



Department of Environmental Quality

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



Malheur H. Mead, Governor

John Corra, Director

October 14, 2011

CERTIFIED # 7011 0110 0001 7176 6119

Jay Lundell
Gillette Campbell County Airport
2000 Airport Road #108
Gillette, WY 82716

Dear Mr. Lundell,

Enclosed you will find a Notice of Violation and Order, Docket Number 4871-11, issued under the provisions of W.S. 35-11-701(c). Gillette Campbell County Airport is the registered owner of storage tank facility 0-000722, which is located at 2000 Airport Road, Gillette, WY 82716.

An Operators Annual Inspection (OAI) has not been performed, a licensed operator is not in charge of the tanks at this facility, and tank leak detection has not been performed. Failure to perform an OAI, not having a licensed operator, and failure to perform tank leak detection are violations of Wyoming Water Quality Rules and Regulations, Chapter 17. For these reasons the attached Notice of Violation has been issued.

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



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Jay Lundell
 Gillette Campbell County Airport
 2000 Airport Road #108
 Gillette, WY 82716

OG

2. Article Number

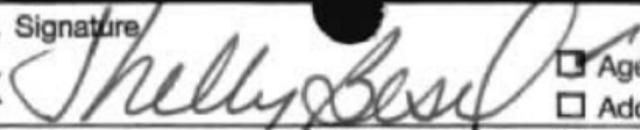
(Transfer from service label)

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COMPLETE THIS SECTION ON DELIVERY

A. Signature

X


 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

SOLD AND HAZARDOUS WASTE DIVISION
 Shelly Best
 10-19-11

D. Is delivery address different from item 1?

 Yes

If YES, enter delivery address below:

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OCT 21 2011

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

Gillette Campbell County Airport)
2000 Airport Road #108)
Gillette, WY 82716)
)

DOCKET NUMBER: 4871-11

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Gillette Campbell County Airport owns and operates three aboveground storage tanks (ASTs) that are used to sell fuel retail at the Gillette Campbell County Airport. This facility is registered as storage tank facility 0-000722 and is located at 2000 Airport Road, Gillette, Wyoming.
2. On July 12, 2011, personnel from the Department of Environmental Quality conducted a storage tank compliance inspection at the Gillette Campbell County Airport. The inspectors discovered that an Operators Annual Inspection (OAI) had not been performed, the facility did not have a licensed operator, and tank leak detection was not being performed.
3. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, have occurred at the Gillette Campbell County Airport:

Count 1: Failure to Submit an Operators Annual Inspection(OAI) [WWQRR, Chapter 17, Section 13(e)]. As the owner of ASTs, Gillette Campbell County Airport is in violation of WWQRR, Chapter 17, Section 13(e), for failure to submit an OAI.

Count 2: Failure to have a Licensed Operator for the Facility [WWQRR, Chapter 17, Section 46(a)]. As the owner of ASTs, Gillette Campbell County Airport is in violation of WWQRR, Chapter 17, Section 46(a), for failure to have a licensed operator.

Count 3: Failure to Perform Tank Leak Detection [WWQRR, Chapter 17, Section 36(a)] As the owner of ASTs, Gillette Campbell County Airport is in violation of WWQRR, Chapter 17, Section 36(a), for failing to perform tank leak detection.

4. This Notice is being sent to the Gillette Campbell County Airport 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.

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ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Gillette Campbell County Airport return the facility into compliance with WWQRR, Chapter 17 as described within 60 days of receipt of this NOV.
2. Gillette Campbell County Airport shall:
 - A. Perform an Operators Annual Inspection (OAI) at the Gillette Campbell Airport and Submit it to the Department of Environmental Quality.
 - B. Assign a licensed Class A and B operator to the Gillette Campbell County Airport.
 - C. Perform tank leak detection in accordance with WWQRR, Chapter 17, Section 36(a).

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 17th day of October, 2011.


John W. 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.

cc. Campbell County Department of Public Works, 500 South Gillette Avenue Suite 145, Gillette, WY 82716

JVC/CA/KH/OG/SH