

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
)
Etca White)
P.O. Box 30,000 PMB 413)
970 West Broadway)
Jackson, WY 83001)

DOCKET NUMBER: 5125-13

FILED

MAR 04 2013

Jim Ruby, Executive Secretary
Environmental Quality Council

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Etca White owns and operates one underground storage tank (UST) that is used to provide fuel to a power generator. The UST is located at the Gunsight Pass Ranch, storage tank facility 0-005159, which is located at 24700 Cottonwood Creek Road, near Jackson.
2. Department of Environmental Quality (DEQ) personnel conducted a UST compliance inspection at the Gunsight Pass Ranch on June 21, 2012. The inspection revealed the following violations: 1) the UST did not have an overfill prevention device, 2) the UST was not being monitored every 30 days for releases, 3) the facility did not have a licensed Class A Storage Tank Operator, and 4) the facility did not have a licensed Class B Storage Tank Operator.

A UST operator's annual inspection (OAI) was last performed at the Gunsight Pass Ranch on November 11, 2011.

The 2013 annual tank fees for the tank located at Gunsight Pass Ranch have not been paid.

3. The DEQ has determined that the following violations of The Storage Tank Act of 2007 and of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, have occurred at the Gunsight Pass Ranch:

Count 1: Operating a UST without an Overfill Prevention Device [WWQRR, Chapter 17, Section 6(c)(i)(B)]. As owner of a UST, Etca White is in violation of WWQRR, Chapter 17, Section 6(c)(i)(B), by operating a UST without an overfill prevention device.

Count 2: Failure to Monitor a UST at Least Once Every 30 Days for Releases [WWQRR, Chapter 17, Section 16]. As owner of a UST, Etca White is in violation of WWQRR, Chapter 17, Section 16, for failure to monitor a tank at least once every 30 days for releases.

Count 3: Failure to Have a Licensed Class A Storage Tank Operator [WWQRR, Chapter 17, Section 46(a)]. As owner of a UST, Etca White is in violation of WWQRR, Chapter 17, Section 46(a), for failure to have a licensed Class A Storage Tank Operator.

Count 4: Failure to Have a Licensed Class B Storage Tank Operator [WWQRR, Chapter 17, Section 46(b)]. As owner of a UST, Etca White is in violation of WWQRR, Chapter 17, Section 46(b), for failure to have a licensed Class B Storage Tank Operator.

Count 5: Failure to Perform an Operator's Annual Inspection [WWQRR, Chapter 17, Section 13(e)]. As owner of a UST, Etca White is in violation of WWQRR, Chapter 17, Section 13(e), for failure to perform an OAI by November 11, 2012.

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Count 6: Failure to Pay Annual Tank Fees by January 1 [WS 35-11-1425(a)]. As owner of a UST, Etca White is in violation of WS 35-11-1425(a) for failure to pay annual tank fees by January 1, 2013.

4. This Notice is being sent to Etca White 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. Etca White bring the facility into compliance with The Storage Tank Act of 2007 and WWQRR, Chapter 17, by performing the following:
 - a. Within 30 days of receipt of this Notice of Violation (NOV), install an overfill prevention device on the UST in accordance with WWQRR, Chapter 17, Section 6(c)(i)(B).
 - b. Within 30 days of receipt of this NOV, begin performing monthly tank leak detection in accordance with WWQRR, Chapter 17, Section 16.
 - c. Within 90 days of receipt of this NOV, have a licensed Class A Storage Tank Operator assigned to the Gunsight Pass Ranch.
 - d. Within 90 days of receipt of this NOV, have a licensed Class B Storage Tank Operator assigned to the Gunsight Pass Ranch.
 - e. Perform an OAI at the Gunsight Pass Ranch in accordance with WWQRR, Chapter 17, Section 13(e).
 - f. Pay the 2013 annual tank fees for the Gunsight Pass Ranch in accordance with WS 35-11-1425(a).

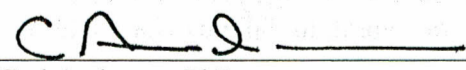
THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing a written petition for a hearing before the Environmental Quality Council. If a hearing is requested, the petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, 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 12th day of February, 2013.



Todd Parfitt
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