



# 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

June 11, 2015

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# FILED

## JUN 22 2015

Mr. Richard Nelson  
601 Highway 24  
Devils Tower, WY 82714

Jim Ruby, Executive Secretary  
Environmental Quality Council

RE: Fort Devils Tower, Storage Tank Facility ID #0-003892

Dear Mr. Nelson:

Enclosed you will find a Notice of Violation and Order (NOV), Docket Number 5580-15, issued under the provisions of W.S. 35-11-701(c). Tanks at Fort Devils Tower have been in temporarily out-of-use (TOU) status for more than 3 years. You have not complied with NOV and Order Docket Number 4981-12 issued April 18, 2012, ordering you to perform an minimum site assessment. You have not paid 2015 tank fees, and you do not have a licensed Class A and B Storage Tank Operator for the facility.

The NOV orders you to: 1) pay 2015 tank fees including late fees, and 2) obtain both a licensed Class A and Class B Storage Tank Operator for the underground storage tanks at Fort Devils Tower. The NOV also includes a fuel delivery prohibition or "Red Tag" Order. The Red Tag Order will not be lifted until you have completed a minimum site assessment as ordered by NOV and Order Docket Number 4981-12 and obtained 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 an original and one copy of your written petition. 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. A copy of the petition should be sent to the Director, Wyoming Department of Environmental Quality, Herschler Building, 4<sup>th</sup> Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

  
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Todd Parfitt  
Director  
Department of Environmental Quality

  
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Luke Esch  
Administrator  
Solid and Hazardous Waste Division

TP/LE/KH/OG

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

