

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL STATE OF WYOMING



IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO: Gasamat Oil Corporation 999 18th Street Suite 355 Champa Podium Denver, Colorado 80202

DOCKET NO. 1859-87

FILED

AUG 31 1987

Terri A. Lorenzon, Adm. Aide Environmental Quality Council

REQUEST FOR HEARING ON NOTICE OF VIOLATION AND ORDER

Pursuant to W.S. 35-11-701(c) and Section 3 of Chapter I of the Department of Environmental Quality Rules of Practice and Procedure, Protestant Gasamat Oil Corp. of Colorado ("Gasamat"), by its attorneys, Shaw, Spangler & Roth hereby appeals the Notice of Violation and Order entered against Gasamat on July 14, 1987 and requests a hearing before the Environmental Quality Council thereon. As grounds for its request, Gasamat states as follows:

- 1. Gasamat is a Colorado corporation licensed to do business and in good standing in the State of Wyoming. Gasamat's address is 999 18th Street, Suite 355, Champa Podium, Denver, Colorado 80202.
2. On July 14, 1987 the Director of the Department of Environmental Quality and the Administrator of the Water Quality Division issued the instant Notice of Violation and Order, Docket No. 1857-87 (attached hereto as Exhibit A) stating that Gasamat is in violation of W.S. 35-11-301(a)(i) and (ii) for discharges of wastes to groundwater without a permit from its gasoline station property in Sheridan, Wyoming and ordering Gasamat to evaluate the nature and extent of an alleged hydrocarbon plume and to propose proper remedial measures to eliminate the contamination surrounding that station property.
3. Gasamat identified, studied and proposed remedial measures with respect to a confirmed loss of refined product from its Sheridan, Wyoming station property, all with the assistance and approval of the Wyoming Water Quality Division.
4. During the course of evaluating this recent product loss, an aged hydrocarbon plume was discovered which crossed a corner of the Gasamat property.

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Gasamat Oil Corporation)
999 18th Street)
Suite 355 Champa Podium)
Denver, CO 80202)

DOCKET NO. 1859-87

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. During 1986, the Department of Environmental Quality and Gasamat Oil Corporation conducted subsurface investigations in the area of the Gasamat Oil Corporation's Sheridan facility located in S35, T56N, R84W, Sheridan County, Wyoming;
2. During the course of these investigations, it has been revealed that groundwater and the vadose zone have been contaminated by hydrocarbons;
3. Groundwater is a water of the state as defined in W.S. 35-11-103 (c)(vi);
4. The vadose zone is considered waters of the state as defined in Section 20, Chapter VIII of the Wyoming Water Quality Rules and Regulations;
5. Hydrocarbons are considered pollution as defined by W.S. 35-11-103 (c)(i);
6. During the week of March 10, 1986, the Department of Environmental Quality, Water Quality Division (DEQ/WQD) conducted a borehole investigation program. Four boreholes were located on the Gasamat property. This investigation (boreholes 16 and 22 located on the northwest and northeast parts of the Gasamat property) revealed the presence of hydrocarbons in the subsurface;
7. On August 21 and August 22, 1986, EnecoTech, contracted by Gasamat Oil corporation, conducted a subsurface investigation to determine the extent of contamination caused by activities at the Gasamat Oil, Sheridan facility. The investigation revealed the presence of hydrocarbons in the vadose zone and dissolved hydrocarbons in the groundwater;
8. On December 10, 1986, DEQ/WQD personnel collected samples from monitor wells on the Gasamat property. The analyses of these samples revealed the presence of dissolved hydrocarbons in the groundwater;
9. W.S. 35-11-301 (a)(i) provides that no person, except when authorized by a permit, shall cause, threaten, or allow the discharge of any pollution or wastes into waters of the state;
10. W.S. 35-11-301 (a)(ii) provides that no person, except when authorized by a permit shall alter the physical, chemical, radiological, biological or bacteriological properties of any waters of the state;
11. Gasamat Oil has not applied for a permit to discharge pollution or wastes to the water of the state;

12. Gasamat Oil is in violation of W.S. 35-11-301 (a)(i) and (ii) for discharges of wastes to groundwater without a permit;
13. Gasamat Oil Corporation has taken the following actions to abate the violation:
 - a. July 7, 1986 EnecoTech, for Gasamat, submitted a work plan to define the extent of contamination caused by activities at the Gasamat site;
 - b. August 20 and 21, EnecoTech, for Gasamat, conducted a borehole program and monitor well installation as implementation of the work plan;
 - c. September 19, 1986, EnecoTech submitted a site characterization report. The report outlined EnecoTech's findings, conclusions and recommendations.
14. In a letter dated October 20, 1986, the DEQ/WQD responded to Gasamat with comments on the site characterization plan. Comment 1 states further definition is needed to fully characterize the extent of contamination;
15. Any person who violates any provision of the Environmental Quality Act, or any rule, standard, permit, license or variance adopted thereunder, is liable to a penalty of ten thousand dollars (\$10,000.00) for each day of violation which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming; and
16. This Notice is being sent to you pursuant to Wyoming Statute 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:

1. Pursuant to authority under W.S. 35-11-110 a(vi) and (vii), submit a work plan to complete the investigation which delineates the entire extent of the contaminant plume including both gasoline product and dissolved constituents within thirty (30) days of receipt of this order. The additional investigation shall include at a minimum:
 - a. determination of the extent of hydrocarbons to the east of the Gasamat property, including areas off the Gasamat property;
 - b. development of water table elevation contour maps. The wells shall be surveyed by a licensed surveyor;
 - c. Determination of migration paths and contribution to the gasoline discharge to Little Goose Creek.


Prior to initiation of any work, the work plan shall be approved by the DEQ/WQD.

2. Complete the investigation, as outlined above, within thirty (30) days of approval of the work plan.
3. Submit a findings of investigation and proposed remedial action plan within sixty (60) days of approval of the work plan.
4. Implement any necessary measures within thirty (30) days after approval by DEQ/WQD.

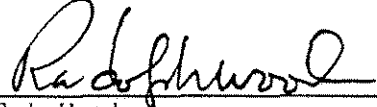
THIS ORDER is final and binding unless, not later than ten (10) days after the day of its postmark, it is appealed by filing a written request for a hearing before the Environmental Quality Council. The request should be mailed to Randolph Wood, Executive Secretary, Environmental Quality Council, Herschler Building, 4th Floor, 122 West 25th Street, Cheyenne, Wyoming 82002.

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 14 day of July, 1987.



William L. Garland
Administrator
Water Quality Division



Randolph Wood
Director
Department of Environmental Quality

PLEASE DIRECT ALL INQUIRIES TO: Christian G. Norman, Water Quality Engineering Evaluator, Department of Environmental Quality, Water Quality Division, Herschler Building, 4th Floor, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone: (307) 777-7781.