

OCT 27 2005

Terri A. Lorenzon, Director
Environmental Quality Council

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

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

Chetan Patel)
1021 Russell Avenue)
Worland, WY 82401)

DOCKET NUMBER 3808-05

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Facility number 0-002221 is located at Collins Car Wash, 841 West Collins, Casper, Wyoming. There are three temporarily out of use underground storage tanks on this facility. On May 11, 2005, Chetan Patel was invoiced for underground storage tank fees and provided with an annual registration form filled out for the facility. On August 24, 2005 and September 27, 2005, Chetan Patel was again invoiced for underground storage tank fees. The responsibility for underground storage tank fees rests with either the owner or the operator, and Chetan Patel is registered as both the owner and the operator. Underground storage tank fees have not been paid for fiscal year 2006. Presently Six Hundred Dollars (\$600.00) remains unpaid, and the fiscal year 2006 registration has not been submitted;

2. Chetan Patel has failed to pay underground storage tank fees which are mandatory under W.S. 35-11-1425, and has failed to register the tanks as required by W.S. 35-11-1419 and Chapter 17, Section 7(b), Wyoming Water Quality Rules and Regulations;

3. Since the underground storage tank fees have not been paid for Fiscal year 2006 and those fees were due July 1, 2005, Chetan Patel is required to provide financial responsibility under Chapter 19, Wyoming Water Quality Rules and Regulations;

4. W.S. 35-11-1419 states: "On or before July 1 of each year the owner or operator of a tank shall register the tank with the department on forms developed and furnished by the department."

W.S. 35-11-1425 states: "On or before July 1 of each year either the owner or operator of a tank shall pay a fee to the department of Two Hundred Dollars (\$200.00) per tank owned or operated, except that the owner or operator of an aboveground storage tank subject to this section that holds five thousand (5,000) gallons or less shall pay a fee of fifty dollars (\$50.00) per tank owned or operated. This fee shall be deposited in the corrective action account."

Chapter 17, Section 7(b), states: "On or before July 1 of each year either the owner and/or operator of an underground storage tank system shall register the system with the department on forms developed and furnished by the department. The registration form shall be submitted under oath or affirmation."

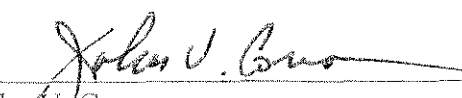
Chapter 17, Section 7(e)(iii), states: "(e) All owners and/or operators of new underground storage tank systems must certify on the notification or certification of compliance form conformance with the following requirements: (iii) Financial responsibility under Chapter 19, Water Quality Rules and Regulations, underground Storage Tank Program Financial Responsibility."

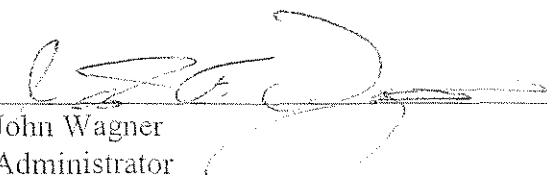
5. By failing to pay underground storage tank fees for facility 0-002221, Chetan Patel has violated W.S. 35-11-1425. By failing to register the tanks on facility 0-002221, Chetan Patel has violated W.S. 35-11-1419 and Chapter 17, Section 7(b), Wyoming Water Quality Rules and Regulations. By failing to provide financial responsibility for facility 0-002221, Chetan Patel has violated Chapter 17, Section 7(e)(iii), and Chapter 19, Wyoming Water Quality Rules and Regulations;

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.

NOTHING IN THIS NOTICE OF VIOLATION (NOV) shall be interpreted in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

Signed this 24th day of OCTOBER, 2005.


John V. Corra
Director
Department of Environmental Quality


John Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRES TO: Robert Lucht, P.E. & P.G., Storage Tank Program Principal at Herschler Bldg. 4W, 122 West 25th Street, Cheyenne, WY 82002, (307) 777-7095 or (307) 777-5973 FAX for technical matters.

JVC/JFW/RFL/bb/5-1143.LTR