



Department of Environmental Quality



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

Matthew H. Mead, Governor

John Corra, Director

July 6, 2012

CERTIFIED 7008 1830 0004 7091 0350

Michael Henry
P.O. Box 30,000 PMB 232
970 West Broadway
Jackson, WY 83001

Dear Mr. Henry:

Enclosed you will find a Notice of Violation (NOV) and Order, Docket Number 5018-12, issued under the provisions of W.S. 35-11-701(c).

Personnel from the Department of Environmental Quality (DEQ) Storage Tank Program conducted an underground storage tank (UST) compliance inspection at the Gunsight Pass Ranch on June 21, 2012. During the inspection it was discovered that you failed to: 1) have an overfill prevention device on a UST, 2) perform monthly tank leak detection on a UST, 3) have a licensed Class A Storage Tank Operator, and 4) have a licensed Class B Storage tank Operator. These are all violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17; therefore, the attached NOV 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. Please 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

Herschler Building · 122 West 25th Street · Cheyenne, WY 82002 · <http://deq.state.wy.us>

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|--|---|---|---|--|--|---|
| ADMIN/OUTREACH (307) 777-7758 FAX 777-3610 | ABANDONED MINES (307) 777-6145 FAX 777-6462 | AIR QUALITY (307) 777-7391 FAX 777-5615 | INDUSTRIAL SITING (307) 777-7369 FAX 777-6937 | LAND QUALITY (307) 777-7756 FAX 777-5864 | SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973 | WATER QUALITY (307) 777-7781 FAX 777-5073 |
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BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
)
Michael Henry)
P.O. Box 30,000 PMB 232)
970 West Broadway)
Jackson, WY 83001)

DOCKET NUMBER: 5018-12

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Michael Henry owns and operates one underground storage tank (UST) that is used to provide fuel to an emergency power generator. The UST is located at the Gunsight Pass Ranch, storage tank facility 0-005159, which is located at 24700 Cottonwood Creek Road, near Jackson.
2. Department of Environmental Quality (DEQ) personnel conducted a UST compliance inspection at the Gunsight Pass Ranch on June 21, 2012. During the inspection the following violations were discovered: 1) the UST did not have an overfill prevention device, 2) the UST was not being monitored every 30 days for releases, 3) the facility did not have a licensed Class A Storage Tank Operator, and 4) the facility did 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 Gunsight Pass Ranch:

Count 1: Operating a UST without an Overfill Prevention Device [WWQRR, Chapter 17, Section 6(c)(i)(B)]. As owner of a UST, Michael Henry is in violation of WWQRR, Chapter 17, Section 6(c)(i)(B), by operating a UST without an overfill prevention device.

Count 2: Failure to Monitor a UST at Least Once Every 30 Days for Releases [WWQRR, Chapter 17, Section 16]. As owner of a UST, Michael Henry is in violation of WWQRR, Chapter 17, Section 16, for failure to monitor a tank at least once every 30 days for releases.

Count 3: Failure to Have a Licensed Class A Storage Tank Operator [WWQRR, Chapter 17, Section 46(a)]. As owner of a UST, Michael Henry is in violation of WWQRR, Chapter 17, Section 46(a), for failure to have a licensed Class A Storage Tank Operator.

Count 4: Failure to Have a Licensed Class B Storage Tank Operator [WWQRR, Chapter 17, Section 46(b)]. As owner of a UST, Michael Henry is in violation of WWQRR, Chapter 17, Section 46(b), for failure to have a licensed Class B Storage Tank Operator.

4. This Notice is being sent to Michael Henry 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.

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

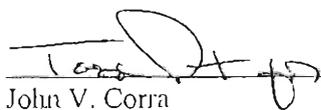
WHEREFORE IT IS HEREBY ORDERED THAT:

1. Michael Henry bring the facility into compliance with WWQRR, Chapter 17, by performing the following:
 - a. Within 30 days of receipt of this Notice of Violation (NOV), install an overfill prevention device on the UST in accordance with WWQRR, Chapter 17, Section 6(c)(i)(B).
 - b. Within 30 days of receipt of this NOV, begin performing monthly tank leak detection in accordance with WWQRR, Chapter 17, Section 16.
 - c. Within 90 days of receipt of this NOV, have a licensed Class A Storage Tank Operator assigned to the Gunsight Pass Ranch.
 - d. Within 90 days of receipt of this NOV, have a licensed Class B Storage Tank Operator assigned to the Gunsight Pass Ranch.

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 11th 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