

11-5216

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED
OCT 19 2011
Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
)
G.A. Enterprises)
P.O. Box 350)
Worland, WY 82401)

DOCKET NUMBER: 4890-11

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. G.A. Enterprises owns and operates three aboveground storage tanks (ASTs) that are used to sell fuel retail at G.A. Enterprises, storage tank facility 0-000809, which is located at 306 Grace Street, Worland, Wyoming.
2. G.A. Enterprises does not have a licensed storage tank operator. The ASTs do not have adequate security, emergency and operational venting, overfill devices and alarms, proper labeling, vehicle impact protection, and tank access.
3. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, have occurred at G.A. Enterprises:

Count 1: Failure to Have a Licensed Operator [WWQRR, Chapter 17, Section 46(a)]. As owner of ASTs, G.A. Enterprises is in violation of WWQRR, Chapter 17, Section 46(a), for failure to have a licensed operator.

Count 2: Failure to Provide Adequate Security [WWQRR, Chapter 17, Section 35(x)]. As owner of ASTs, G.A. Enterprises is in violation of WWQRR, Chapter 17, Section 35(x) for failure to provide proper security.

Count 3: Failure to Have Proper Emergency Venting [WWQRR, Chapter 17, Section 35(m)]. As owner of ASTs, G.A. Enterprises is in violation of WWQRR, Chapter 17, Section 35(m), for failure to have emergency venting.

Count 4: Failure to Have Proper Operational Venting [WWQRR, Chapter 17, Section 35(l)]. As owner of ASTs, G.A. Enterprises is in violation of WWQRR, Chapter 17, Section 35(l), for failure to have operational venting.

Count 5: Failure to Have Overfill Devices and Alarms [WWQRR, Chapter 17, Section 35(f)]. As owner of ASTs, G.A. Enterprises is in violation of WWQRR, Chapter 17, Section 35(f), for failure to have overfill devices and alarms.

Count 6: Failure to Have Proper Tank Labeling [WWQRR, Chapter 17, Section 35(k)]. As owner of ASTs, G.A. Enterprises is in violation of WWQRR, Chapter 17, Section 35(k), for failure to have proper tank labels.

Count 7: Failure to Have Adequate Vehicle Impact Protection [WWQRR, Chapter 17, Section 35(c)]. As owner of ASTs, G.A. Enterprises is in violation of WWQRR, Chapter 17, Section 35(c), for failure to have proper vehicle impact protection.

Count 8: Failure to Have Proper Tank Access Equipment [WWQRR, Chapter 17, Section 35(r)]. As owner of ASTs, G.A. Enterprises is in violation of WWQRR, Chapter 17, Section 35(r), for failure to have proper tank access equipment.

4. This Notice is being sent to G.A. Enterprises 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.

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

1. G.A. Enterprises return the facility into compliance with WWQRR, Chapter 17 as described within 60 days of receipt of this NOV.
2. G.A. Enterprises shall upgrade the above ground storage tanks which includes:
 - A. Assign a licensed operator to this facility.
 - B. Install proper security fencing for the tank.
 - C. Install proper emergency venting.
 - D. Install proper operational venting.
 - E. Install proper overflow devices and alarms.
 - F. Install proper labels for the tanks.
 - G. Install proper vehicle impact protection equipment
 - H. Install proper tank access equipment.
 - I. Notify the department when the upgrades have been completed.

OR

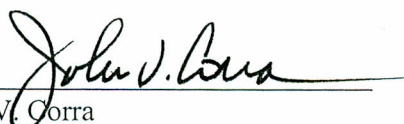
Take the tanks out of service in accordance with WWQRR Chapter 17, Section 31.

(THIS SPACE INTENTIONALLY BLANK)

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 19th day of October, 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