

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

Jodi Newkirk)
P.O. Box 95)
Rock River, WY 82714)

DOCKET NUMBER: 5440-14

FILED

AUG 19 2014

Jim Ruby, Executive Secretary
Environmental Quality Council

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Jodi Newkirk owns and operates Arlington Outpost, underground storage tank (UST) facility number 0-000756, which is located near Arlington, Wyoming. The facility has three steel USTs that are used to store fuel. The tanks are protected from corrosion by an impressed current cathodic protection (CP) system.
2. The CP system for the tanks located at Arlington Outpost was last tested on March 2, 2011.
3. Jodi Newkirk owes nine hundred dollars (\$900.00) in past due tank fees and late fees for calendar year 2014.
4. The DEQ has determined that the following violations of Wyoming Statute and Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17 have occurred:

Count 1: Failure to Test a CP System: [WWQRR Chapter 17, Section 11(b)(i)]. As owner and operator of the USTs located at Arlington Outpost, Jodi Newkirk is in violation of WWQRR Chapter 17, Section 11(b)(i), for not testing the UST CP system every three years.

Count 2: Failure to Pay Annual Tank Fees by January 1: [WS 35-11-1425(a)]. As owner and operator of the USTs at Arlington Outpost, Jodi Newkirk is in violation of WS 35-11-1425(a) for failure to pay annual tank fees for 2014.

5. This Notice is being sent to Jodi Newkirk 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. Within 30 days of receipt of this Notice of Violation Jodi Newkirk shall have CP testing performed on the USTs located at Arlington Outpost.
2. Within 30 days of receipt of this Notice of Violation Jodi Newkirk shall pay the DEQ for all past due tank fees and all past due late fees for the USTs located at the Arlington Outpost.
3. This is a Red Tagging Order. Immediately after receiving this Notice and Order, Jodi Newkirk is hereby prohibited from purchasing any fuel for delivery to the registered underground storage tanks located at Arlington Outpost, storage tank facility 0-000756, located near Arlington, Wyoming. All fuel suppliers are ordered not to deliver any fuel to these tanks until notified by the department that this order has been lifted. The order will be lifted when:
 1. Jodi Newkirk has had CP testing performed on the USTs located at the Arlington Outpost.

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, Herschler Building, 4th Floor West, 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 18th day of August, 2014.



Todd Parfitt
Director
Department of Environmental Quality



Luke Esch
Administrator
Solid and Hazardous Waste Division

PLEASE DIRECT ALL INQUIRES TO: Oma Gilbreth, Storage Tank Program Compliance Supervisor at 122 West 25th Street, Fourth Floor, West Wing, Cheyenne, WY 82002, (307) 777-7097 or (307) 777-5973 FAX for technical matters.

TP/LE/KH/OG