BEFORE THE

ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO:	)	
Selestino Sanchez 7436 Highway 89 North Evanston, WY 82930	)	DOCKET NUMBER: 5007-12

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Selestino Sanchez owns and operates the Hornet's Nest, underground storage tank (UST) facility number 0-002840, which is located at 7436 Highway 89 North, Evanston, Wyoming. The facility has two steel USTs that are used to store fuel.

2. The Hornet's Nest does not have a licensed Class A Storage Tank Operator.

   The Hornet's Nest does not have a licensed Class B Storage Tank Operator.

3. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, have occurred at the Hornet's Nest:

   Count 1: Failure to Have a Licensed Class A Storage Tank Operator [WWQRR, Chapter 17, Section 46(a)]. As owner and operator of the USTs at the Hornet's Nest, Selestino Sanchez is in violation of WWQRR, Chapter 17, Section 46(a), for failure to have a licensed Class A Storage Tank Operator.

   Count 2: Failure to Have a Licensed Class B Storage Tank Operator [WWQRR, Chapter 17, Section 46(b)]. As owner and operator of the USTs at the Hornet's Nest, Selestino Sanchez is in violation of WWQRR, Chapter 17, Section 46(b), for failure to have a licensed Class B Storage Tank Operator.

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 Selestino Sanchez 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 30 days of receipt of this notice Selestino Sanchez shall:

   A. Have a licensed Class A Operator assigned to the Hornet's Nest.

   B. Have a licensed Class B Operator assigned to the Hornet's Nest.

   Or

   C. Place the tanks in temporarily out of use (TOU) status in accordance with WWQRR, Chapter 17, Section 30.

2. This is a Red Tagging Order. Immediately after receiving this Notice and Order, Selestino Sanchez is hereby prohibited from purchasing any fuel for delivery to the registered retail underground storage tanks located at the Hornet's Nest, storage tank facility 0-002840, at 7436 Highway 89 North, Evanston, 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 The Hornet's Nest has a licensed Class B Operator.

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 6TH day of July, 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