

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:)
)
Bryan Hinze)
Hinze, Inc.)
P.O. Box 2468)
Cody, WY 82414)
)

DOCKET NUMBER 4145-07

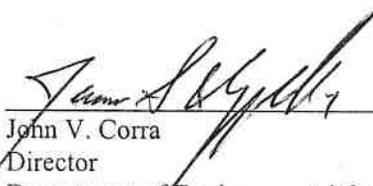
NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

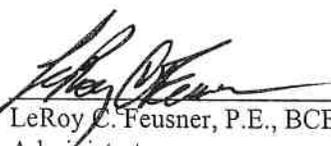
1. Hinze, Inc. (Hinze) owns and operates underground storage tanks (USTs) located at 17th Street and Beck Avenue, Cody, Wyoming. This facility is registered as UST facility 0-000350 and does business under the name Red Eagle #4. A compliance inspection was conducted on August 28, 2007, by personnel from the Department of Environmental Quality. It was discovered that Hinze did not have any overfill protection device on the unleaded gasoline tank. This lack of overfill protection has been shown on inspection reports since 1997, and Hinze has failed to correct the problem.
2. Hinze operated the unleaded gasoline tank since 1997 without an overfill device. This was again documented during an inspection conducted on August 28, 2007.
3. Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 6 (c), states: "Spill and overfill prevention equipment. (i) Except as provided in Section 6(c)(ii), to prevent spilling and overfilling associated with regulated substance transfer to the UST system, owners and/or operators shall use the following spill and overfill prevention equipment: (B) Overfill prevention equipment that will: (I) Automatically shut off flow into the tank when the tank is no more than ninety five percent (95%) full; or (II) Alert the transfer operator when the tank is no more than ninety percent (90%) full by restricting the flow into the tank or triggering a high-level alarm."
4. By operating the unleaded gasoline tank without an overfill device, Hinze has violated WWQRR, Chapter 17, Section 6 (c) (ii) (B).
5. This Notice is being sent to you 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.

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 26th day of September, 2007



John V. Corra
Director
Department of Environmental Quality



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

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