



Department of Environmental Quality



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

Dave Freudenthal, Governor

John Corra, Director

March 22, 2007

CERTIFIED #7005 1820 0005 1467 5395

Bryan Hinze
Hinze, Inc.
P.O. Box 2468
Cody, WY 82414

FILED

JAN 07 2008

Terri A. Lorenzon, Director
Environmental Quality Council

Dear Mr. Hinze:

Enclosed you will find a Notice of Violation and Order, Docket Number 4045-07 issued under the provisions of W.S. 35-11-701(c).


You are operating two (2) tanks registered as temporarily out of use (TOU) located at Ralston Food Mart, 557 Main Street, Ralston, Wyoming. These tanks are registered as storage tank facility number 0-000352. You were informed of the general requirements to comply with Chapter 17, Wyoming Water Quality Rules and Regulations with regard to TOU tanks in a letter from the Department of Environmental Quality dated December 22, 2005. The tanks at this facility have been TOU since August 14, 2001. To date, the Department has not received proof of: 1) passing cathodic protection readings on the tanks as required every three years in accordance with Section 11; 2) minimum site assessment as required when tanks are TOU for three years or more in accordance with Section 29; and 3) an operators annual inspection for the entire facility, which was due June 24, 2005; or, 4) notification of a change of service or removal of the tanks in accordance with Section 29.

Please be aware that the attached Notice of Violation contains instructions stating the steps that must be taken to eliminate and rectify the violation.

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 Procedures sets forth the requirements for the initiation of appeal proceedings. You are urged to review all the 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 (2) copies of your written petition. One copy of the petition should go to Thomas Dunn, 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 John V. Corra, Director, Wyoming Department of Environmental Quality, Herschler Building 4th West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.



John V. Corra
Director
Department of Environmental Quality



LeRoy C. Feusner, P.E. BCEE
Administrator
Solid and Hazardous Waste Management Division

Enclosure: Notice of Violation and Order, Rules of Practice and Procedure
LMM
70770.DOC revised date 01-29-2007

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

ADMIN/OUTREACH (307) 777-7937 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 777-5973	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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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bryan Hinze
 Hinze, Inc
 P.O. Box 2465
 Cody, WY 82414

Fac# 0-000352 BL

2. Article Number

(Transfer from service label)

7005 1820 0005 1467 5395

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Melissa Hinze*

- Agent
 Addressee

B. Received by (Printed Name)

Melissa Hinze

C. Date of Delivery

4/2/07

- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

- Yes