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

April 20, 2006

CERTIFIED #7004 2890 0004 5120 1272

Brad H. Hall
P.O. Box 50620
Idaho Falls, ID 83405

Dear Mr. Hall:

Enclosed you will find a Notice of Violation and Order, Docket Number **3866-06**, issued under the provisions of W.S. 35-11-701(c). Since you became the owner of the Trailside General Store located at 110 West Seventh, Lusk, Wyoming on September 29, 2004, you have failed to provide cathodic protection for the two underground storage tanks located on that site. This is a requirement for all underground storage tanks, both currently in use tanks and temporarily out of service tanks. These tanks are protected against corrosion using an impressed current system which has been turned off since you took ownership of this property.

Please be aware that the attached Notice of Violation contains an Order detailing what must be done 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 Procedure sets forth the requirements for the initiation of appeal proceedings. You are urged to review all of 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 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 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 Mangement Division

JVC/LCF/RFL/

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

BEFORE THE

ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO:	)	
Brad H. Hall P.O. Box 50620 Idaho Falls, ID 83405	)	DOCKET NUMBER 3866-06

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Facility number 0-001616 is located at 110 West Seventh, Lusk, Wyoming. There are two temporarily out of use Underground Storage Tanks (USTs) on this facility. Brad H. Hall has not operated the corrosion protection system at this location since he took ownership on September 29, 2004;

2. Brad H. Hall has failed to maintain power to an impressed current corrosion protection system at this location as required by Wyoming Water Quality Rules and Regulations (WWQR&R), Chapter 17, Section 11(a), failed to inspect this system as required by WWQR&R, Chapter 17, Section 11(b) and (c), and failed to keep records as required by WWQR&R, Chapter 17, Section 11(d);

3. WWQR&R, Chapter 17, Section 11, states: "Operation and Maintenance of Corrosion Protection (CP). All owners and/or operators of steel storage tank systems with CP shall comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the storage tank system is used to store regulated substances:

(a) Continuous Operation. All CP systems shall be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances and are in contact with the ground. Once installed, CP systems shall not be removed, even if the tank has also been internally lined, as long as steel tanks or connected piping exist on that site. This does not preclude replacement of parts of the CP system which have become defective.

(b) Periodic Inspections. All storage tank systems equipped with CP systems shall be inspected for proper operation by a qualified CP tester in accordance with the following requirements:

(i) All CP systems shall be tested within six (6) months of installation and at least once every three (3) years thereafter.

(ii) The criteria that are used to determine that CP is adequate shall be in accordance with the NACE Standard RP0285-2002, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems".

(iii) All CP systems shall be tested within six months of any repair or substantial modification to the storage tank system, or any other installation on the facility requiring excavation, in accordance with NACE Standard RP0285-2002.

(c) 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. The owner and/or operator shall compare those readings to the readings determined to be correct during the last inspection required under paragraph (b) of this section. Large changes in the voltage or amperage readings, or zero readings, shall be investigated by the owner and/or operator.

(d) Records. For storage tank systems using CP, records of the operation of the CP system shall be maintained in accordance with Section 13(c), to demonstrate compliance with the performance standards in this section. These records shall provide the following:

(i) The results of testing from the last two (2) CP inspections required in accordance with paragraph (b) of this section; and

(ii) The results of the last three (3) CP inspections required in accordance with paragraph (c) of this section."

5. By failing to provide power to the impressed current system, Brad H. Hall has violated WWQR&R, Chapter 17, Section 11(a). By failing to provide a test by a cathodic protection tester, Brad H. Hall has violated WWQR&R, Chapter 17, Section 11(b). By failing to inspect the impressed current system every sixty days, Brad H. Hall has violated WWQR&R, Chapter 17, Section 11(c). By failing to keep records of cathodic protection tests Brad H. Hall has violated WWQR&R, Chapter 17, Section 11(d);

6. 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 BRAD H. HALL SHALL:

1. Within ninety (90) days of the receipt of this notice, perform an internal inspection of the two tanks located at 110 West Seventh, Lusk, Wyoming;
2. Assuming that the USTs are free of corrosion holes, within ninety (90) days of receipt of this order, the impressed current system must be re-energized and inspected by a corrosion expert; and
3. As soon as this system is back in operation, begin inspecting this system once every sixty days as required by WWQR&R, Chapter 17, Section 11(c);

OR

4. Within ninety (90) days of the receipt of this notice remove the tanks, decommission them at a licensed facility, and notify the department thirty (30) days in advance so that a department inspector can witness the removals.

THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing two written petitions for a hearing before the Environmental Quality Council. If a hearing is requested, the first 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 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 Tank 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.

JVC/LCF/RFL/