



# Department of Environmental Quality

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



Mathew H. Mead, Governor

John Corra, Director

October 17, 2011

**CERTIFIED # 7011 0110 0001 7176 5174**

Ernest Geis  
G.A. Enterprises  
P.O. Box 350  
Worland, WY 82401

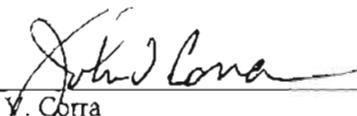
Dear Mr. Geis:

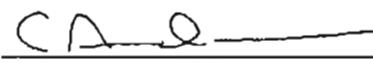
Enclosed you will find a Notice of Violation and Order, Docket Number 4890-11, issued under the provisions of W.S. 35-11-701(c). G.A. Enterprises owns and operates storage tank facility 0-000809, which is located at 306 Grace Street, Worland, Wyoming.

G.A. Enterprises does not have a licensed storage tank operator, site security is not adequate, proper emergency and operational venting is not present, overfill devices and alarms are not present, proper tank labels are not installed, vehicle impact protection is inadequate, and proper tank access is not present. These are violations of Wyoming Water Quality Rules and Regulations Chapter 17; therefore, 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 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 Procedure 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, 4<sup>th</sup> 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 777-2610

ABANDONED MINES  
(307) 777-6145  
FAX 777-6462

AIR QUALITY  
(307) 777-7391  
FAX 777-5816

INDUSTRIAL SITING  
(307) 777-7369  
FAX 777-6507

LAND QUALITY  
(307) 777-7756  
FAX 777-5864

SOLID & HAZ. WASTE  
(307) 777-7752  
FAX 777-6973

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: )

G.A. Enterprises )  
P.O. Box 350 )  
Worland, WY 82401 )

DOCKET NUMBER: 4890-11

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. G.A. Enterprises owns and operates three aboveground storage tanks (ASTs) that are used to sell fuel retail at G.A. Enterprises, storage tank facility 0-000809, which is located at 306 Grace Street, Worland, Wyoming.
2. G.A. Enterprises does not have a licensed storage tank operator. The ASTs do not have adequate security, emergency and operational venting, overfill devices and alarms, proper labeling, vehicle impact protection, and tank access.
3. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, have occurred at G.A. Enterprises:

**Count 1: Failure to Have a Licensed Operator [WWQRR, Chapter 17, Section 46(a)].** As owner of ASTs, G.A. Enterprises is in violation of WWQRR, Chapter 17, Section 46(a), for failure to have a licensed operator.

**Count 2: Failure to Provide Adequate Security [WWQRR, Chapter 17, Section 35(x)].** As owner of ASTs, G.A. Enterprises is in violation of WWQRR, Chapter 17, Section 35(x) for failure to provide proper security.

**Count 3: Failure to Have Proper Emergency Venting [WWQRR, Chapter 17, Section 35(m)].** As owner of ASTs, G.A. Enterprises is in violation of WWQRR, Chapter 17, Section 35(m), for failure to have emergency venting.

**Count 4: Failure to Have Proper Operational Venting [WWQRR, Chapter 17, Section 35(l)].** As owner of ASTs, G.A. Enterprises is in violation of WWQRR, Chapter 17, Section 35(l), for failure to have operational venting.

**Count 5: Failure to Have Overfill Devices and Alarms [WWQRR, Chapter 17, Section 35(f)].** As owner of ASTs, G.A. Enterprises is in violation of WWQRR, Chapter 17, Section 35(f), for failure to have overfill devices and alarms.

**Count 6: Failure to Have Proper Tank Labeling [WWQRR, Chapter 17, Section 35(k)].** As owner of ASTs, G.A. Enterprises is in violation of WWQRR, Chapter 17, Section 35(k), for failure to have proper tank labels.

**Count 7: Failure to Have Adequate Vehicle Impact Protection [WWQRR, Chapter 17, Section 35(c)].** As owner of ASTs, G.A. Enterprises is in violation of WWQRR, Chapter 17, Section 35(c), for failure to have proper vehicle impact protection.

**Count 8: Failure to Have Proper Tank Access Equipment [WWQRR, Chapter 17, Section 35(r)].** As owner of ASTs, G.A. Enterprises is in violation of WWQRR, Chapter 17, Section 35(r), for failure to have proper tank access equipment.

4. This Notice is being sent to G.A. Enterprises pursuant to W.S. 35-11-701(c)(j), 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. G.A. Enterprises return the facility into compliance with WWQRR, Chapter 17 as described within 60 days of receipt of this NOV.
2. G.A. Enterprises shall upgrade the above ground storage tanks which includes:
  - A. Assign a licensed operator to this facility.
  - B. Install proper security fencing for the tank.
  - C. Install proper emergency venting.
  - D. Install proper operational venting.
  - E. Install proper overfill devices and alarms.
  - F. Install proper labels for the tanks.
  - G. Install proper vehicle impact protection equipment
  - H. Install proper tank access equipment.
  - I. Notify the department when the upgrades have been completed.

OR

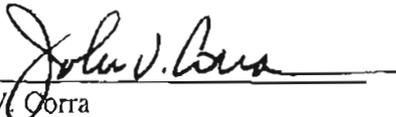
Take the tanks out of service in accordance with WWQRR Chapter 17, Section 31.

(THIS SPACE INTENTIONALLY BLANK)

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 19th day of October, 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/SH

**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:

Ernest Geis  
 G. A. Enterprises  
 PO Box 350  
 Worland, WY 82401

2. Article Number

*(Transfer from service label)*

7011 0110 0001 7176 5174

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

*Ruth Geis* Agent AddresseeB. Received by (*Printed Name*)*Ruth Geis*

C. Date of Delivery

*10/20/11*

D. Is delivery address different from item 1?

 Yes

If YES, enter delivery address below:

 No

**SOLID AND HAZARDOUS  
 WASTE DIVISION**

OCT 24 2011

3. Service Type

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

OG

4. Restricted Delivery? (*Extra Fee*) Yes