

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF )  
VIOLATION AND ORDER ISSUED TO: )  
 )  
David Schierling )  
205 Ancha Vista Road )  
Torrington, WY 82240 )  
 )

DOCKET NUMBER: 4880-11

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. David Schierling owned and operated underground storage tanks (USTs) that were used to sell fuel retail at Bear Mountain Services, storage tank facility 0-000655, which is located at West Route 77, Lagrange, Wyoming.
2. The USTs at the facility were removed in July 2010. However, the annual tank fees and late fees for 2010 have not been paid.
3. The DEQ has determined that the following violations of Article 14, Wyoming Environmental Quality Act, Statute W.S. 35-11-1425 have occurred at Bear Mountain Service:

**Count 1: Failure to Pay Tank Fees [WS 35-11-1425(a)].** As the owner of USTs, David Schierling is in violation of W.S. 35-11-1425(a) for failure to pay tank fees.

4. This Notice is being sent to David Schierling pursuant to WS 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. David Schierling shall pay past due tank fees, and all associated late fees within 30 days of receipt of this NOV.

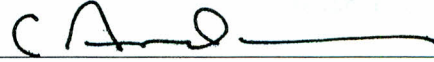
THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing a written petition for a hearing before the Environmental Quality Council. If a hearing is requested, the petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, 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 17th day of October, 2011.



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.

JVC/CA/KH/OG