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FILED

JUN 26 2012

Jim Ruby, Executive Secretary
Environmental Quality Council

**BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

**IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO)
G.A. ENTERPRISES) Docket No. 11-5216A
P.O. BOX 350)
WORLAND, WY 82401)**

JOINT STIPULATION TO MODIFY ORDER AND DISMISS PETITION

On October 19, 2011, the Wyoming Department of Environmental Quality (DEQ) issued Notice of Violation and Order number 4890-11 to G.A. Enterprises (G.A.) alleging violations of the Wyoming Water Quality Rules and Regulations (WQRR) and ordering G.A. to take certain steps to bring G.A.'s aboveground storage tanks into compliance with the WQRR. On October 31, 2011, G.A. contested the order and petitioned the Environmental Quality Council for a hearing, which the Council scheduled for July 12, 2012.

To resolve this matter prior to a hearing, DEQ and G.A. stipulate to dismissal of G.A.'s petition and modification of the contested order as follows:

1. G.A.'s compliance with the following terms of this Joint Stipulation shall constitute compliance with Order number 4890-11:

A. On or before July 31, 2012, G.A. shall take the fuel storage tanks located at 306 Grace Street, Worland, Wyoming out of retail service in accordance with WQRR ch. 17, § 31(c).

B. For the purpose of conducting a minimum site assessment pursuant to WQRR ch. 17, § 29(a)(iv):

i. On or before July 31, 2012, G.A. shall dig five pits to the depth of groundwater in a perimeter around the storage tanks at locations to be determined by DEQ.

ii. G.A. shall provide DEQ with at least seven days notice of the date on which G.A. will dig the pits.

iii. DEQ shall collect groundwater samples from the pits within seventy-two hours of G.A. digging the pits.

iv. DEQ shall test those groundwater samples for contamination.

2. By removing the tanks from retail service and using the tanks only for private purposes, G.A. will render its tanks not subject to regulation as aboveground storage tanks in accordance with Wyo. Stat. Ann. § 35-11-1415(a)(xi). However, if groundwater samples indicate a release from G.A.'s storage tanks, the tanks will remain

subject to annual contaminated site fees in order to maintain eligibility for clean-up under the corrective action account.

Therefore, G.A. and DEQ now jointly stipulate to the above modification of the Order issued to G.A. on October 19, 2011. DEQ and G.A. thus request that the Council enter an order approving the order as modified herein and dismissing G.A.'s petition for a hearing on the order.

FOR G.A. ENTERPRISES, INC.:



By:
Title:

6-21-12

Date

FOR WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:



John Corra, Director
Department of Environmental Quality

6/25/12

Date





Carl Anderson, Administrator
Solid and Hazardous Waste Division

6/25/2012

Date

APPROVAL AS TO FORM:


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