

BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

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

Mark Richardson )  
53650 Highway 20-26 )  
P.O. Box 187 )  
Hiland, WY 82638 )

DOCKET NUMBER 5657-16

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Mark Richardson owns and operates the Hiland Bright Spot, storage tank facility number 0-001649, located at 53650 Highway 20-26, Hiland, Wyoming. This facility has an aboveground storage tank (AST) that is used to sell fuel to the public. This AST is 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.
2. The DEQ has determined that Mark Richardson has violated Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Sections 46(a) and 46(b), at Hiland Bright Spot. Mark Richardson has not had licensed Class A and Class B Storage Tank Operators for the Hiland Bright Spot since October 13, 2015. Facilities cannot be without licensed operators for longer than 90 days.
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. On October 13, 2015, the DEQ was notified that the facility no longer had licensed Class A and Class B Storage Tank Operators.
7. Four letters were sent to Mr. Richardson reminding him that the Hiland Bright Spot is required to have licensed Class A and Class B Storage Tank Operators. The letters were sent on October 14, 2015, December 3, 2015, January 5, 2016, and February 9, 2016. The letters also reminded Mr. Richardson that a Fuel Delivery Prohibition Order could be issued if the facility went longer than 90 days without a licensed Class B Storage Tank Operator.
8. 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.

(THIS SECTION INTENTIONALLY BLANK)

ORDER

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Within 90 days of receipt of this Notice of Violation Mark Richardson shall obtain licensed Class A and B storage tank operators for the Hiland Bright Spot.


2. This is a Red Tagging Order. Immediately after receiving this Notice and Order, Mark Richardson, is hereby prohibited from purchasing any fuel for delivery to the registered aboveground storage tank at Hiland Bright Spot, storage tank facility 0-001649, located at 53650 Highway 20-26, Hiland, Wyoming. All fuel suppliers are ordered not to deliver any fuel to this tank until notified by the department that this order has been lifted.

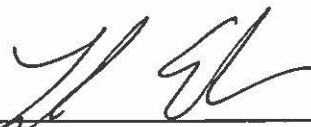
A. The Red Tag order will be lifted when Mark Richardson obtains a licensed Class B Storage Tank Operator for Hiland Bright Spot.

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 March 31<sup>st</sup> day of March, 2016.

  
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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, 2<sup>nd</sup> Floor, Cheyenne, WY 82002, (307) 777-7097 or (307) 635-1784 FAX for technical matters.

cc. Homax Oil  
Northwest Petroleum

TP/LE/KH/OG