

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
Moose Enterprises, Inc.)
P.O. Box 39)
Moose, WY 82714)

DOCKET NUMBER: 4984-12

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Moose Enterprises, Inc. , owns and operates Dornan's, underground storage tank (UST) facility number 0-000236, which is located at 10 Moose Street, Moose, Wyoming. The facility has two steel USTs that are used to store gasoline. The steel USTs are protected from corrosion by a cathodic protection (CP) system.
2. According to Wyoming Department of Environmental Quality (DEQ) records, the last passing test of the UST CP system at Dornan's was performed on April 23, 2008.

On November 11, 2011, the UST CP system at Dornan's failed a CP test. Since that time the CP system has not been repaired.

3. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, have occurred at Dornan's:

Count 1: Failure to Test a Corrosion Protection System Within Three Years [WWQRR, Chapter 17, Section 11(b)(i)]. As owner and operator of the USTs at Dornan's, Moose Enterprises, Inc., is in violation of WWQRR, Chapter 17, Section 11(b)(i), for failure to perform corrosion protection testing when it was due.

Count 2: Failure to Continuously Provide Corrosion Protection for Steel USTs [WWQRR, Chapter 17, Section 11(a)]. As owner and operator of the USTs at Dornan's, Moose Enterprises, Inc., is in violation of WWQRR, Chapter 17, Section 11(a), for failure to operate and maintain a CP system to continuously provide corrosion protection.

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 Moose Enterprises, Inc., 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 Section Intentionally Blank)

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

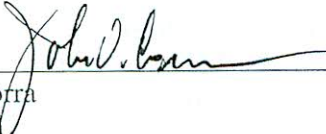
WHEREFORE IT IS HEREBY ORDERED THAT:

1. Within 30 days of receipt of this notice Moose Enterprises, Inc., shall:
 - A. Have a CP expert design repairs to the UST CP system.
 - B. Repair the UST CP system.
 - C. Have a licensed CP tester test the repaired UST CP system.
2. This is a Red Tagging Order. Immediately after receiving this Notice and Order, Moose Enterprises, Inc., is hereby prohibited from purchasing any fuel for delivery to the registered retail underground storage tanks located at Dornan's, storage tank facility 0-000236, at 10 Moose Street, Moose, 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:
 1. Moose Enterprises, Inc., has repaired the UST CP system and it passes a CP test.


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 18th day of APRIL, 2012.



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