

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

NOV 01 2011

*Jim Ruby, Executive Secretary
Environmental Quality Council*

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
)
Eiden Construction, LLC)
Attn: Galen Eiden)
Highway 189 Pinemar Subdivision)
Marbleton, WY 83113)

DOCKET NUMBER: 4879-11

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Eiden Construction, LLC, owns and operates three aboveground storage tanks (ASTs) that are used to sell fuel retail at the Midway Mall Truck Stop, storage tank facility 0-005165, which is located at Highway 189, Marbleton, Wyoming.
2. A Spill Prevention Control and Countermeasure (SPCC) plan has not been submitted to the Department of Environmental Quality (DEQ). Failure to submit an SPCC to the department is a violation of WWQRR, Chapter 17, Section 36(c).
3. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, have occurred at Midway Mall Truck Stop:

Count 1: Failure to submit an SPCC [WWQRR, Chapter 17, Section 36(c)]. As owner of ASTs, Eiden Construction, LLC, is in violation of WWQRR, Chapter 17, Section 36(c), for failure to submit an SPCC to the DEQ.

4. This Notice is being sent to Eiden Construction, 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. Eiden Construction, LLC, shall create an SPCC for Midway Mall Truck Stop, and submit a copy to the DEQ within 60 days.

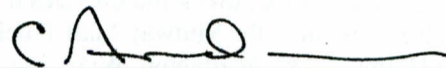
THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing a written petition for a hearing before the Environmental Quality Council. If a hearing is requested, the petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, 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 1ST day of NOVEMBER, 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/SH