chapter 17, Section 13(e).


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. Hansen Oil, P.O. Box 1119, Afton, WY 83110

JVC/CA/KH/OG