

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

OCT 31 2011

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
)
Mark Richardson)
P.O. Box 187)
Hiland, WY 82638)
)

DOCKET NUMBER: 4870-11

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Mark Richardson owns and operates one aboveground storage tank (AST) that is used to sell fuel retail at the Hiland Bright Spot storage tank facility 0-001649, which is located at 53650 Highway 20-26, Hiland, Wyoming.
2. Hiland Bright Spot does not have a licensed operator, an Operator's Annual Inspection (OAI) has not been performed, and the facility does not have a properly labeled emergency shutoff switch.
3. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, have occurred at Hiland Bright Spot:

Count 1: Failure to Have a Licensed Operator [WWQRR, Chapter 17, Section 46(a)]. As owner of an AST, Mark Richardson is in violation of WWQRR, Chapter 17, Section 46(a), for failure to have a licensed operator.

Count 2: Failure to Submit an Operator's Annual Inspection [WWQRR, Chapter 17, Section 36(f)]. As owner of an AST, Mark Richardson is in violation of WWQRR, Chapter 17, Section 36(f), for failure to perform and submit an Operator's Annual Inspection (OAI).

Count 3: Failure to Have a Properly Labeled Emergency Shutoff Switch. [WWQRR, Chapter 17, Section 35(t)]. As owner of an AST, Mark Richardson is in violation of WWQRR, Chapter 17, Section 35(t), for failure to have the switch labeled correctly.

4. This Notice is being sent to Mark Richardson 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.

(THIS SPACE INTENTIONALLY BLANK)

FILED
OCT 27 2011

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

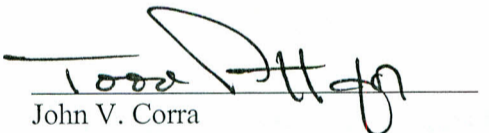
WHEREFORE IT IS HEREBY ORDERED THAT:

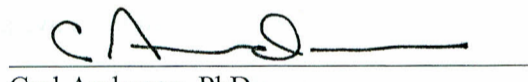
1. Mark Richardson return the facility into compliance with WWQRR, Chapter 17 as described within 60 days of receipt of this NOV.
2. Mark Richardson shall:
 - A. Assign a licensed operator to the facility.
 - B. Perform an Operator's Annual Inspection and submit copies of the results to the Department of Environmental Quality.
 - C. Properly label the emergency shutoff switch location.

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 27th 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