

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
)
Town of Lusk)
P.O. Box 390)
Lusk, WY 82225)

DOCKET NUMBER: 4873-11

FILED
NOV 01 2011

Jim Ruby, Executive Secretary
Environmental Quality Council

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Town of Lusk owns and operates one aboveground storage tank (AST) that is used to sell fuel retail at Lusk Municipal Airport, storage tank facility 0-003338, which is located at 4369 US Highway 20, Lusk, Wyoming.
2. A Spill Prevention Control and Countermeasure (SPCC) plan has not been submitted to the Department of Environmental Quality. Failure to submit an SPCC to the Department of Environmental Quality is a violation of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 36 (c).
3. The DEQ has determined that the following violations of WWQRR, Chapter 17, have occurred at Lusk Municipal Airport:

Count 1: Failure to Submit an SPCC [WWQRR, Chapter 17, Section 36(c)]. As owner of an AST, The Town of Lusk is in violation of WWQRR, Chapter 17, Section 36(c), for failure to submit an SPCC to the Department of Environmental Quality.

4. This Notice is being sent to The Town of Lusk 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

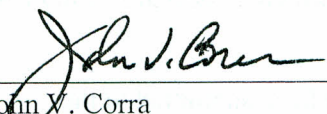
WHEREFORE IT IS HEREBY ORDERED THAT:

1. The Town of Lusk shall submit a completed SPCC to the Department of Environmental Quality within 60 days of receipt of this Notice of violation.

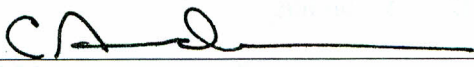
THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing a written petition for a hearing before the Environmental Quality Council. If a hearing is requested, the petition shall be mailed to the Chairman, Wyoming Environmental Quality Council,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