

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

APR 18 2013

Jim Ruby, Executive Secretary
Environmental Quality Council

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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FILED

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

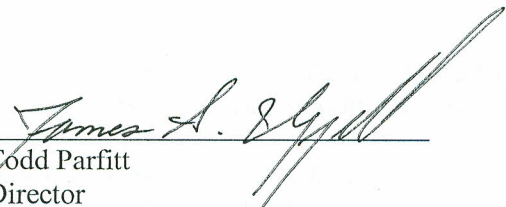
WHEREFORE IT IS HEREBY ORDERED THAT:

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