



# Department of Environmental Quality

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



Matthew H. Mead, Governor

John Corra, Director

September 5, 2012

CERTIFIED 7011 2000 0002 4764 0556

Mr. Scott L. Yates  
102 E. 500 S.  
Burley, ID 83318

**FILED**

**SEP 12 2012**

Jim Ruby, Executive Secretary  
Environmental Quality Council

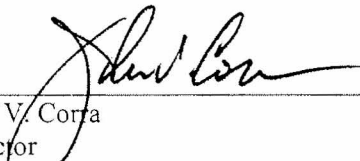
Dear Mr. Yates:


Enclosed you will find a Notice of Violation (NOV) and Order, Docket Number 5056-12, issued under the provisions of W.S. 35-11-701(c). Tank fees have not been paid in accordance with W.S. § 35-11-1425. You were provided invoices on November 21, 2011, February 24, 2012, June 6, 2012, and July 6, 2012, and a late fee notification letter on June 6, 2012. Your facility is under design or active remediation at the state's expense. Unless the fees are paid, you are no longer eligible for benefits of the state-funded cleanup program.

Please be aware that the attached NOV contains an Order detailing what must be done to eliminate and rectify this violation. This order requires you to pay the fees within thirty (30) days. The NOV includes an Order prohibiting the delivery of fuels to these tanks. If you fail to abide by the order, the matter will be referred to the Attorney General's Office requesting that recovery for the cost of cleanup be sought through the courts. Average cost to cleanup a site in Wyoming is \$400,000. The Order will be lifted when the fees are paid.

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, you must 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, 4<sup>th</sup> Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

  
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John V. Corra  
Director  
Department of Environmental Quality

  
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Carl Anderson, PhD  
Administrator  
Solid and Hazardous Waste Division

JVC/CA/KH/OG/

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

Herschler Building · 122 West 25th Street · Cheyenne, WY 82002 · <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7758 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-6937	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**

SEP 12 2012

Jim Ruby, Executive Secretary  
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF )  
VIOLATION AND ORDER ISSUED TO: )

Scott L. Yates )  
102 E. 500 S. )  
Burley, ID 83318 )

DOCKET NUMBER: NUMBER 5056-12

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Scott L. Yates owns the Trails Way, storage tank facility number 0-001287, located at 775 Highway 310, near Deaver, Wyoming, which is a contaminated site. This site has three (3) active regulated storage tanks and had three (3) regulated storage tanks that have been removed or abandoned in accordance with regulations. This site is under design or active remediation at the state's expense.
2. Scott Yates has not paid tank fees for 2012 plus associated late fees totaling nine hundred dollars (\$900.00).
3. The DEQ has determined that Scott L. Yates has violated W.S. § 35-11-1425 of the Wyoming Environmental Quality Act.
  - (a) On or before January 1 of each year the owner of a tank shall pay a fee to the department of two hundred dollars (\$200.00) per tank owned...
  - (b) On April 1 of each year the department may assess a late payment fee of one hundred dollars (\$100) per tank or contaminated site against any owner who has not paid the annual fee required pursuant to subsection (a) of this section.
4. Failure to meet these requirements may subject the person who owns the site to suit for corrective action or cost recovery.
5. This Notice is being sent to Scott L. Yates 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.

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