

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
)
Harold Miller)
Lance Creek Fuel Depot, LLC)
P.O. Box 56)
Lance Creek, WY 82222)
)

DOCKET NUMBER: 4758-10

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Lance Creek Fuel Depot, LLC, owns and operates two aboveground storage tanks (ASTs) that are used to sell fuel retail at the Lance Creek Fuel Depot, storage tank facility 0-004131, which is located at 1807 Highway 270, in Lance Creek, Wyoming.
2. Lance Creek Fuel Depot, LLC, has not upgraded the ASTs at the Lance Creek Fuel Depot.

Lance Creek Fuel Depot, LLC, has not performed a minimum site assessment (MSA) at the Lance Creek Fuel Depot.

3. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, have occurred at the Lance Creek Fuel Depot:

Count 1: Failure to Upgrade ASTs [WWQRR Chapter 17, Section 35(o)]. As owner of the ASTs, Lance Creek Fuel Depot, LLC, is in violation of WWQRR Chapter 17, Section 35(o), for failure to upgrade the ASTs by October 1, 2008.

Count 2: Failure to Perform an MSA[WWQRR Chapter 17, Section 29(a)(i)]. As the owners of the ASTs, Lance Creek Fuel Depot, LLC, is in violation of WWQRR Chapter 17, Section 29(a)(i), for failure to perform an MSA by October 1, 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 Lance Creek Fuel Depot, LLC, 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. Lance Creek Fuel Depot, LLC, return the facility into compliance with WWQRR, Chapter 17, as described within 180 days of receipt of this NOV.
2. This is a Red Tagging Order. Immediately after receiving this Notice and Order, Lance Creek Fuel Depot, LLC, is hereby prohibited from purchasing any fuel for delivery to the registered retail ASTs located at storage tank facility 0-004131, The Lance Creek Fuel Depot located at 1807 Highway 270, in Lance Creek, 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. Lance Creek Fuel Depot, LLC, has upgraded the ASTs in accordance with WWQRR, Chapter 17, Part I and has performed an MSA in accordance with WWQRR, Chapter 17, Section 29

OR

- b. Lance Creek Fuel Depot, LLC, has permanently closed the existing ASTs in accordance with WWQRR, Chapter 17 Section 31(b).

OR

- c. Lance Creek Fuel Depot, LLC, has changed the service of the existing ASTs in accordance with WWQRR, Chapter 17 Section 33(c).

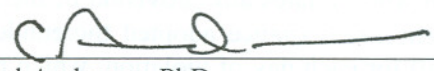
THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing a written petition for a hearing before the Environmental Quality Council. If a hearing is requested, the petition shall be mailed to Chairman, Wyoming Environmental Quality Council, 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 4th day of November, 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. Homax Oil, 605 South Poplar, Casper, WY 82601
JBC, P.O. Box 1468, Scott's Bluff, NE 69363-1468

JVC/CA/KH/OG