



Department of Environmental Quality

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



Matt Mead, Governor

John Corra, Director

January 4, 2011

CERTIFIED 7007 0710 0000 3817 7080

Western United Life Assurance Company
3019 N. Argonne Road
Spokane Valley, WA 99212

To Whom It May Concern:

Enclosed you will find a Notice of Violation and Order, Docket Number 4788-11, issued under the provisions of W.S. 35-11-701(c). The underground storage tank (UST) located at the Afton Tri-Mart has 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. 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 this violation. When you decide to perform the MSA, or if you decide to remove the tanks, please contact Mr. Sterling Roberts at (307) 335-6953, 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 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:)
)
Western United Life Assurance Company) DOCKET NUMBER: 4788-11
3019 North Argonne Road)
Spokane Valley, WA 99212)
)

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Western United Life Assurance Company owns and operates one underground storage tank (UST) at the Afton Tri-Mart, storage tank facility 0-003768, which is located at 307 Washington Street, in Afton, Wyoming.
2. The UST at the Afton Tri-Mart has been in temporarily out of use (TOU) status since 2005, and a minimum site assessment (MSA) has not been performed.
3. The DEQ has determined that the following violation of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17 has occurred at the Afton Tri-Mart:

Count 1: Failure to Perform an MSA When a UST Has Been in TOU Status Longer Than Three Years [WWQRR, Chapter 17, Section 30(c)]. As the owner of the UST, Western United Life Assurance Company 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.

(THIS SPACE INTENTIONALLY BLANK)

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Western United Life Assurance Company bring the Afton Tri-Mart into compliance with WWQRR, Chapter 17 as described within 45 days of receipt of this NOV.
2. Western United Life Assurance Company shall:
 - a. Perform an MSA at the Afton Tri-Mart.

OR

- b. Put the tank at the Afton Tri-Mart back into use. The tank is to be under the supervision of a licensed Class A and B operator.

OR

- c. Permanently close the tank at the Afton Tri-Mart, 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 JUN, 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