

FILED

APR 11 2006

Terri A. Lorenzon, Director
Environmental Quality Council

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
~~www-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 _____ day of _____, 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/