BEFORE THE

ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO:	)	
Bear River Resources P.O. Box 384 Evanston, WY 82930	)	DOCKET NUMBER: 4703-10

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Bear River Resources owns and operates four aboveground storage tanks (ASTs) that are used to sell fuel retail. The tanks are located at the former Tri Valley Bulk Plant, storage tank facility 0-005162, which is located at 3204 Highway 89 North, in Evanston, Wyoming.

2. Bear River Resources has not upgraded the retail ASTs at the former Tri Valley Bulk Plant.

3. The DEQ has determined that the following violation of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, has occurred at the former Tri Valley Bulk Plant:

   Count 1: Failure to Upgrade ASTs [WWQRR Chapter 17, Section 35(o)]. As owner of the ASTs, Bear River Resources is in violation of WWQRR Chapter 17, Section 35(o), for failure to upgrade the ASTs by October 1, 2008.

4. 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.

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.

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Bear River Resources return the facility into compliance with WWQRR, Chapter 17, as described within 90 days of receipt of this NOV.

2. This is a Red Tagging Order. Immediately after receiving this Notice and Order, Bear River Resources is hereby prohibited from purchasing any fuel for delivery to the registered retail ASTs at storage tank facility 0-005162, the former Tri Valley Bulk Plant, located at 3204 Highway 89 North, in Evanston, Wyoming. All fuel suppliers are ordered not to deliver any fuel to these tanks until notified by the department that this order has been lifted. The order will be lifted when:

1. Bear River Resources has upgraded the retail ASTs in accordance with WWQRR, Chapter 17, Part I.

Or

2. Bear River Resources has permanently closed the retail ASTs in accordance with WWQRR, Chapter 17 Section 31(b).

Or

3. Bear River Resources has changed the service of the retail ASTs in accordance with WWQRR, Chapter 17 Section 33(c).

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 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 9th day of JULY, 2010.

John V. Corra
Director
Department of Environmental Quality

Carl Anderson, PhD
Administrator
Solid and Hazardous Waste Management 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