

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING
EQC DOCKET NO. 13-5202

FILED

JUN 03 2013

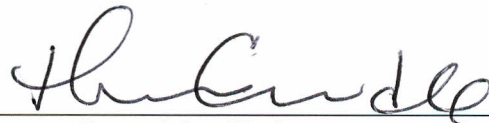
Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
Don Seals) ORDER APPROVING
Don Seals Enterprises, Inc.) NOV ORDER
P.O. Box 699)
Buffalo, WY 82834)
DEQ DOCKET NO.:5147-13)

The above-referenced matter having been considered by the Environmental Quality Council pursuant to the provisions of W.S. 35-11-112(a)(ii), and it appearing to the Council that the time has expired for the filing of an appeal before this body from this order of the Department of Environmental Quality entered herein, and the Council being fully advised in the premises;

IT IS HEREBY ORDERED THAT the order of the Department of Environmental Quality entered herein be and the same hereby is approved.

DATED this 31st day of May, 2013.



Thomas Coverdale, Chairman
Environmental Quality Council
Room 1714, Herschler Building, 1st Floor West
122 W. 25th Street
Cheyenne, WY 82002
Phone: 307-777-7170
Fax: 307-777-6134

CERTIFICATE OF SERVICE

I, Jessica Brown, certify that at Cheyenne, Wyoming, on the 3rd day of June, 2013, I served a copy of the foregoing **ORDER APPROVING NOTICE OF VIOLATION AND ORDER** by electronic mail to the following:

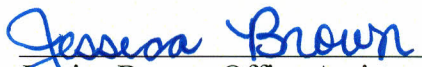
Todd Parfitt
Director, DEQ
Todd.Parfitt@wyo.gov

Mike Barrash
Asst. Attorney General
Mike.Barrash@wyo.gov

Alan Edwards, Administrator
Solid & Hazardous Waste Division
Alan.Edwards@wyo.gov

and also by United States Mail, postage pre-paid, addressed as follows:

Don Seals
Don Seals Enterprises, Inc.
P.O. Box 669
Buffalo, WY 82834

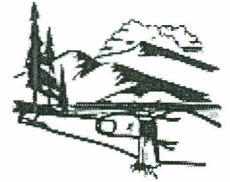


Jessica Brown, Office Assistant
Environmental Quality Council
122 W. 25th, Rm. 1714
Herschler Bldg.
Cheyenne, WY 82002
Phone: 307-777-7170
FAX: 307-777-6134



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

Todd Parfitt, Director

April 9, 2013

CERTIFIED 7011 2000 0002 5157 4434

Don Seals
Don Seals Enterprises, Inc.
P.O. Box 669
Buffalo, WY 82834

FILED

APR 18 2013

Jim Ruby, Executive Secretary
Environmental Quality Council

RE: Notice of Violation, Docket Number 5147-13, Big Horn Travel Plaza

Dear Mr. Seals:

Enclosed you will find a Notice of Violation (NOV) and Order, Docket Number 5147-13, issued under the provisions of W.S. 35-11-701(c).


The attached NOV includes a fuel delivery prohibition or "Red Tag" Order prohibiting the delivery of fuels to the underground storage tanks located at the Big Horn Travel Plaza until an operator's annual inspection (OAI) has been performed. The NOV Orders you to perform an OAI, pay the past due annual tank fees, and pay the past due late fees.

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 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 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.



Todd Parfitt
Director
Department of Environmental Quality



Carl Anderson, PhD
Administrator
Solid and Hazardous Waste Division

TP/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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FILED

APR 18 2013

Jim Ruby, Executive Secretary
Environmental Quality Council

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
)
Don Seals Enterprises, Inc.)
P.O. Box 669)
Buffalo, WY 82834)
)

DOCKET NUMBER: 5147-13

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Don Seals Enterprises, Inc., owns the Big Horn Travel Plaza, storage tank facility number 0-001640, located at 207 South Bypass Road, Buffalo, Wyoming. This site has five underground storage tanks (USTs) that are used to store gasoline and diesel.
2. The last time an operator's annual inspection (OAI) was performed at the Big Horn Travel Plaza, was on November 8, 2011.
3. Don Seals Enterprises, Inc., has not paid the 2013 annual tank fees for the tanks located at the Big Horn Travel Plaza.
4. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, and Wyoming Statute, have occurred at the Big Horn Travel Plaza:

Count 1: Failure to Perform an OAI [WWQRR, Chapter 17, Section 13(e)]. As owner of the USTs, Don Seals Enterprises, Inc., is in violation of WWQRR, Chapter 17, Section 13(e) for failure to perform an OAI.

Count 3: Failure to Pay Annual Tank Fees [W.S. 35-11-1425(a)]. As owner of the USTs, Don Seals Enterprises, Inc., is in violation of W.S. 35-11-1425(a) for failure to pay annual tank fees.

5. This Notice is being sent to Don Seals Enterprises, 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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ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

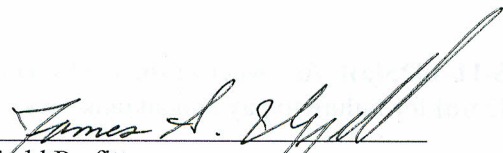
WHEREFORE IT IS HEREBY ORDERED THAT:

1. Within thirty (30) days of receipt of this NOV, Don Seals Enterprises, Inc., perform an OAI in accordance with WWQRR, Chapter 17, Section 13(e).
2. Within thirty (30) days of receipt of this NOV, Don Seals Enterprises, Inc., pay the annual tank fees and associated late fees totaling one thousand, five hundred dollars (\$1,500) in accordance with W.S. 35-11-1425.
3. This is a Red Tag Order. Immediately after receiving this NOV and Order, Don Seals Enterprises, Inc., is hereby prohibited from purchasing fuel for delivery to the registered USTs located at the Big Horn Travel Plaza, storage tank facility number 0-001640. If a one-time fuel delivery is needed to complete line tightness and leak detector function testing, the following conditions shall be met:
 - a. The licensed tester must be onsite at the time of fuel delivery
 - b. DEQ personnel must be onsite at the time of fuel delivery
 - c. Testing must be witnessed by DEQ personnel
 - d. Testing must be completed immediately after delivery
4. All fuel suppliers are hereby ordered not to deliver fuel to these tanks until notified by the department that this Order has been lifted. The Order will be lifted when an OAI has been performed.


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 17th day of APRIL, 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.

TP/CA/KH/OG