



# Department of Environmental Quality

To protect, conserve, and enhance the Quality of Wyoming's environment for the benefit of current and future generations



Mathew H. Mead, Governor

Todd Parfitt, Director

March 13, 2015

CERTIFIED 7013 2630 0001 0391 1076

Mr. Ned Hurley  
Fire Island Holdings, Inc.  
121 Maple Avenue  
Bay Shore, NY 11706

RE: Pub Place C-Store


Dear Mr. Hurley:

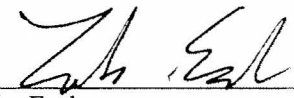
Enclosed you will find a Notice of Violation and Order (NOV), Docket Number 5541-15, issued under the provisions of W.S. 35-11-701(c). Tanks at the Pub Place C-Store have been in temporarily out-of-use (TOU) status for more than 6 months.

The NOV orders you to: 1) meet the requirements for tanks that have been TOU for more than 6 months, and 2) obtain both a licensed Class A and Class B Storage Tank Operator for the underground storage tanks at the Pub Place C-Store. 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, 4<sup>th</sup> Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

  
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Todd Parfitt  
Director  
Department of Environmental Quality

  
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Luke Esch  
Administrator  
Solid and Hazardous Waste Division

TP/LE/KH  
Enclosure: Notice of Violation and Order, Rules of Practice and Procedure

Herschler Building · 122 West 25th Street · Cheyenne, WY 82002 · <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7758 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-6937	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO: )  
 )  
Fire Island Holdings, Inc. ) DOCKET NUMBER 5541-15  
121 Maple Avenue )  
Bay Shore, New York 11706 )

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Fire Island Holdings, Inc., owns the Pub Place C-Store, underground storage tank (UST) facility number 0-004299, located at 4125 South Highway 89, Jackson, Wyoming. Tanks at this facility were placed in temporarily out-of-use (TOU) status on November 29, 2012.
2. The tanks at this facility have been TOU for more than 6 months. The connected piping, pumps, manways, and ancillary equipment have not been drained, capped, and secured. The tank fees for 2015 have not been paid. The facility does not have licensed Class A and Class B storage tank operators.
3. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17 have occurred:

**Count 1: Failure to Meet Requirements for Tanks that have been TOU for more than 6 Months [WWQRR, Chapter 17, Section 30(b)].** As the owner and operator of the USTs located at the Pub Place C-Store, Fire Island Holdings, Inc., violated WWQRR, Chapter 17, Section 30(b), by: 1) not draining, capping, and securing connected piping, pumps, manways, and ancillary equipment; and 2) not paying tank fees for 2015.

**Count 2: Failure to have Licensed Class A and B Operators [WWQRR, Chapter 17, Section 46(a) and (b)].** As the owner and operator of the USTs located at the Pub Place C-Store, Fire Island Holdings, Inc., violated WWQRR, Chapter 17, Section 46(a) and (b), by not having Class A and B storage tank operators for the facility.

4. 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.

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ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Within 90 days of receipt of this Notice of Violation Fire Island Holdings, Inc., shall:

A. Meet the requirements for tanks that have been TOU for more than 6 months. Specifically, those requirements are: 1) drain, cap, and secure all connected piping, pumps, manways, and ancillary equipment; and 2) pay 2015 tank fees totaling \$400.00. If tank fees are not paid by April 1, 2015, a late fee of \$100 per tank will also be due for a total of \$600.00.

B. Obtain Class A and B licensed storage tank operators for the Pub Place C-Store.

2. This is a Red Tagging Order. Immediately after receiving this Notice and Order, Fire Island Holdings, Inc., is hereby prohibited from purchasing any fuel for delivery to the registered underground storage tanks at the Pub Place C-Store, storage tank facility 0-004299, located at 4125 South Highway 89, Jackson, 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:

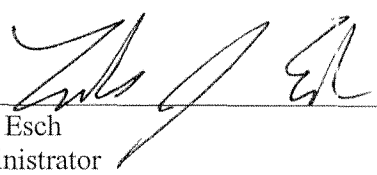
A. Fire Island Holdings, Inc., obtains a licensed Class B storage tank operator for the Pub Place C-Store.

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.

SIGNED this 13th day of MARCH, 2015.

  
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Todd Parfitt  
Director  
Department of Environmental Quality

  
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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.

TP/LE/KLH