BEFORE THE

ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO:	)	
	)	
	)	
Alcova Resort, LLC	)	DOCKET NUMBER: 5001-12
101 East 2nd Street	)	
Casper, WY 83110	)	

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Alcova Resort, LLC, owns and operates one aboveground storage tank (AST) that is used to sell fuel retail at the Alcova Lakeside Marina, storage tank facility 0-000530, which is located at 24025 Lakeshore Drive in Alcova.

2. Department of Environmental Quality (DEQ) personnel conducted a compliance inspection at this facility on April 13, 2012. During the inspection the following violations were discovered: 1) the AST is connected to single wall corrodible (steel) underground piping, 2) the piping does not have leak proof transition sumps, 3) the AST does not have adequate no smoking signs or product labels, 4) the AST does not have adequate security fencing, 5) a Spill Prevention Control and Countermeasures (SPCC) Plan has not been submitted to the DEQ, 6) inventory control was not being conducted, 7) an operator's annual inspection (OAI) has never been performed, 8) annual function testing of the automatic line leak detector had not been performed, and 9) annual line tightness testing has not been performed.

3. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, have occurred at the Alcova Lakeside Marina:

   Count 1: Operating an AST with Single Wall Corrodible Underground Piping [WWQRR, Chapter 17, Section 35(h)]. As owner of an AST, Alcova Resort, LLC, is in violation of WWQRR, Chapter 17, Section 35(h), by operating an AST with single wall corrodible underground piping.

   Count 2: Failure to Install Leak Proof Transition Sumps [WWQRR, Chapter 17, Section 35(h)]. As owner of an AST, Alcova Resort, LLC, is in violation of WWQRR, Chapter 17, Section 35(h), for failure to have leak proof transition sumps where the aboveground piping is connected to the underground piping.

   Count 3: Failure to Install No Smoking Signs and Product Labels on an AST [WWQRR, Chapter 17, Section 35(n)]. As owner of an AST, Alcova Resort, LLC, is in violation of WWQRR, Chapter 17, Section 35(n), for failure to install no smoking signs and product labels on an AST.

   Count 4: Failure to Install Adequate Site Security at an AST [WWQRR, Chapter 17, Section 35(x)]. As owner of an AST, Alcova Resort, LLC, is in violation of WWQRR, Chapter 17, Section 35(x), for failure to install adequate security fencing at an AST

   Count 5: Failure to Submit an SPCC Plan to the DEQ [WWQRR, Chapter 17, Section 36(c)]. As owner of an AST, Alcova Resort, LLC, is in violation of WWQRR, Chapter 17, Section 36(c), for failure to submit an SPCC plan to the DEQ.

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 8th day of JUNE, 2012.

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