



Department of Environmental Quality

To protect, conserve, and enhance the Quality of Wyoming's environment for the benefit of current and future generations



Dave Freudenthal, Governor

John Corra, Director

July 07, 2010

CERTIFIED Mail #7007 0710 0000 3817 5369
Return Receipt Requested

Wayne and Holli Jones
P. O. Box 389
Buffalo, WY 82834

Dear Mr. and Mrs. Jones:

Enclosed you will find a Notice of Violation and Order, Docket Number 4706-10, issued under the provisions of W.S. 35-11-701(c). The retail aboveground storage tanks (ASTs), located at the Deer Haven Lodge, have not been upgraded and a minimum site assessment has not been performed, in accordance with Wyoming Water Quality Rules and Regulations, Chapter 17. The AST upgrades and an MSA were to have been performed by October 1, 2008.

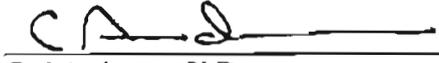
Please be aware that the attached Notice of Violation contains an Order detailing what must be done to eliminate and rectify these violations. This Order prohibits the delivery of fuels to the retail ASTs located at the Deer Haven Lodge until this matter is resolved.

ANY APPEALS TO THE ENVIRONMENTAL QUALITY COUNCIL FROM THE ATTACHED ORDER MUST BE MADE IN WRITING WITHIN THE TEN (10) DAY TIME LIMIT PRESCRIBED BY W.S. 35-11-701(c). Chapter I, Section 3 of the enclosed Department of Environmental Quality Rules of Practice and Procedure sets forth the requirements for the initiation of appeal proceedings. You are urged to review all provisions of the attached Rules of Practice and Procedures as they relate to this action.

If you appeal this order and request a hearing, please file two (2) copies of your written petition. One copy of the petition should go to the Chairman of the Environmental Quality Council at Room 1714, Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition should be sent to John V. Corra, 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.



John V. Corra
Director
Department of Environmental Quality



Carl Anderson, PhD
Administrator
Solid and Hazardous Waste Division

JVC/CA/KH/OG/

Enclosure: Notice of Violation and Order, Rules of Practice and Procedure



BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
)
Wayne and Holli Jones)
P.O. Box 389)
Buffalo, WY 82834)
)

DOCKET NUMBER: 4706-10

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Wayne and Holli Jones own and operate two aboveground storage tanks (ASTs) that are used to sell fuel retail at the Deer Haven Lodge, storage tank facility 0-002732, which is located approximately 18 miles east of Tensleep, Wyoming.
2. Wayne and Holli Jones have not upgraded the retail ASTs at the Deer Haven Lodge, and they have not performed a minimum site assessment.
3. The DEQ has determined that the following violation of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, has occurred at the Deer Haven Lodge:

Count 1: Failure to Upgrade ASTs [WWQRR Chapter 17, Section 35(o)]. As owner of the ASTs, Wayne and Holli Jones are in violation of WWQRR Chapter 17, Section 35(o), for failure to upgrade the ASTs by October 1, 2008.

Count 2: Failure to Perform a Minimum Site Assessment [WWQRR Chapter 17, Section 29(a)(i)]. As owner of the ASTs, Wayne and Holli Jones are in violation of WWQRR Chapter 17, Section 29(a)(i), for failure to perform a minimum site assessment 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 thereunder, 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. Wayne and Holli Jones return the facility into compliance with WWQRR, Chapter 17, Part I as described within 90 days of receipt of this NOV.

Wayne and Holli Jones perform a minimum site assessment in accordance with WWQRR, Chapter 17, Section 29, within 90 days of receipt of this NOV.

OR

2. Wayne and Holli Jones permanently close or permanently change the service of the retail ASTs in accordance with WWQRR, Chapter 17, Section 31, within 90 days of receipt of this NOV.

AND

3. This is a Red Tagging Order. Immediately after receiving this Notice and Order, Wayne and Holli Jones are hereby prohibited from purchasing any fuel for delivery to the registered retail ASTs at storage tank facility 0-002732, Deer Haven Lodge, located approximately 18 miles east of Tensleep, 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. Wayne and Holli Jones have upgraded the ASTs in accordance with WWQRR, Chapter 17, Part I.

Wayne and Holli Jones have performed a minimum site assessment in accordance with WWQRR, Chapter 17, Section 29.

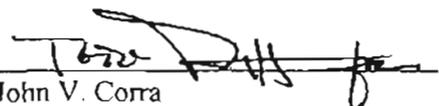
OR

2. Wayne and Holli Jones have permanently closed or permanently changed the service of the existing ASTs in accordance with WWQRR, Chapter 17 Section 31.

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 15th 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.

cc. Red Eagle Oil, P. O. Box 2468 Cody, WY 82414
JVC/CA/KH/OG