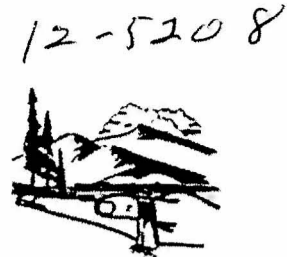




Department of Environmental Quality

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 7, 2012

CERTIFIED 7011 2000 0002 4764 0594

FILED

SEP 12 2012

Jim Chism
Frenchman Valley Farmer's Cooperative, Inc.
P.O. Box 578
Imperial, NE 69033

Jim Ruby, Executive Secretary
Environmental Quality Council

RE: Pine Bluffs Bulk Plant, Facility ID 0-004135

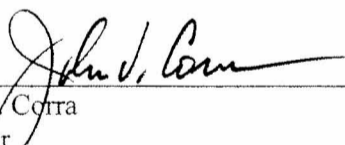
Dear Mr. Chism:

Enclosed you will find a Notice of Violation (NOV) and Order, Docket Number 5060-12, issued under the provisions of W.S. 35-11-701(c).

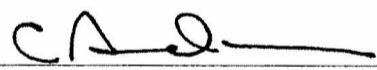
According to Department of Environmental Quality records, the retail aboveground storage tanks (ASTs) at the Pine Bluffs Bulk Plant do not have overfill alarms and overfill restriction devices. These are violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 35(f); therefore, the attached NOV has been issued.

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. Please 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

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:)
)
Jim Chism)
Frenchman Valley Farmer's Cooperative, Inc.)
P.O. Box 578)
Imperial, NE 69033)

DOCKET NUMBER: 5060-12

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Frenchman Valley Farmer's Cooperative, Inc., owns and operates the Pine Bluffs Bulk Plant, storage tank facility 0-004135. The Pine Bluffs Bulk Plant has seven retail aboveground storage tanks (ASTs) that are located at the intersection of Second and Walnut, in Pine Bluffs, Wyoming.
2. The retail ASTs at the Pine Bluffs Bulk Plant do not have overfill alarms.
3. The retail ASTs at the Pine Bluffs Bulk Plant do not have overfill restriction devices.
4. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, have occurred at the Pine Bluffs Bulk Plant:

Count 1: Failure to Have Overfill Alarms on an AST [WWQRR, Chapter 17, Section 35(f)(i)]. As owner of ASTs, Frenchman Valley Farmer's Cooperative, Inc., is in violation of WWQRR, Chapter 17, Section 35(f)(i), for failure to have overfill alarms.

Count 2: Failure to Have Overfill Restriction Devices on an AST [WWQRR, Chapter 17, Section 35(f)(ii)]. As owner of ASTs, Frenchman Valley Farmer's Cooperative, Inc., is in violation of WWQRR, Chapter 17, Section 35(f)(ii), for failure to have overfill restriction devices.

5. This Notice is being sent to Frenchman Valley Farmer's Cooperative, Inc., 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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