BEFORE THE

ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO:	)	
Kevin Walker 157 Pleasant Valley Road Hartville, WY 82215	)	DOCKET NUMBER: 4786-10

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Kevin Walker owns and operates two underground storage tanks (USTs) at Choppers, storage tank facility 0-003682, which is located at 115 Whalen, in Guernsey, Wyoming.

2. Kevin Walker has not paid the 2010 and 2011 annual tank fees for Choppers.

   The USTs have been in temporarily out of use (TOU) status since 2006, and a minimum site assessment (MSA) has not been performed.

3. The 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 Choppers:

   Count 1: Failure to Pay Annual Tank Fees [WS 35-11-1425]. As owner of the USTs, Kevin Walker is in violation of WS 35-11-1425, for failure to pay annual tank fees for 2010 and 2011.

   Count 2: Failure to Perform an MSA When USTs Have Been in TOU Status Longer Than Three Years [WWQRR, Chapter 17, Section 30(c)]. As the owner of the USTs, Kevin Walker is in violation of WWQRR, Chapter 17, Section 30(c) for failure to perform an MSA.

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. Kevin Walker bring Choppers back into compliance with WWQRR, Chapter 17, and the Storage Tank Act of 2007 as described within 45 days of receipt of this NOV.

2. Kevin Walker shall pay the past due fees for the USTs located at Choppers.

   Kevin Walker shall also:

   a. Perform an MSA at Choppers in accordance with WWQRR, Chapter 17, Section 29.

   OR

   b. Put the tanks back into use under the supervision of a licensed Class A and B operator.

   OR

   c. Permanently close the tanks 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 3rd day of January, 2011.

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