BEFORE THE

ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO:	)	
Jodi Newkirk P.O. Box 95 Rock River, WY 82714	)	DOCKET NUMBER: 5006-12

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Jodi Newkirk owns and operates Arlington Outpost, underground storage tank (UST) facility number 0-000756, which is located near Arlington, Wyoming. The facility has three steel USTs that are used to store fuel.

2. Notice of Violation (NOV) Docket Number 4840-11 was issued on May 24, 2011. The NOV ordered Ms. Newkirk to pay past due tank fees within thirty (30) days. From the date the NOV was issued, Ms. Newkirk has paid two hundred and fifty dollars ($250.00).

3. Jodi Newkirk owes two thousand, four hundred and fifty dollars ($2,450.00) in past due tank fees and late fees.

4. The DEQ has determined that the following violations of Wyoming Statute (WS) 35-11-1425(a) have occurred:

   Count 1: Failure to pay Annual Tank Fees by January 1 [WS 35-11-1425(a)]. As owner and operator of the USTs at Arlington Outpost, Jodi Newkirk is in violation of WS 35-11-1425(a) for failure to pay annual tank fees for 2010, 2011, and 2012.

5. 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.

6. This Notice is being sent to Jodi Newkirk 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 Section Intentionally Blank)

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Within 60 days of receipt of this notice Jodi Newkirk shall pay the DEQ all past due tank fees and all past due late fees.

2. This is a Red Tagging Order. Immediately after receiving this Notice and Order, Jodi Newkirk is hereby prohibited from purchasing any fuel for delivery to the registered underground storage tanks located at Arlington Outpost, storage tank facility 0-000756, located near Arlington, Wyoming. All fuel suppliers are ordered not to deliver any fuel to these tanks until notified by the department that this order has been lifted. The order will be lifted when:

    1. Jodi Newkirk has paid all past due annual tank fees and past due late fees for 2010 and 2011.

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 25th 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