



Department of Environmental Quality

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



Mathew H. Mead, Governor

Todd Parfitt, Director

March 13, 2015

CERTIFIED 7013 2630 0001 0391 1038

Mr. Don Deitchler
904 Shoshoni
Thermopolis, WY 82443

RE: Southside Service

Dear Mr. Deitchler:

Enclosed you will find a Notice of Violation and Order (NOV), Docket Number 5536-15, issued under the provisions of W.S. 35-11-701(c). You do not have Class A and Class B Storage Tank Operators assigned to the Southside Service.

The NOV orders you to obtain both a licensed Class A and Class B Storage Tank Operator for the underground storage tanks at Southside Service. The NOV also includes a fuel delivery prohibition or "Red Tag" Order. The Red Tag Order will not be lifted until you have a licensed Class B Storage Tank Operator for the facility.

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. You are urged to 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 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 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.

Todd Parfitt
Director
Department of Environmental Quality

Luke Esch
Administrator
Solid and Hazardous Waste Division

TP/LE/KH

Enclosure: Notice of Violation and Order, Rules of Practice and Procedure



BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:)

Mr. Don Deitchler)
904 Shoshoni)
Thermopolis, Wyoming 82443)

DOCKET NUMBER 5536-15

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Don Deitchler, owns Southside Service, underground storage tank (UST) facility number 0-000879, located at 904 Shoshoni, Thermopolis, Wyoming. Tanks at this facility were placed in temporarily out-of-use (TOU) status on January 21, 2011.
2. The facility does not have licensed Class A and Class B storage tank operators.
3. The DEQ has determined that the following violation of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17 has occurred:

Count 1: Failure to have Licensed Class A and B Operators [WWQRR, Chapter 17, Section 46(a) and (b)]. As the owner and operator of the USTs located at Southside Service, Don Deitchler violated WWQRR, Chapter 17, Section 46(a) and (b), by not having Class A and B storage tank operators for the facility.

4. This Notice is being sent to you 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 90 days of receipt of this Notice of Violation Don Deitchler shall obtain Class A and B licensed storage tank operators for Southside Service.

2. This is a Red Tagging Order. Immediately after receiving this Notice and Order, Don Deitchler, is hereby prohibited from purchasing any fuel for delivery to the registered underground storage tanks at Southside Service, storage tank facility 0-000879, located at 904 Shoshoni, Thermopolis, 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.

A. The order will be lifted when Don Deitchler obtains a licensed Class B storage tank operator for Southside Service.

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.

SIGNED this 13th day of MARCH, 2015.



Todd Parfitt
Director
Department of Environmental Quality



Luke Esch
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.

TP/LE/KLH