BEFORE THE

ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

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| IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO: | ) | |
| Jim Chism<br>Frenchman Valley Farmer's Cooperative, Inc.<br>P.O. Box 578<br>Imperial, NE 69033 | ) | DOCKET NUMBER: 5060-12 |

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Frenchman Valley Farmer's Cooperative, Inc., owns and operates the Pine Bluffs Bulk Plant, storage tank facility 0-004135. The Pine Bluffs Bulk Plant has seven retail aboveground storage tanks (ASTs) that are located at the intersection of Second and Walnut, in Pine Bluffs, Wyoming.

2. The retail ASTs at the Pine Bluffs Bulk Plant do not have overfill alarms.

3. The retail ASTs at the Pine Bluffs Bulk Plant do not have overfill restriction devices.

4. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, have occurred at the Pine Bluffs Bulk Plant:

   **Count 1: Failure to Have Overfill Alarms on an AST [WWQRR, Chapter 17, Section 35(f)(i)].** As owner of ASTs, Frenchman Valley Farmer's Cooperative, Inc., is in violation of WWQRR, Chapter 17, Section 35(f)(i), for failure to have overfill alarms.

   **Count 2: Failure to Have Overfill Restriction Devices on an AST [WWQRR, Chapter 17, Section 35(f)(ii)].** As owner of ASTs, Frenchman Valley Farmer's Cooperative, Inc., is in violation of WWQRR, Chapter 17, Section 35(f)(ii), for failure to have overfill restriction devices.

5. This Notice is being sent to Frenchman Valley Farmer's Cooperative, Inc., 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.

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ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Frenchman Valley Farmer's Cooperative, Inc., bring the facility into compliance with WWQRR, Chapter 17, by performing the following:

    a. Within 120 days of receipt of this NOV, install overfill prevention alarms on the retail ASTs located at the Pine Bluffs Bulk Plant.

    b. Within 120 days of receipt of this NOV, install overfill restriction devices on the retail ASTs at the Pine Bluffs Bulk Plant.

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 SEPTEMBER, 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