

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
V1 Oil Company)
813 North Federal)
Riverton, Wyoming 82501)

DOCKET NO. 1800-86

AND

Big Wyoming Trucking, Inc.)
50 Dalley Road)
Riverton, Wyoming 82501)

FILED

JAN 14 1987

Terri A. Lorenzen, Adm. Aide
Environmental Quality Council

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. On July 8, 1986, Mr. Steve Gerber from the Department of Environmental Quality, Water Quality Division observed a test hole dug down to groundwater adjacent to the V1 Gas Station located at the corner of Highway 287 and Ameretti Street in Lander, Wyoming. Water samples and photographs were taken;
2. On August 6, 1986, V1 Oil Company received a certified letter requesting within 20 days a plan to define the extent of contamination;
3. On June 25, 1985, a gasoline spill occurred at the Lander V1 Gas Station. On August 8, 1986, Big Wyoming Trucking, Inc. reported that 75 gallons of regular gasoline had been spilled at the Lander V1 Gas Station;
4. On September 4, 1986, V1 Oil Company received a certified letter requesting within 15 days a plan to define the extent of contamination;
5. On October 20, 1986, a letter was sent to V1 Oil Company requesting a proposal for groundwater investigation by October 24, 1986;
6. The Department has not received any plan or proposal to accomplish an extent of contamination study.
7. Observation of groundwater seeping into the test pit on July 8, 1986, showed a sheen on the water surface. Results from the water samples showed the water to contain 10 ppm gasoline. Strong gasoline odors were evident in the soils and samples;
8. Groundwater is defined as "waters of the state" in accordance with Section 35-11-103(c)(vi);
9. Leakage of gasoline from an underground storage tank into groundwater is defined as a "discharge" in accordance with Section 35-11-103(c)(vii) and Chapter IV, Section 3.j., Wyoming Water Quality Rules and Regulations;
10. A gasoline spill into groundwater is defined as a "discharge" in accordance with Section 35-11-103(c)(vii) and Chapter IV, Section 3.j., Wyoming Water Quality Rules and Regulations;
11. Gasoline in the groundwater is defined a "pollution" in accordance with Section 35-11-103(c)(i);
12. W.S. 35-11-301(a)(i) provides that no person, except when authorized by a permit issued pursuant to the provisions of the Act and Chapter VIII, Wyoming Water Quality Rules and Regulations, may cause, threaten, or allow the discharge of any pollution or wastes into the waters of the state;

13. Wyoming Statute 35-11-301(a)(ii) provides that no person, except when authorized by a permit, shall alter the physical, chemical, radiological, biological or bacteriological properties of any waters of the state;
14. Chapter IV, Section 5.a.(4), Wyoming Water Quality Rules and Regulations, requires that the Water Quality Division be immediately notified of the type, quantity and location of the discharge, corrective and cleanup actions taken and proposed to be taken;
15. Chapter IV, Section 5.a.(5), Wyoming Water Quality Rules and Regulations, requires that a complete written report be submitted to the Water Quality Division within seven (7) days following a discharge describing all aspects of the discharge and steps taken to prevent a reoccurrence;
16. Chapter IV, Section 5.b., Wyoming Water Quality Rules and Regulations, requires cleanup of oil and hazardous substance discharges in a timely and diligent manner;
17. The samples taken on July 8, 1986, showed gasoline concentrations of 10 ppm;
18. The samples show that a discharge has occurred as defined in accordance with Section 35-11-103(c)(vii). This department has no record of a permit to discharge being applied for or issued for the above discharge;
19. V1 Oil Company never provided immediate notification to the division of the spill event. The division was notified in July 1986 by the Fire Department;
20. This department has no record of a follow up written report from V1 Oil Company;
21. No clean up of the gasoline spill was ever initiated;
22. V1 Oil Company is in violation of W.S. 35-11-301(a)(i) & (ii) and Section 5.a.(4), (5), & (6) of Chapter IV, Wyoming Water Quality Rules and Regulations.
23. Any person who violates any provision of the Environmental Quality Act, or any rule, standard, permit, license or variance adopted thereunder is liable to a penalty of ten thousand dollars (\$10,000.00) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming; and
24. 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.

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

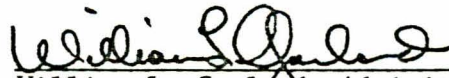
WHEREFORE, IT IS HEREBY ORDERED THAT:

1. Pursuant to W.S. 35-11-110(c)(vi) & (vii), V1 Oil Company shall submit a proposal within 15 days of receipt of this correspondence to test the tanks, filling lines and dispensing lines by DEQ approved methods;
2. V1 Oil Company and/or Big Wyoming Trucking, Inc. shall:
 - a. Submit a proposal within 15 days to determine the extent of soil and groundwater contamination; and
 - b. After the Department of Environmental Quality approval of the proposal, complete the investigation and furnish a complete report before April 15, 1987; and
 - c. Abate any violations of groundwater standards.

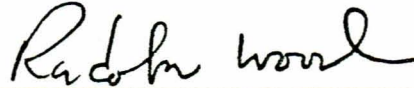
THIS ORDER is final and binding unless, not later than ten days after the day of its postmark, it is appealed by filing a written request for a hearing before the Environmental Quality Council. The request should be mailed to Randolph Wood, Executive Secretary, Environmental Quality Council, Herschler Building - 4th Floor, 122 W. 25th Street, Cheyenne, Wyoming 82002.

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 30th day of December, 1986



William L. Garland, Administrator
Water Quality Division
Department of Environmental Quality



Randolph Wood, Director
Wyoming Department of
Environmental Quality

PLEASE DIRECT ALL INQUIRIES to Steve Gerber, Northwest District Supervisor, Department of Environmental Quality, Water Quality Division, 120 Lincoln Street, Lander, Wyoming 82520. Telephone (307) 332-3144.