BEFORE THE

DEPARTMENT ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:	)	
	)	
	)	
Shawn McCoy	)	
P. O. Box 11	)	
Fort Laramie, WY 82212	)	DOCKET NUMBER 4674-10
	)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Shawn McCoy owns and operates underground storage tank facility number 0-000970 which is known as the Fort Laramie Mart, which is located at 105 West Merriam, Fort Laramie, Wyoming. This facility has two steel tanks with galvanized steel lines. The tanks are protected from corrosion by an impressed current corrosion protection system.

   The last test of the impressed current corrosion protection system at the Fort Laramie Mart failed, and there is no indication that the system has been repaired.

   The 2009 and 2010 annual tank fees for the Fort Laramie Mart have not been paid.

   Tank leak detection is not being performed at the Fort Laramie Mart.

   According to DEQ records, the last time an operator's annual inspection was performed at the Fort Laramie Mart was on October 2, 2007.

2. DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17 and The Storage Tank Act of 2007 have occurred:

   Count 1: Failure to Continuously Provide and Maintain Corrosion Protection For Steel Underground Storage Tanks and Piping [WWQRR, Chapter 17, Section11(a)]. As owner and operator of underground storage tanks, Shawn McCoy is in violation of WWQRR, Chapter 17, Section11(a), for failure to continuously provide and maintain corrosion protection for steel underground storage tanks and piping.

   Count 2: Failure to Pay Annual Tank Fees [WS 35-11-1425]. As owner and operator of underground storage tanks, Shawn McCoy is in violation of WWQRR, WS 35-11-1425 for failure to pay annual tank fees.

   Count 5: Failure to Perform Tank Leak Detection [WWQRR, Chapter 17, Section 14(a)]. As owner and operator of underground storage tanks, Shawn McCoy is in violation of WWQRR, Chapter 17, Section 14(a) for failure to perform tank leak detection.

   Count 6: Failure to Perform an Operator's Annual Inspection [WWQRR, Chapter 17, Section 13(e)]. As owner and operator of underground storage tanks, Shawn McCoy is in violation of WWQRR, Chapter 17, Section 13(e) for failure to perform an operator's annual inspection.

3. Any person who violates any provision of the Environmental Quality Act, or any rule, standard, permit, license, or variance adopted there under, is liable for a penalty of ten

thousand dollars ($10,000.00) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the people of Wyoming.

4. 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.

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Shawn McCoy have the corrosion protection system at the Fort Laramie Mart repaired in accordance with WWQRR, Chapter 17.

2. Shawn McCoy have the underground storage tanks evaluated by a licensed corrosion expert to determine if the integrity of the tanks has been compromised due to lack of corrosion protection.

3. Shawn McCoy pay the annual tank fees for 2009 and 2010 and accumulated late fees.

4. Shawn McCoy begin performing one of the tank leak detection methods outlined in WWQRR, Chapter 17, Section 16.

5. Shawn McCoy perform an operator's annual inspection as required by WWQRR, Chapter 17, Section 13(e).

6. This is a Red Tagging Order. Immediately after receiving this Notice and Order, Shawn McCoy is hereby prohibited from purchasing any fuel for delivery to the registered underground storage tanks located at the Fort Laramie Mart storage tank facility 0-000970, at 105 West Merriam, Fort Laramie, Wyoming. All fuel suppliers are ordered not to deliver any fuel to this tank until notified by the department that this order has been lifted. The order will be lifted when:

    1. Shawn McCoy has had the corrosion protection system repaired in accordance with WWQRR, Chapter 17.

    2. Shawn McCoy has had the tanks evaluated by a corrosion expert and the expert has determined that the integrity of the tanks has not been compromised.

    3. Shawn McCoy has paid the annual tank fees and late fees as required by WS 35-11-1425.

    4. Shawn McCoy has begun performing tank leak detection in accordance with WWQRR, Chapter 17, Section 16.

    5. Shawn McCoy has an Operator's Annual Inspection performed as required by WWQRR, Chapter 17, Section 13(e).

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 27 day of April, 2010.

John V. Corra
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.

JVC/CA/KH/OG