BEFORE THE

ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:	)	
	)	
Jeannie Simmons Cowboy Town Inc. 4141 Highway 26 Dubois, WY 82513	)	DOCKET NUMBER 4696-10

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Cowboy Town Inc. owns and operates underground storage tank facility number 0-004318, which is registered as the South Main Sinclair and is located at 1121 South Main, Buffalo, Wyoming. This facility has two steel underground storage tanks that are connected to bare steel piping.

   The cathodic protection systems on the tanks at the South Main Sinclair failed cathodic protection testing on December 14, 2007. The systems were never repaired or retested.

   South Main Sinclair's annual tank fees for 2008, 2009 and 2010 have not been paid.

   The last time the line leak detectors at the South Main Sinclair were function tested was on December 11, 2007.

   The last time line tightness testing was performed at the South Main Sinclair was on December 11, 2007.

   The last time an operator's annual inspection was performed at the South Main Sinclair was on December 11, 2007.

   Cowboy Town Inc. obtained ownership of the South Main Sinclair in October 2009 and failed to submit a change of ownership form to the Department of Environmental Quality.

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 at the South Main Sinclair:

   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, Cowboy Town Inc. 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, Cowboy Town Inc. is in violation of WS 35-11-1425, for failure to pay annual tank fees.

   Count 3: Failure to Function Test Line Leak Detectors [WWQRR, Chapter 17, Section 14(g)(i)(B)]. As owner and operator of underground storage tanks, Cowboy Town Inc. is in violation of WWQRR, Chapter 17, Section 14(g)(i)(B) for failure to function test line leak detectors.

Count 4: Failure to Perform Line Tightness Testing [WWQRR, Chapter 17, Section 14(g)(i)(B)(1)]. As owner and operator of underground storage tanks, Cowboy Town Inc. is in violation of WWQRR, Chapter 17, Section 14(g)(i)(B) for failure to perform line tightness testing.

Count 5: Failure to Perform an Operator's Annual Inspection [WWQRR, Chapter 17, Section 13(e)]. As owner and operator of underground storage tanks, Cowboy Town Inc. is in violation of WWQRR, Chapter 17, Section 13(e) for failure to perform an operator's annual inspection.

Count 6: Failure to Submit a Change of Ownership Form [WS 35-11-1420(a)]. As owner and operator of underground storage tanks, Cowboy Town Inc. is in violation of WS 35-11-1420(a) for failure to submit a change of ownership form to the DEQ.

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. Cowboy Town Inc. have the underground storage tanks and piping evaluated by a licensed corrosion expert to determine if the integrity of the tanks has been compromised due to lack of corrosion protection.

2. Cowboy Town inc. repair the cathodic protection systems in accordance with WWQRR, Chapter 17.

3. Cowboy Town Inc. perform tank tightness testing on all of the underground storage tanks

4. Cowboy Town Inc. pay the annual tank fees for 2008, 2009, 2010 and accumulated late fees.

5. Cowboy Town Inc. function test all of the line leak detectors.

6. Cowboy Town Inc. perform line tightness testing on all of the lines connected to the underground storage tanks.

7. Cowboy Town Inc. perform an operator's annual inspection as required by WWQRR, Chapter 17, Section 13(e).

8. Cowboy Town Inc. file a completed change of ownership form with the DEQ.

9. This is a Red Tagging Order. Immediately after receiving this Notice and Order, Cowboy Town Inc. is hereby prohibited from purchasing any fuel for delivery to the registered underground storage tanks located at the South Main Sinclair, storage tank facility 0-004318, at 1121 South Main, Buffalo, 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. Cowboy Town Inc. has had the tanks evaluated by a corrosion expert and the expert has determined that the integrity of the tanks has not been compromised.

2. Cowboy Town Inc. has had the corrosion protection system repaired in accordance with WWQRR, Chapter 17.

3. Cowboy Town Inc. has paid the annual tank fees and late fees as required by WS 35-11-1425.

4. Cowboy Town Inc. has an Operator's Annual Inspection performed as required by WWQRR, Chapter 17, Section 13(e).

5. Cowboy Town Inc. has performed a tank tightness testing in accordance with WWQRR, Chapter 17, Section 16(b).

6. Cowboy Town Inc. has function tested all of the line leak detectors in accordance with WWQRR, Chapter 17, Section 14(g)(i)(B).

7. Cowboy Town Inc. has performed line tightness testing in accordance with WWQRR, Chapter 17, Section 14(g)(i)(B)(1).

8. Cowboy Town Inc. has submitted a change of ownership form as required by WS 35-11-1420(a).

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 22 day of June, 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