



Department of Environmental Quality



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



Mark Gordon, Governor

Todd Parfitt, Director

April 12, 2019

CERTIFIED 7016 3010 0000 8068 4693

Dennis Riding
Maverik, Inc.
185 South State
Suite #800
Salt Lake City, UT 8411

SUBJ: Notice of Violation Docket Number 5924-19

Dear Mr. Riding:

Enclosed you will find a Notice of Violation (NOV), Docket Number 5924-19, issued under the provisions of W.S. 35-11-701(c).

The NOV has been issued to Maverik, Inc., for failure to make the necessary repairs to prevent overfilling the unleaded gasoline tanks. The NOV includes an Order to cease operation of unleaded gasoline tanks until repairs are made to the system to prevent the further release of product and it includes a Fuel Delivery Prohibition Order or "Red Tag" Order. The Order requires Maverik, Inc., to properly repair or replace the defective equipment that was responsible for the release of product. A written plan for the repairs is to be submitted to the DEQ for approval prior to repairing the system. Once the equipment has been properly repaired or replaced and DEQ personnel have inspected the repairs, a Notice of Compliance will be issued and the Prohibition Order will be lifted.

This release was an overfill and is not eligible for cleanup under the Corrective Action Account in accordance with Wyoming Solid and Hazardous Waste Division Rules and Regulations, Chapter 1 Storage Tank Program, Storage Tanks, Section 22 (a) and (b). As such, DEQ can initiate corrective action and seek cost recovery for reasonable and necessary expenses.

If you have any questions regarding this NOV, please contact Adrian Ducharme at (307) 777-7073. Please be advised that issuance of this NOV does not preclude DEQ from taking any additional actions necessary to address this release, including issuing future NOVs.

Todd Parfitt
Director
Department of Environmental Quality

Luke Esch
Administrator
Solid and Hazardous Waste Division

TP/LE/AD/OG
Enclosure: Notice of Violation



8. Chapter 1, Section 44(a)(viii), states: *(a) Reasons for Restricting Delivery. Regulated substance delivery prohibition to a storage tank system shall be required when the department becomes aware that:*
- (viii) The owner and/or operator has reported a confirmed release, but repairs have not been made to the storage tank system;”*
9. This Notice is being sent to Maverik 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. Maverik shall cease operation of the unleaded USTs until the necessary repairs are made to prevent the further release of product. The plans for the repairs are to be submitted to and approved by DEQ personnel, prior to Maverik making the repairs.
2. This is also Red Tag Order. Immediately after receiving this Notice and Order, Maverik, is hereby prohibited from delivering any fuel to the registered regular unleaded gasoline USTs located at Maverik Country Store #389, storage tank facility 0-003830, located at 135 East Main Street, Lander, 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.
3. The Red Tag Order will be lifted when:
 - A. Maverik has made the necessary repairs to the regular unleaded USTs at Maverik #389 and DEQ personnel have inspected and approved the repairs;


OR

- B. The unleaded USTs located at Maverik #389 have been closed in accordance with Chapter 1, Section 31.

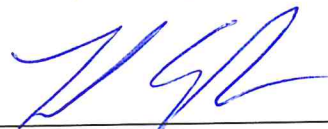
THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing a written petition for a hearing before the Environmental Quality Council. If a hearing is requested, the petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, Room E410, Herschler Building, 4th Floor East, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of Environmental Quality, 200 West 17th 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 TWELFTH day of APRIL, 2019.



 Todd Parfitt
 Director
 Department of Environmental Quality



 Luke Esch
 Administrator
 Solid and Hazardous Waste Division

PLEASE DIRECT ALL INQUIRES TO: Adrian Ducharme, Storage Tank Program Manager, at 200 West 17th Street, Cheyenne, WY 82002, (307) 777-7073 or (307) 635-1784 FAX.

cc. Maverik Logistics, LLC, 185 State Street, Suite 800, Salt Lake City, UT 84111

TP/LE/AD/OG