



Department of Environmental Quality



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

Dave Freudenthal, Governor

John Corra, Director

January 31, 2006

CERTIFIED

Maurice Vanleperen
419 North Federal Blvd.
Riverton, WY 83101-0574

Dear Mr. Vanleperen:

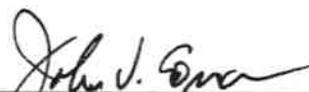
Enclosed you will find a Notice of Violation and Order, Docket Number **3840-06**, issued under the provisions of W.S. 35-11-701(c). At least nine times, you were invoiced for Contaminated Site Fees. On November 1, 2005, you were notified by certified letter, received November 4, 2005, that you had the choice of paying the Contaminated Site Fee or being held liable for the money expended from the Corrective Action Account to remediate your site. Since the date of that letter, you have failed to pay the Contaminated Site Fees. This site is located at 419 North Federal Blvd., Riverton, Wyoming, on property that you own.

A clean closure letter for this property located at 419 North Federal Blvd., in Riverton will not be issued until the program's financial obligation is satisfactorily met by the payment of these fees.

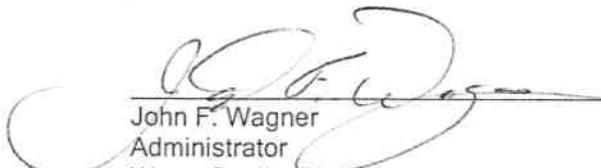
Please be aware that the attached Notice of Violation contains an Order detailing what must be done to eliminate and rectify the violation.

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 of the 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 (2) 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, 1 West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition should be sent to John V. Corra, Director, Wyoming Department of Environmental Quality, Herschler Building, 4 West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.



John V. Corra
Director
Department of Environmental Quality



John F. Wagner
Administrator
Water Quality Division

JVC/JFW/RFL/bb/6-0085.LTR

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

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002 • <http://deg.state.wy.us>

ADMIN/OUTREACH (307) 777-7758 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7368 FAX 777-6937	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
--	---	---	---	--	--	---



BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

Maurice VanIeperen)
419 North Federal Blvd.)
Riverton, WY 82501)

DOCKET NUMBER 3840-06

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Facility number 0-001372 is located at 419 North Federal Blvd., Riverton, WY. The tanks were removed from the ground on May, 21, 1991 with a DEQ inspector on site. The site was found to be contaminated with petroleum hydrocarbons from the removed storage tanks. The site was purchased by Maurice VanIeperen in 2001. The site was under remediation by the State of Wyoming at that time. The Contaminated Site Fees are now in arrears by One Thousand Four Hundred Dollars. (\$1,400.00). After several invoices were sent by regular mail, Maurice VanIeperen was invoiced for \$1,400.00 by Certified Mail on November 1, 2005. A letter was sent with that invoice explaining that the Contaminated Site Fees had to be paid or the department would ask the attorney general to recover costs of corrective action performed by the State of Wyoming;
2. Maurice VanIeperen has failed to pay the Contaminated Site Fees;
3. This site is a known contaminated storage tank program site.
4. W.S. 35-11-1424(e) states:
“(e) Sites where tanks have been removed or abandoned in accordance with any government regulations effective at the time of abandonment may become eligible for use of corrective action account monies if the person who owns the site pays a two hundred dollar (\$200.00) annual fee per site and conducts a site assessment as required under the subsection (d) of this section. The annual fee per site required under this subsection shall be paid for a maximum of ten (10) years and shall then lapse until corrective action is undertaken by the department. Failure to meet these requirements may subject the person who owns the site to suit for corrective action recovery.”
5. By failing to pay Contaminated Site Fees, Maurice VanIeperen, has made himself liable to a suit to recover corrective action funds expended.
6. 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

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT MAURICE VANIEPEREN, SHALL:

Within thirty (30) days of the receipt of this notice, pay all overdue contaminated site fees for facility 0-001372. The unpaid contaminated site fees for this site total One Thousand Four Hundred Dollars (\$1,400.00). Full payment of these fees makes this site eligible for cleanup under the Corrective Action Account and provides coverage under the Financial Responsibility Account. If this order is complied with, it will constitute full compliance with this Administrative Order.

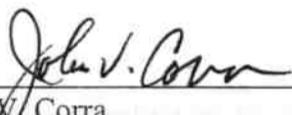
OR

In accordance with W.S. 35-11-1424 (e), (f) and (g), the department may recover reasonable and necessary expenses incurred by the department in taking corrective action. Within thirty (30) days of the receipt of this notice, make arrangements to pay the full cost of remedial actions taken on behalf of this site. To date, this cost is Ninety Four Thousand, Five Hundred Seventy Six Dollars (\$94,576.00). This payment shall be made over the next two (2) years.

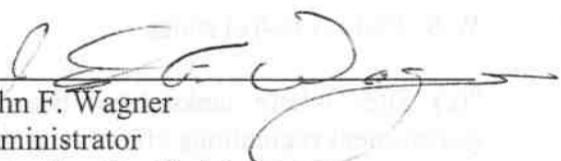
THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing two written petitions for a hearing before the Environmental Quality Council. If a hearing is requested, the first petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, Room 1714, Herschler Building, 1 West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of Environmental Quality, Herschler Building, 4West, 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 2nd day of February, 2006.



John V. Corra
Director
Department of Environmental Quality



John F. Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRES TO: Robert Lucht, P.E. & P.G., Storage Tank Program Principal at Herschler Building, 4W, 122 West 25th Street, Cheyenne, WY 82002, (307) 777-7095 or (307) 777-5973 FAX for technical matters.

JVC/JFW/RFL/bb/6-0085.NOV