

BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO: )  
 )  
The City of Gillette )  
201 E. 5<sup>th</sup> Street )  
Gillette, WY 82717 )

DOCKET NUMBER 5624-15

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The City of Gillette, owns City West, underground storage tank (UST) facility number 0-004301, located at 611 North Exchange Avenue, Gillette, Wyoming.
2. The tanks at this facility were installed on May 31, 1995, and a minimum site assessment (MSA) has not been completed. An MSA is required at UST sites that are not on the contaminated site list when the tanks are between 18 and 20 years old if the tanks were installed after September 22, 1988.
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 Perform an MSA between May 31, 2013, and May 31, 2015 [WWQRR, Chapter 17, Section 29(a)(ii)].** As the owner and operator of the USTs located at City West, the City of Gillette violated WWQRR, Chapter 17, Section 29(a)(ii), by not performing an MSA between May 31, 2013, and May 31, 2015.
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:

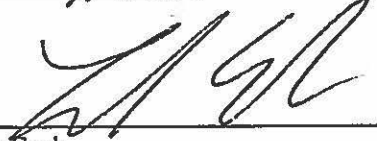
1. By July 1, 2016, the City of Gillette shall have a minimum site assessment performed at City West. The results of the MSA shall be submitted to the department within 30 days of receipt of data.

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 W. 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 19<sup>th</sup> day of November, 2015.

  
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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 W. 17<sup>th</sup> Street, 2<sup>nd</sup> Floor, Cheyenne, WY 82002, (307) 777-7097.

TP/LE/KLH/OG