

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

JAN 25 2012

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 No. 11-5216A
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RESPONSE TO NOTICE OF VIOLATION AND ORDER

COMES NOW, G.A ENTERPRISES ("G.A."), by and through counsel, and for its Response to the Notice of Violation and Order, dated October 17, 2011, states as follows:

1. G.A. admits the allegations contained in paragraph 1.
2. As to the allegations contained in paragraph 2, G.A. admits the first sentence thereof, but affirmatively alleges that one of its principals, Ernest Geis, is actively pursuing licensure and should obtain the same shortly. As to the second sentence thereof, G.A. generally denies the same and more specifically responds to the findings and allegations in its response to Counts 1 through 8 of paragraph 3 below.
3. As to the findings and allegations contained in paragraph 3, as to Count 1, G.A. admits the same, but again affirmatively alleges that one of the principals of G.A., Ernest Geis, has been actively pursuing licensure and should have his license shortly.
4. As to the findings and allegations contained in paragraph 3, as to Count 2, G.A. admits that at the time of inspection it did not have its fence six feet in height topped with three strands of barbed wire on an angled support bracket, and affirmatively alleges that it has undertaken construction of the same and this should be accomplished shortly.
5. As to the findings and allegations contained in paragraph 3, as to Count 3, G.A. denies that its tank are not adequately equipped with additional emergency venting which will relieve excessive internal pressure caused by fire exposure in accordance with the rule cited.

6. As to the findings and allegations contained in paragraph 3, as to Count 4, G.A. admits that upon inspection it was not in compliance with rule cited, in that it did not have 12 foot operational venting, but affirmatively alleges that it had eight foot operational venting, and additionally that it has undertaken remediation of the same and this should be accomplished shortly.

7. As to the findings and allegations contained in paragraph 3, as to Count 5, pertaining to a failure to have overfill devices and alarms in accordance with the cited rule, G.A. admits the same and affirmatively alleges that it has undertaken efforts to remediate the same, and as of this date has not identified an approach which would justify the expense and potential liability of cutting the concrete vault roof which currently protects the tanks. Additionally, G.A. affirmatively alleges that it is continuing to explore all possibilities in this regard.

8. As to the findings and allegations contained in paragraph 3, as to Count 6, G.A. denies that it has failed to have proper tank labeling and affirmatively alleges that it is in compliance with the cited rule.

9. As to the findings and allegations contained in paragraph 3, as to Counts 7 and 8, G.A. alleges that the parties hereto have entered a joint motion to dismiss the same.

10. As to the statements and allegations contained in paragraph 4, G.A. acknowledges that it is the obligation of the director of the Department of Environmental Quality to issue a written notice and serve it upon the person alleged to be responsible when he believes there has been a violation of the Wyoming Water Quality Rules and Regulations. G.A. affirmatively alleges that it received notice of alleged non-compliance on October 19, 2011.

WHEREFORE, G.A. Enterprises requests that this matter proceed to hearing as scheduled herein.

DATED this 23 day of January, 2012.



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CERTIFICATE OF SERVICE

I, EDWARD G. LUHM, do hereby certify that the original of the foregoing was placed in the mail, postage prepaid, addressed to the Presiding Officer, and a true and correct copy was electronically sent or mailed, postage prepaid, on the 23 day of January, 2012, addressed as follows:

Rich Fairservis, Presiding Officer (Original)
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