BEFORE THE

ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO:	)	
Scott L. Yates 102 E. 500 S. Burley, ID 83318	)	DOCKET NUMBER: NUMBER 5056-12

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Scott L. Yates owns the Trails Way, storage tank facility number 0-001287, located at 775 Highway 310, near Deaver, Wyoming, which is a contaminated site. This site has three (3) active regulated storage tanks and had three (3) regulated storage tanks that have been removed or abandoned in accordance with regulations. This site is under design or active remediation at the state's expense.

2. Scott Yates has not paid tank fees for 2012 plus associated late fees totaling nine hundred dollars ($900.00).

3. The DEQ has determined that Scott L. Yates has violated W.S. § 35-11-1425 of the Wyoming Environmental Quality Act.

   (a) On or before January 1 of each year the owner of a tank shall pay a fee to the department of two hundred dollars ($200.00) per tank owned…

   (b) On April 1 of each year the department may assess a late payment fee of one hundred dollars ($100) per tank or contaminated site against any owner who has not paid the annual fee required pursuant to subsection (a) of this section.

4. Failure to meet these requirements may subject the person who owns the site to suit for corrective action or cost recovery.

5. This Notice is being sent to Scott L. Yates 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. Scott L. Yates pay the outstanding tank fees within thirty (30) days of receipt of this Notice of Violation.

2. This is a Red Tag Order. Immediately after receiving this NOV and Order, Scott L. Yates is hereby prohibited from purchasing fuel for delivery to the registered tanks located at 775 Highway 310, storage tank facility number 0-001287. All fuel suppliers are hereby ordered not to deliver fuel to these tanks until notified by the department that this Order has been lifted. The Order will be lifted when the fees are paid.

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