



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

January 3, 2011

CERTIFIED 7007 0710 0000 3817 7073

Tom Cook
Amidee Capital Group, Inc.
14420 West Sylvanfield Drive Suite 100
Houston, TX 77014

Dear Mr. Cook:

Enclosed you will find a Notice of Violation and Order, Docket Number 4787-11, issued under the provisions of W.S. 35-11-701(c). The 2011 annual tank fees for the underground storage tanks (USTs) located at the former Kum & Go #944 have not been paid, the USTs have been in temporarily out of use (TOU) status longer than three years, and a minimum site assessment (MSA) has not been performed at the site. The tank fees are to be paid by January 1st of each year, and an MSA is required to be performed when a UST has been in TOU status longer than three years.

Please be aware that the attached Notice of Violation contains an Order detailing what must be done to eliminate and rectify these violations. When you decide to perform the MSA, or if you decide to remove the tanks, please contact Mr. Wayne VanDamme at (307) 473-1393, and he will tell you what needs to be done.

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 1, 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

Herschler Building · 122 West 25th Street · Cheyenne, WY 82002 · <http://deq.state.wy.us>

ADMIN/OUTREACH
(307) 777-7758
FAX 777-3610

ABANDONED MINES
(307) 777-8145
FAX 777-6452

AIR QUALITY
(307) 777-7391
FAX 777-5613

INDUSTRIAL SITING
(307) 777-7369
FAX 777-6937

LAND QUALITY
(307) 777-7755
FAX 777-5884

SOLID & HAZ. WASTE
(307) 777-7752
FAX 777-5673

WATER QUALITY
(307) 777-7781
FAX 777-5973



BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)

Amidee Capital Group, Inc.)
14420 West Sylvanfield Drive Suite 100)
Houston, TX 77014)
)

DOCKET NUMBER: 4787-11

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Amidee Capital Group, Inc., owns and operates four underground storage tanks (USTs) at the former Kum & Go #944, storage tank facility 0-000767, which is located at 560 North Center Street, in Casper, Wyoming.
2. Amidee Capital Group, Inc., has not paid the 2011 annual tank fees for the former Kum & Go #944.

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 the former Kum & Go #944:

Count 1: Failure to Pay Annual Tank Fees [WS 35-11-1425]. As owner of the USTs, Amidee Capital Group, Inc., is in violation of WS 35-11-1425 for failure to pay annual tank fees for 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, Amidee Capital Group, Inc., 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. Amidee Capital Group, Inc., bring the former Kum & Go #944 into compliance with WWQRR, Chapter 17, and the Storage Tank Act of 2007 as described within 45 days of receipt of this NOV.
2. Amidee Capital Group, Inc., shall pay the past due fees for the USTs located at the former Kum & Go #944.

Amidee Capital Group, Inc., shall also:

- a. Perform an MSA at the former Kum & Go #944.

OR

- b. Put the tanks at the former Kum & Go #944 back into use. The tanks are to be under the supervision of a licensed Class A and B operator.

OR

- c. Permanently close the tanks the former Kum & Go #944, in accordance with WWQRR, Chapter 17, Section 31.

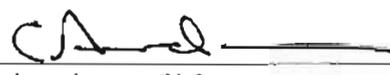
THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing a written petition for a hearing before the Environmental Quality Council. If a hearing is requested, the petition shall be mailed to Chairman, Wyoming Environmental Quality Council, 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 6 day of JAN, 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