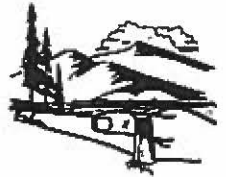




Department of Environmental Quality

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



Matthew H. Mead, Governor

Todd Parfitt, Director

August 21, 2015

CERTIFIED #7013 3020 0000 6357 3525

Welty Alta K Living Trust
 Welty's Service
 P.O. Box 306
 Dubois, WY 82513

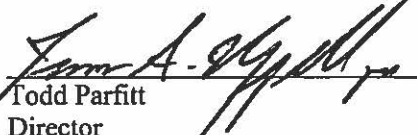
Welty Alta K Living Trust:

Enclosed you will find a Notice of Violation and Order, Docket Number 5605-15, issued under the provisions of W.S. 35-11-701(c). Contaminated site fees have not been paid in accordance with W.S. § 35-11-1424(e) for Welty's Service. You were provided invoices on June 20, 2014; September 11, 2014; October 1, 2014; November 13, 2014; February 20, 2015; April 8, 2015; April 15, 2015; May 11, 2015; and June 30, 2015. Your facility is under active remediation at the state's expense using the corrective action account. Unless the fees are paid, you are no longer eligible for benefits of the state-funded cleanup program.

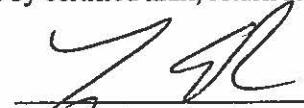
Please be aware that the attached Notice of Violation contains an Order detailing what must be done to eliminate and rectify this violation. This order requires you to pay the fees within thirty (30) days. If you fail to abide by the order, the matter will either be referred to the Attorney General's Office requesting that recovery for the cost of cleanup be sought through the courts or you will be ordered to continue cleanup at your expense. Average cost to cleanup a site in Wyoming is \$400,000.

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, you must file two (2) 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/OG/

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

Herschler Building · 122 West 25th Street · Cheyenne, WY 82002 · <http://deq.wyoming.gov>

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
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

Welty Alta K Living Trust)
P.O. Box 306)
Dubois, Wyoming 82513)

DOCKET NUMBER: 5605-15

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Welty Alta K Living Trust owns Welty's Service, storage tank facility number 0-001028, located at 120 W. Ramshorn Street, Dubois, Wyoming, which is a contaminated site. This site had seven regulated storage tanks that have been removed or abandoned in accordance with regulations. At least one tank at this site leaked, causing contamination to soil and/or groundwater. This site is under active remediation at the state's expense using the corrective action account.
2. Welty Alta K Living Trust has not paid contaminated site fees for 2014 or 2015 plus associated late fees totaling five hundred dollars (\$500.00).
3. The DEQ has determined that Welty Alta K Living Trust, has violated W.S. § 35-11-1424(e) of the Wyoming Environmental Quality Act:

“(e) Sites where tanks have been removed or abandoned in accordance with any government regulations effective at the time of abandonment may become eligible for use of corrective action account monies if the person who owns the site pays a two hundred dollar (\$200.00) annual fee per site...”

Further, W.S. § 35-11-1425(b) of the Wyoming Environmental Quality Act states, “On April 1 of each year the department may assess a late payment fee of one hundred dollars (\$100) per tank or contaminated site against any owner who has not paid the annual fee...”

4. Failure to meet these requirements may subject the person who owns the site to suit for corrective action or cost recovery.
5. This Notice is being sent to Welty Alta K Living Trust, 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. Welty Alta K Living Trust pay the outstanding contaminated site fees and late fees within thirty (30) days of receipt of this Notice of Violation. Failure to comply with this order will result in the department either: A) ceasing remediation at the site and ordering Welty Alta K Living Trust to continue remediation at its expense; or B) continue remediation and seek cost recovery for the cleanup from Welty Alta K Living Trust.

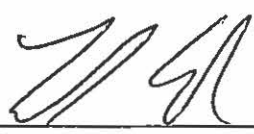
THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing a written petition for a hearing before the Environmental Quality Council. If a hearing is requested, the petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, 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.

ORDERED this 27th day of AUGUST, 2015.



Todd Parfitt
Director
Department of Environmental Quality



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 or (307) 777-5973 FAX for technical matters.

TP/LE/KH/OG