

12-5202



Department of Environmental Quality

To protect, conserve, and enhance the Quality of Wyoming's environment for the benefit of current and future generations



Mathew H. Mead, Governor

John Corra, Director

April 11, 2012

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Jim Ruby, Executive Secretary
Environmental Quality Council

Richard Nelson
Fort Devils Tower
601 Highway 24
Devils Tower, WY 82714

Dear Mr. Nelson:

Enclosed you will find a Notice of Violation and Order, Docket Number 4981-12, issued under the provisions of W.S. 35-11-701(c). You are registered as the owner of Fort Devils Tower, storage tank facility 0-003892, which is located at 601 Highway 24, Devils Tower, Wyoming.

Department of Environmental Quality records indicate that the cathodic protection (CP) system on your underground storage tanks has not been tested since April 16, 2008. This test is required to be performed every three years and was to be completed prior to April 16, 2011. The underground tanks have been temporarily out of use (TOU) since 2008. If tanks have been in TOU status for longer than three years, a minimum site assessment (MSA) must be performed, or the status of the tanks must be changed to currently in use or permanently out of use. Also, the 2012 annual tank fees for your facility have not been paid. These fees were to be paid by January 1, 2012.

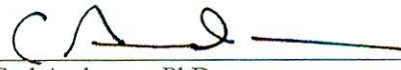
The attached Notice of Violation (NOV) includes an Order prohibiting the delivery of fuels to these tanks. The NOV orders you to: 1) test the CP systems on your underground storage tanks, 2) perform an MSA or change the service of the tanks, and 3) pay the past due annual tank fees and associated late fees.

ANY APPEALS TO THE ENVIRONMENTAL QUALITY COUNCIL FROM THE ATTACHED ORDER MUST BE MADE IN WRITING WITHIN THE TEN (10) DAY TIME LIMIT PRESCRIBED BY W.S. 35-11-701(c). Chapter I, Section 3 of the enclosed Department of Environmental Quality Rules of Practice and Procedure sets forth the requirements for the initiation of appeal proceedings. You are urged to review all provisions of the attached Rules of Practice and Procedures as they relate to this action.

If you appeal this order and request a hearing, please file two (2) copies of your written petition. One copy of the petition should go to the Chairman of the Environmental Quality Council at Room 1714, Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition should be sent to John V. Corra, 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.



John V. Corra
Director
Department of Environmental Quality



Carl Anderson, PhD
Administrator
Solid and Hazardous Waste Division

JVC/CA/KH/OG/HCB

Enclosure: Notice of Violation and Order, Rules of Practice and Procedure

