BEFORE THE

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:	)	
Kevin C. Walker Choppers P.O. Box 217 Guernsey, WY 82214	)	DOCKET NUMBER 3960-06

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Facility number 0-003682 is located at 115 Whalen, Guernsey, Wyoming. There are two (2) active underground storage tanks at this facility. On May 8, 2006, Kevin C. Walker/Choppers was invoiced for underground storage tank fees and provided with an annual registration form filled out for the facility. On August 17, 2006, Kevin C. Walker/Choppers was again invoiced for underground storage tank fees. The responsibility for underground storage tank fees rests with either the owner or the operator. Kevin C. Walker/Choppers is registered as both the owner and the operator. Underground storage tank fees have not been paid for fiscal year 2007. Four hundred dollars ($400.00) remains unpaid, and the fiscal year 2007 registration has not been submitted.

2. Kevin C. Walker/Choppers has failed to pay underground storage tank fees which are mandatory under W.S. 35-11-1425 and has failed to register the tanks as required by W.S. 35-11-1419 and Chapter 17, Section 7(b), Wyoming Water Quality Rules and Regulations (WWQRR).

3. Since the underground storage tank fees have not been paid for fiscal year 2007, and those fees were due July 1, 2006, Kevin C. Walker/Choppers is required to provide financial responsibility under Chapter 19, Wyoming Water Quality Rules and Regulations.

4. W.S. 35-11-1419 states: "On or before July 1 of each year the owner or operator of a tank shall register the tank with the department on forms developed and furnished by the department."

W.S. 35-11-1425 states: "On or before July 1 of each year either the owner or operator of a tank shall pay a fee to the department of two hundred dollars ($200.00) per tank owned or operated, except that the owner or operator of an aboveground storage tank subject to this section that holds five thousand (5,000) gallons or less shall pay a fee of fifty dollars ($50.00) per tank owned or operated. This fee shall be deposited in the corrective action account."

WWQRR, Chapter 17, Section 9(c), states: "On or before July 1 of each year either the owner and/or operator of an underground storage tank system shall register the system in accordance with W.S. 35-11-1419. Owners of contaminated sites shall file a form listing their current name, address, and telephone number with the department."

WWQRR, Chapter 17, Section 9(e)(iii), states: "(e) All owners and/or operators of new underground storage tank systems must certify on the notification or certification of compliance form conformance with the following requirements: (iii) Financial responsibility under Chapter 19, Water Quality Rules and Regulations, UST Program Financial Responsibility."

5. By failing to pay underground storage tank fees for facility 0-003682, Kevin C. Walker/Choppers has violated W.S. 35-11-1425. By failing to register the tanks on facility 0-003682, Kevin C. Walker/Choppers has violated W.S. 35-11-1419 and WWQRR, Chapter 17, Section 9(c). By failing to provide financial responsibility for facility 0-003682, Kevin C. Walker/Choppers has violated WWQRR, Chapter 17, Section 9(e)(iii), and WWQRR, Chapter 19.

6. This Notice is being sent to you pursuant to W.S. 35-11-701(c)(i), that 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.

NOTHING IN THIS NOTICE OF VIOLATION (NOV) shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

Signed this 30 day of October 2006.

John V. Corra
Director
Department of Environmental Quality

LeRoy C. Feusner, P.E., BCEE
Administrator
Solid and Hazardous Waste Management Division

PLEASE DIRECT ALL INQUIRES TO: Robert Lucht, P.E. & P.G. Storage Tank Program Compliance Supervisor at 122 West 25th Street, Fourth Floor, West Wing, Cheyenne, WY 82002, (307) 777-7095 or (307) 777-5973 FAX for technical matters.