

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF )  
VIOLATION AND ORDER ISSUED TO: )

Randall Jensen )  
Lincoln County School District #2 )  
P.O. Box 219 )  
Afton, WY 83110 )

DOCKET NUMBER: 4433-09

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Lincoln County School District #2 owns and operates one compartmented underground storage tank (UST) located at Afton School Bus Garage, 596 North Warrior Way, Afton, Wyoming. The Lincoln County School District #2 has registered this tank as facility 0-005125. This tank is a double wall composite fiberglass reinforced plastic (FRP) tank. On December 9, 2008, the department sent a letter of violation to Lincoln County School District #2 because the Operator's Annual Inspection was past due by approximately 18 months.
2. The Lincoln County School District #2 purchases its fuel from Hansen Oil Company, P. O. Box 545 Soda Springs, ID 83276. The contact person for Hansen Oil is Kirk Hansen.
3. The Lincoln County School District #2 failed to complete an Operator's Annual Inspection by September 13, 2007, and the inspection is now approximately 18 months past due.
4. Wyoming Water Quality Rules and Regulations (WWQRR), Section 13 (e) states: "(e) *Operator's Annual Inspection*. Storage tank system owners and/or operators shall provide an annual report of inspection for the entire facility. An annual inspection is to be conducted either by the owner, the operator, or a qualified consultant."  
  
WWQRR, Chapter 17, Section 44 (a) (xv), states: "Section 44. **Prohibition of Deliveries** (a) *Reasons for Restricting Delivery*. Prohibition of delivery of regulated substances to a storage tank system shall be required when the department becomes aware that: (xv) The operator's annual inspection has not been performed, as required by Section 13(e) or Section 36(f) of this chapter, within ninety (90) days of the date when due."
5. By failing to perform an Operator's Annual Inspection when it was due, Lincoln County School District #2, Afton School Bus Garage, has violated WWQRR, Chapter 17, Section 13 (e).
6. 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.

The Lincoln County School District #2  
Notice of Violation 4433-09

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

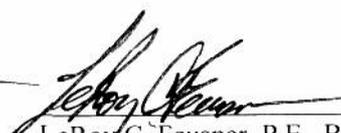
1. This is a Red-Tagging Order. Immediately after receiving this Notice and Order, The Lincoln County School District #2 is prohibited from purchasing any fuel for delivery to the tank registered under facility 0-005125, located at 596 North Warrior Way, Afton, Wyoming. Hansen Oil Company is ordered not to deliver any fuel to this location until notified by the department that this order has been lifted.
2. When the Lincoln County School District #2 provides a copy of an Operator's Annual Inspection, the department will notify Randall Jensen that the Red-Tag has been lifted and he may purchase fuel again. The department will also notify Hansen Oil Company that the Red-Tag has been lifted.
3. Within thirty (30) days of receipt of this Notice and Order, The Lincoln County School District #2 shall perform the Operator's Annual Inspection at 596 North Warrior Way in Afton or notify the department of a date when this tank will be removed.
4. Within thirty (30) days of receipt of this Notice and Order, the recipient shall submit to this department a written description of actions that have or will be taken to implement the items above.

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 Thomas Dunn, 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 \_\_\_\_\_ 4th \_\_\_\_\_ day of \_\_\_\_\_ MARCH \_\_\_\_\_, 2009.

  
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John V. Corra  
Director  
Department of Environmental Quality

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

Xc: Kirk Hansen, Hansen Oil Company, P.O. Box545, Soda Springs, ID 83110.

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.

JVC/LCF/KH/RFL

**The Lincoln County School District #2  
Notice of Violation 4433-09**