

February 10, 2015

Dear Todd Parfitt,

I am writing in regard to your Notice of Violation and Order (NOV) , Docket Number 5495-14, issued under provisions of W.S. 31701(c). I did not receive your certified letter until February 4, 2015. I was out of town for business and family. After reading your letter I could not understand your present position on this matter.

I would like to share with you my involvement with the Red Desert Service. I purchased the property approximately six years ago. The property had two freeway exits (sole reason for the purchase) with an old convenience store and a run down motel. For the first few years the Convenience store was rented with no use of the fuel tanks. I worked to improve and clean the 3.5 acres of property. The fuel tank had very little fuel (gas and diesel) remaining, but I pumped it out anyway within the first few months of obtaining the property.

Approximately three years later I received a call from the store manager stating he could not get to the store because WYDOT had removed the exits. I drove to the Red Desert and his information was true. Both exits were gone. I drove back to Rock Springs and went to the WYDOT Office there. They explained they thought everyone along I-80 with existing exits that were to be removed had been informed of this action. I had never been informed of this action.

The store had to close. The building has been empty since. While I had no renters I continued to improve the property. New water lines, pump house, new roof, etc. I was trying to replace all the old wiring, but every time I was robbed (five times) I lost tools, equipment, wiring, and other supplies. I lost interest and boarded up the buildings. I have been working on other properties for the last two years. This year I am planning to hopefully finish the work at the Red Desert to ready it for rent or to sale.

Since then the tank has passed two corrosive tests and two onsite checks to ensure the tank has no fuel (very dry). During the last on site inspection I was told I had to get an operator license for the tank. I questioned that idea so I called the Governors office and voiced my concerns. I was told they would make some calls on my behalf. Within a week or two I received a call from the DEQ. I spoke to both a man and a woman on their conference phone. I was told I would not need an operator license, if I was to 'red tag' the tank. I did not know what 'red tag' meant. They explained the DEQ would inform all fuel companies to not deliver fuel to the Red Desert Service until the 'red tag' was removed and a licensed operator would be on site. I agreed with that course of action. I have no need of an operators license. I was told I would receive a certified letter, which I needed to sign and return to the DEQ.

Upon my return from travel to Nevada and Washington DC I picked up the certified letter thinking it was the letter to sign and return pursuant to the previous conversation with

the DEQ. I was surprised to find the letter noting my violation with DEQ requirements. I called the Governors Office again and read parts of your letter to them. They, like myself are confused on why the DEQ would 'red tag' a tank, so no fuel can be delivered and dispersed and still order me to obtain two licenses. There is a distinct difference between an Owner and an Operator. The Governors Office persuaded me to write this letter in the hope this confusion can be resolved. Before I got off the phone with the Governors Office I did inquire that if this situation cannot be resolved, between the DEQ and myself, would it be possible to secure an appointment with Governor Mead so that he, the DEQ and myself could discuss this problem and get it behind us. Their answer was yes if it gets to that level.

Mr Parfitt, I am one year away from turning 70. As you can see I have experienced some challenges in making this property financially viable due to issues out of my control. I cannot understand why I need an operators license to operate an empty tank at a property that is not in any form of operation. There needs to be some variance within the DEQ rules.

I have spent thousands of dollars to keep this tank. A tank I am hoping to rent or sell with the property. I still stand by the 'red tag' of the tank with no requirement to obtain the Operator licenses until the 'red tag' is removed and the tank put back into use.

Thank you for your consideration and cooperation.

A handwritten signature in cursive script that reads "William S. Liggett".

William (Tom) Liggett

CC: Luke Esch
Administrator, Solid and Hazardous Waste Division



December 1, 2014

CERTIFIED 7013 3020 0000 6357 3259

Mr. William Liggett
P.O. Box 1508
Roc Springs, WY 82901

RE: Red Desert Service

Dear Mr. Liggett:

Enclosed you will find a Notice of Violation and Order (NOV), Docket Number 5495-14, issued under the provisions of W.S. 35-11-701(c).

The NOV orders you to obtain both a licensed Class A and Class B Storage Tank Operator for the underground storage tank at the Red Desert Service. The NOV also includes a fuel delivery prohibition or "Red Tag" Order. The Red Tag Order will not be lifted until you have a licensed Class B Storage Tank Operator for the facility.

ANY APPEALS TO THE ENVIRONMENTAL QUALITY COUNCIL FROM THE ATTACHED ORDER MUST BE MADE IN WRITING WITHIN THE TEN (10) DAY TIME LIMIT PRESCRIBED BY W.S. 35-11-701(c). Chapter I, Section 3 of the enclosed Department of Environmental Quality Rules of Practice and Procedure sets forth the requirements for the initiation of appeal proceedings. You are urged to review all provisions of the attached Rules of Practice and Procedures as they relate to this action.

If you appeal this order and request a hearing, please file two copies of your written petition. One copy of the petition should go to the Chairman of the Environmental Quality Council at Room 1714, Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition should be sent 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.

Todd Parfitt
Director
Department of Environmental Quality

Luke Esch
Administrator
Solid and Hazardous Waste Division

TP/LE/KH

Enclosure: Notice of Violation and Order, Rules of Practice and Procedure

