

10-5222



# Department of Environmental Quality

To protect, conserve, and enhance the Quality of Wyoming's environment for the benefit of current and future generations



Dave Freudenthal, Governor

John Corra, Director

December 3, 2010

**CERTIFIED 7007 0710 0000 6861**

**FILED**

**DEC 21 2010**

**Jim Ruby, Executive Secretary  
Environmental Quality Council**

Cindy Esterbrook  
The Place  
HC 63, Box 6A  
Saratoga, WY 82331

Dear Ms. Esterbrook:

Enclosed you will find a Notice of Violation and Order, Docket Number 4778-10, issued under the provisions of W.S. 35-11-701(c). The retail aboveground storage tank (AST) located at The Place has not been upgraded in accordance with Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17. The AST was to have been upgraded by October 1, 2008; a minimum site assessment(MSA) was to have been conducted in accordance with WWQRR, Chapter 17, Section 29; the facility was to have a licensed Class A and Class B operator; and an operator's annual inspection has never been performed at this facility.

Please be aware that the attached Notice of Violation contains an Order detailing what must be done to eliminate and rectify these violations. This order prohibits the delivery of fuels to the retail AST located at The Place until this matter is resolved. When you decide to perform the MSA, please contact Mr. Adrian Ducharme at (307)777-7073, and he will tell you what needs to be done.

ANY APPEALS TO THE ENVIRONMENTAL QUALITY COUNCIL FROM THE ATTACHED ORDER MUST BE MADE IN WRITING WITHIN THE TEN (10) DAY TIME LIMIT PRESCRIBED BY W.S. 35-11-701(c). Chapter I, Section 3 of the enclosed Department of Environmental Quality Rules of Practice and Procedure sets forth the requirements for the initiation of appeal proceedings. You are urged to review all provisions of the attached Rules of Practice and Procedures as they relate to this action.

If you appeal this order and request a hearing, please file two (2) copies of your written petition. One copy of the petition should go to the Chairman of the Environmental Quality Council at Room 1714, Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition should be sent to John V. Corra, Director, Wyoming Department of Environmental Quality, Herschler Building, 4<sup>th</sup> Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

John V. Corra  
Director  
Department of Environmental Quality

Carl Anderson, PhD  
Administrator  
Solid and Hazardous Waste Division

JVC/CA/KH/OG/

Enclosure: Notice of Violation and Order, Rules of Practice and Procedure

Herschler Building · 122 West 25th Street · Cheyenne, WY 82002 · <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7758 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-6937	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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