BEFORE THE

DEPARTMENT ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:	)	
Petroleum Wholesale LP P.O. Box 4456 Houston, TX 77210	)	DOCKET NUMBER 3864-06

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Petroleum Wholesale LP owns and operates underground storage tank (UST) facility number 0-001285. This facility is known as Sunmart #586, and it is located at 1620 Elk Street, Rock Springs, Wyoming. This facility has five steel USTs that were installed in 1967, and petroleum Wholesale LP uses Statistical Inventory Reconciliation (SIR) as its monthly UST leak detection method. The USTs are protected from corrosion by two impressed current Cathodic Protection (CP) systems. The pressurized lines are single wall fiberglass reinforced plastic that use mechanical line leak detectors to monitor for leaks.

   During a compliance inspection conducted on March 20, 2006, it was discovered that in March 2005 the super unleaded UST had a failing SIR result. In July 2005, the unleaded UST had an inconclusive SIR result. In November one of the diesel USTs had an inconclusive SIR result. The mechanical line leak detectors had not been function tested by the due date of March 3, 2006. The CP rectifiers had not been monitored since July 29, 2005. There did not appear to be an overfill prevention device on the diesel UST fill tube in front of the facility. There appeared to have been a release of product at the fill tube on the diesel UST in the front of the facility.

   Petroleum Wholesale LP has main offices located in Texas. They sent the compliance records to Haztec, which is based in Utah. Haztec provided the records to the inspectors as well as assisted with the inspection. Petroleum Wholesale does not store any records within the State of Wyoming.

2. Petroleum Wholesale LP failed to report and investigate a suspected release of a regulated substance as a result of a failed SIR test in March 2005 on the super unleaded UST.

   Petroleum Wholesale LP did not have valid leak detection method for this facility's unleaded UST in July 2005, because the SIR result was inconclusive.

   Petroleum Wholesale LP did not have valid leak detection method for this facility's diesel UST in November 2005, because the SIR result was inconclusive.

   Petroleum Wholesale LP did not function test this facility's mechanical line leak detectors by the due date of March 3, 2006, the one year anniversary of the previous test.

   Petroleum Wholesale LP failed to monitor this facility's CP rectifiers every 60 days.

   Petroleum Wholesale LP did not have functioning overfill prevention devices at this facility, which may have resulted in the release of product.

   Petroleum Wholesale LP did not have compliance records stored at the facility, nor at an alternate location within the State of Wyoming;

3. Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 19 states; "Reporting of Suspected Releases. Owners and/or operators of underground storage tank systems must orally report to the department within 24 hours all releases or suspected releases…"

WWQRR, Chapter 17, Section 21, states: "Unless corrective action is initiated in accordance with Part F, owners and/or operators must immediately investigate and confirm all suspected releases of regulated substances ".

WWQRR, Chapter 17, Section 14, states: "Requirements for Petroleum Underground Storage Tank Systems. Owners and/or operators of petroleum underground storage tank systems must provide release detection for tanks and piping as follows:
(a) Tanks. Tanks must be monitored at least every thirty (30) days for releases…"

WWQRR, Chapter 17, Section 14 (g) (i), states: " Pressurized piping systems shall:
(B) Be equipped with an automatic line leak detector in accordance with the following: Methods which alert the owner and/or operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering an audible or visual alarm, may be used only if they detect leaks of three (3) gallons per hour at ten (10) pounds per square inch line pressure within one (1)hour. An annual test of the operation of the leak detector shall be conducted."

WWQRR, Chapter 17, Section 9(c), states: "Impressed Current Systems. Storage tank systems with impressed current CP systems shall also be inspected by the owner and/or operator every sixty (60) days to ensure the equipment is running properly. The owner and/or operator shall make a record of these inspections, including the date of the inspection, the voltage reading on the rectifier, the amperage reading on the rectifier, and the hour reading on a properly connected hour meter showing how long the system has operated since the last inspection…"

WWQRR, Chapter 17, Section 6(c), states: "Spill and overfill prevention equipment.
(i) Except as provided in Section 6 (c) (ii), to prevent spilling and overfilling associated with substance transfer to the UST system, owners and/or operators shall use the following spill and overfill prevention equipment:
(A) Spill prevention equipment that will prevent release of regulated substances to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin); and
(B) Overfill prevention equipment that will:
(I) Automatically shut off flow into the tank when the tank is no more than ninety-five percent (95%)full; or
(II) Alert the transfer operator when the tank is no more than ninety percent (90%) full by restricting the flow into the tank or triggering a high-level alarm.
(ii) Owners and/or Operators are not required to use the spill and overfill prevention equipment specified in Section 6(c)(i) if the UST system is filled by transfers of no more than twenty-five (25) gallons at one time.".

WWQRR, Chapter 17, Section 13 (d), states: "(d) *Availability and maintenance of records*. Owners and/or operators of UST systems shall keep the records required either:
(i) At the storage tank site and immediately available for inspection by the department; or
(ii) At a readily available alternate site and be provided for inspection to the department, upon request. The readily available alternative site shall be within the boundaries of the State of Wyoming. If records are to be kept at an alternate site, the department shall be notified in writing of the name, address and telephone number for that alternate location."

4. By failing to report a suspected release on the super unleaded tank, Petroleum Wholesale LP has violated WWQRR, Chapter 17, Section 19.

By failing to investigate a suspected release on the super unleaded UST, Petroleum Wholesale LP has violated WWQRR, Chapter 17, Section 21.

By failing to have a valid leak detection method for the super unleaded UST for July 2005, Petroleum Wholesale LP has violated WWQRR, Chapter 17, Section 14.

By failing to have a valid leak detection method for one of the diesel USTs for November 2005, Petroleum Wholesale LP has violated WWQRR, Chapter 17, Section 14.

By failing to function test the mechanical line leak detectors by March 3, 2005, Petroleum Wholesale LP has violated WWQRR, Chapter 17, Section 14 (g) (i).

By failing to monitor a CP rectifier every 60 days, Petroleum Wholesale LP has violated WWQRR, Chapter 17, Section 9(c)

By failing to have a functioning overfill prevention device, Petroleum Wholesale LP has violated WWQRR, Chapter 17, Section 6(c);

By failing to store compliance records at a location within the State of Wyoming, Petroleum Wholesale LP has violated WWQRR, Chapter 17, Section 13 (d);

5. 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.

NOTHING IN THIS NOTICE OF VIOLATION (NOV) shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

Signed this 21st day of April, 2006.

John V. Corra
Director
Department of Environmental Quality

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

PLEASE DIRECT ALL INQUIRES TO: Robert Lucht, P.E. & P.G. Storage UST Program Principal at 122 West 25th Street, Fourth Floor, West Wing, Cheyenne, WY 82002, (307) 777-7095 or (307) 777-5973 FAX for technical matters.