

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

Mr. Bruce Hacker)
Hacker Oil, Inc.)
P.O. Box 459)
Torrington, WY 82240)

DOCKET NUMBER: 5496-14

NOTICE OF VIOLATION

AND

ORDER

FILED

NOV 21 2014

Jim Ruby, Executive Secretary
Environmental Quality Council

NOTICE IS HEREBY GIVEN THAT:

1. Hacker Oil, Inc., owns and operates South Main Sinclair, underground storage tank (UST) facility number 0-000468, located at 1101 South Main, Torrington, Wyoming. The facility has four USTs that are used to store fuel and used oil. The tanks are protected from corrosion by a sacrificial anode cathodic protection (CP) system.
2. On July 11, 2014, a contractor performed CP testing at South Main Sinclair, and the diesel UST CP system failed the test. Since the test was performed, there has been no indication that the CP system on the diesel UST has been repaired.
3. The DEQ has determined that the following violation of Wyoming Statute and Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17 have occurred:

Count 1: Failure to Maintain Continuous Operation of a CP System: [WWQRR Chapter 17, Section 11(a)]. As owner and operator of the diesel UST located at South Main Sinclair, Hacker Oil, Inc., is in violation of WWQRR Chapter 17, Section 11(a), for not maintaining continuous operation of a CP system.

4. This Notice is being sent to Hacker Oil, Inc., 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 30 days of receipt of this Notice of Violation, Hacker Oil, Inc., shall retest and repair the CP system on the diesel UST located at South Main Sinclair.

OR


2. Within 30 days of receipt of this Notice of Violation, Hacker Oil, Inc., shall remove the diesel UST located at South Main Sinclair.
3. This is a Red Tagging Order. Immediately after receiving this Notice and Order, Hacker Oil, Inc., is hereby prohibited from purchasing any fuel for delivery to the registered diesel underground storage tank located at South Main Sinclair, 1101 South Main, Torrington, Wyoming, storage tank facility 0-000468. All fuel suppliers are ordered not to deliver any fuel to this tank until notified by the department that this order has been lifted. The order will be lifted when:

1. Hacker Oil, Inc. has retested and repaired the CP system on the diesel UST or removed the diesel UST.

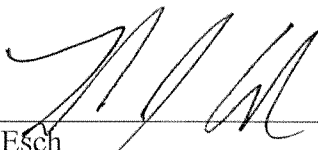
THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing a written petition for a hearing before the Environmental Quality Council. If a hearing is requested, the petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, 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 21st day of NOVEMBER, 2014.



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