



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 24, 2015

CERTIFIED 7013 2630 0001 0397 8666

Logan Hall
Brad Hall and Associates, Inc.
280 South Holmes
Idaho Falls, ID 83401

RE: Clearmont Bulk Plant and Card Lock

Dear Mr. Hall:

Enclosed you will find a Notice of Violation and Order (NOV), Docket Number 5537-15, issued under the provisions of W.S. 35-11-701(c).

The NOV orders Brad Hall and Associates, Inc., to perform a minimum site assessment (MSA) at the Clearmont Bulk Plant and Card Lock by July 1, 2015. The MSA is to be performed in accordance with Wyoming Water Quality Rules and Regulations Chapter 17, Section 29. Prior to performing the MSA, a work plan must be completed and the plan must be approved by personnel from the Department of Environmental Quality Storage Tank Program. Within 30 days of receipt of MSA data, the results of the MSA shall be submitted to the department.

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 1, 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

FILED

MAR 26 2015

Jim Ruby, Executive Secretary
Environmental Quality Council



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



BEFORE THE

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

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

Brad Hall and Associates, Inc.) DOCKET NUMBER 5537-15
280 South Holmes)
Idaho Falls, Idaho 83401)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Brad Hall and Associates, Inc., owns the Clearmont Bulk Plant and Card Lock, above ground storage tank (AST) facility number 0-005113, located at 1229 Front Street, Clearmont, Wyoming.
2. The tanks at this facility were installed in 2001, and a minimum site assessment (MSA) has not been completed.
3. The DEQ has determined that the following violation of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17 has occurred:
Count 1: Failure to Perform an MSA by October 1, 2007 [WWQRR, Chapter 17, Section 29(a)(i)]. As the owner and operator of the ASTs located at the Clearmont Bulk Plant and Card Lock, Brad Hall and Associates, Inc., violated WWQRR, Chapter 17, Section 29(a)(i), by not performing an MSA by October 1, 2007.
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. By July 1, 2015, Brad Hall and Associates shall have a minimum site assessment performed at the Clearmont Bulk Plant and Card Lock. The results of the MSA shall be submitted to the department within 30 days of receipt of data.

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 24th day of MARCH, 2015.



Todd Parfitt
Director
Department of Environmental Quality



Luke Esch
Administrator
Solid and Hazardous Waste Division

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

TP/L/E/KLH