BEFORE THE

ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO:	)	
Madden and Patton, Inc. P.O. Box 99 Wamsutter, WY 82336	)	DOCKET NUMBER: 5207-13

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Maddon and Patton, Inc., owns the Wamsutter Phillips 66, storage tank facility number 0-005064, located at 339 McCormick Street, Wamsutter, Wyoming. This site has three underground storage tanks (USTs) that are used to store gasoline and diesel.

2. The last time an operator's annual inspection (OAI) was performed at the Wamsutter Phillips 66 was on August 14, 2012.

3. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, have occurred at the Wamsutter Phillips 66:

   Count 1: Failure to Perform an OAI [WWQRR, Chapter 17, Section 13(e)]. As owner of the USTs, Maddon and Patton, Inc., is in violation of WWQRR, Chapter 17, Section 13(e) for failure to perform an OAI.

4. This Notice is being sent to Maddon and Patton, 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. Within thirty (30) days of receipt of this NOV, Maddon and Patton, Inc., perform an OAI in accordance with WWQRR, Chapter 17, Section 13(e).

2. Within ninety (90) days of receipt of this NOV, Maria Madden, the Class B Operator for the Wamsutter 66, re-take the Wyoming International Code Council W-6 Wyoming Storage Tank Operator's Exam in accordance with WWQRR, Chapter 17, Section 46(m).

3. This is a Red Tag Order. Immediately after receiving this NOV and Order, Maddon and Patton, Inc., is hereby prohibited from purchasing fuel for delivery to the registered USTs located at the Wamsutter Phillips 66, storage tank facility number 0-005064. If a one-time fuel delivery is required to complete leak detector function testing needed to perform the OAI, the following conditions shall be met:

    a. The licensed tester must be onsite at the time of fuel delivery,
    b. DEQ personnel must be onsite at the time of fuel delivery,
    c. Testing must be witnessed by DEQ personnel, and
    d. Testing must be completed immediately after delivery.

4. 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 an OAI has been performed.

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 7th day of JANUARY, 2014.

Todd Parfitt
Director
Department of Environmental Quality

Alan Edwards
Acting 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.

TP/AE/KH/OG