



# 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

Todd Parfitt, Director

February 9, 2018

**CERTIFIED 7016 2070 0000 1440 3845**

Todd Van Rensselaer  
V and A Fuels, Incorporated  
P.O. Box 71  
Douglas, WY 82633

SUBJ: Notice of Violation Docket Number 5834-18

Dear Mr. Van Rensselaer:

Enclosed you will find a Notice of Violation (NOV), Docket Number 5834-18, issued under the provisions of W.S. 35-11-701(c).

The NOV has been issued to V and A Fuels, Incorporated, for failure to have licensed Class A and Class B Storage Tank Operators for the underground storage tanks (USTs) located at Speedway Super Stop. The NOV also includes a Fuel Delivery Prohibition Order or "Red Tag" Order. This Red Tag Order prohibits V and A Fuels, Incorporated, from purchasing fuel for the USTs until you, or one of your employees, obtains a Class B Storage Tank Operator's license. The Order requires you to obtain licensed Class A and B Storage Tank Operators for the facility or close the USTs in accordance with Wyoming Water Quality Rules and Regulations, Chapter 17.

If you have any questions regarding this NOV, please contact Oma Gilbreth at (307) 777-7097.

Todd Parfitt  
Director  
Department of Environmental Quality

Luke Esch  
Administrator  
Solid and Hazardous Waste Division

TP/LE/KH/OG

Enclosure: Notice of Violation



BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO: )  
 )  
Mr. Todd Van Rensselaer ) DOCKET NUMBER 5834-18  
V and A Fuels, Incorporated )  
P.O. Box 71 )  
Douglas, WY 82633 )  
 )

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. V and A Fuels, Incorporated (V and A Fuels), owns and operates Speedway Super Stop, storage tank facility number 0-005082, located at 1728 East Richards Street, Douglas, Wyoming. This facility has three underground storage tanks (USTs) that are used to sell fuel. The USTs are regulated by the Department of Environmental Quality, Solid and Hazardous Waste Division, Storage Tank Program (DEQ) under Title 14 of the Wyoming Environmental Quality Act and Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17.
2. The DEQ has determined that V and A Fuels has violated WWQRR, Chapter 17, Sections 46(a) and 46(b) at Speedway Super Stop. Speedway Super Stop has not had licensed Class A and B Storage Tank Operators since September 27, 2017. All regulated UST facilities are required to have licensed Class A and B Storage Tank Operators.
3. WWQRR, Chapter 17, Section 46(a), states: “(a) *Class A Operator. Each facility shall be under the supervision of a person who has obtained a Class A Storage Tank Operator’s License.*”
4. WWQRR, Chapter 17, Section 46(b), states: “(b) *Class B Operator. All owners and/or operators of storage tanks in Wyoming shall insure that the person who is in responsible charge of the day-to-day operation of the storage tanks obtains a license from the department...*”
5. WWQRR, Chapter 17, Section 44(a)(xvi) states: “(a) *Reasons for Restricting Delivery. Prohibition of delivery of regulated substances to a storage tank system shall be required when the department becomes aware that:*  
(xvi) *The department becomes aware that there has been no Licensed Class B Operator for a facility for ninety (90) days or more;*”
6. Mr. Todd Van Rensselaer is the President of V and A Fuels, and he was the only licensed Class A and B Storage Tank Operator for Speedway Super Stop. Mr. Van Rensselaer’s Class A and B Storage Tank Operator’s license expired on September 27, 2017. Letters were sent to Mr. Van Rensselaer on August 21, 2017, November 28, 2017, December 27, 2017, and January 19, 2018, informing him his license would/had expire(d) on September 27, 2017. The letters also reminded Mr. Van Rensselaer that a Fuel Delivery Prohibition Order could be issued if Speedway Super Stop went longer than 90 days without a licensed Class B Operator.
7. 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.

ORDER

WHEREFORE IT IS HEREBY ORDERED THAT:

1. This is a Red Tag Order. Immediately after receiving this Notice and Order, V and A Fuels is hereby prohibited from purchasing any fuel for delivery to the registered USTs at Speedway Super Stop, storage tank facility 0-005082, located at 1728 East Richards Street, Douglas, Wyoming. All fuel suppliers are ordered not to deliver any fuel to the USTs until notified by the DEQ that this Order has been lifted.

A. V and A Fuels shall immediately obtain a licensed Class A and B Storage Tank Operator for Speedway Super Stop;

OR

B. Within 90 days of receipt of this Notice of Violation, V and A Fuels shall permanently close the USTs located at Speedway Super Stop in accordance with WWQRR, Chapter 17, Section 31.

2. The Red Tag Order will be lifted when:

A. V and A Fuels has obtained a licensed Class B Storage Tank Operator for Speedway Super Stop;

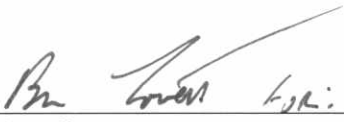
OR


B. The USTs at Speedway Super Stop have been closed in accordance with WWQRR, Chapter 17, Section 31.

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, 200 West 17<sup>th</sup> Street, 4th Floor, 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 13<sup>TH</sup> day of FEBRUARY, 2018.

  
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Todd Parfitt  
Director  
Department of Environmental Quality

  
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Luke Esch  
Administrator  
Solid and Hazardous Waste Division

PLEASE DIRECT ALL INQUIRES TO: Oma Gilbreth, Storage Tank Program Compliance Supervisor at 200 West 17<sup>th</sup> Street, Cheyenne, WY 82002, (307) 777-7097 or (307) 635-1784 FAX for technical matters.

**cc. Homax Oil Sales, 605 South Poplar, Casper, WY 82601**

TP/LE/KH/OG