BEFORE THE

ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO:	)	
Ms. Marilyn Davidson Mountain View Texaco Service 2230 South Jackson Street Casper, WY 82601	)	DOCKET NUMBER: 4767-10

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Ms. Marilyn Davidson owns the Mountain View Texaco Service, storage tank facility number 0-003000, located at Third and Cottonwood in Mountain View, Wyoming. This site had three (3) regulated storage tanks that have been removed or abandoned in accordance with regulations. This site is under design or active remediation at the state's expense.

2. Ms. Davidson has not paid contaminated site fees for half of 2007 and all of 2008, 2009, and 2010, plus associated late fees totaling nine hundred dollars and zero cents ($900.00).

3. The DEQ has determined that Ms. Davidson has violated W.S. § 35-11-1424(e) of the Wyoming Environmental Quality Act.

   (e) Sites where tanks have been removed or abandoned in accordance with any government regulations effective at the time of abandonment may become eligible for use of corrective action account monies if the person who owns the site pays a two hundred dollar ($200.00) annual fee per site…

4. Failure to meet these requirements may subject the person who owns the site to suit for corrective action or cost recovery.

5. This Notice is being sent to Ms. Marilyn Davidson 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. Ms. Marilyn Davidson pay the outstanding contaminated site fees within thirty (30) days of receipt of this Notice of Violation.

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 15th day of November, 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