



# 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 27, 2006

**CERTIFIED 7004 2890 0004 5120 1289**

Nancy O. Stevens  
Hurd Investments, LLC  
198 Uinta Drive  
Green River, WY 82935

Dear Ms. Stevens:

Enclosed you will find a Notice of Violation, Docket Number **3868-06** issued under the provisions of W.S. 35-11-701(c).

On March 21, 2006, this department conducted an inspection of underground storage tank (UST) facility 0-002948. This facility is known as Gas-N-Dash, which is located at 100 Uinta Drive, Green River, Wyoming. There were no leak detection records available on site during this inspection. When those records were provided, there were no passing results for four months in 2005 for any of the three USTs.

When Automatic Tank Gauging (ATG) is used as the leak detection method for any UST, a suspected release must be reported whenever the ATG does not report a passing result for any calendar month. No suspected releases have been reported for this facility during the time period in question. Furthermore, no documentation of any investigation to determine if releases had occurred at this facility has been provided.

The pressurized lines were required to be pressure tested, and the automatic line leak detectors were required to be functionally tested no later than September 29, 2005. These tests were not performed until April 1, 2006.

Failure to report and investigate suspected releases is a violation of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Sections 16 (c)(ii) and 19(c). Failure to conduct pressure tests and functional tests of line leak detectors is a violation of WWQRR, Chapter 17, Section 14(g).

If you would like to resolve this matter through a stipulated settlement without the need to go to the district court, this Department is willing to negotiate such a settlement. Please contact Robert Lucht at 777-7095, within thirty (30) days of your receipt of this letter to arrange a mutually agreeable meeting date for the purpose of negotiating the penalty amount.

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



BEFORE THE

DEPARTMENT ENVIRONMENTAL QUALITY

STATE OF WYOMING

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

Hurd Investments, LLC )  
198 Uinta Drive )  
Green River, WY 82935 )

DOCKET NUMBER 3868-06

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Hurd Investments, LLC (Hurd) owns and operates underground storage tank (UST) facility number 0-002948. This facility is known as Gas-N-Dash, and it is located at 100 Uinta Drive, Green River, Wyoming. This facility has three steel USTs that were installed in June, 1978. Hurd uses Automatic Tank Gauging (ATG) and Inventory Control (IC) as its monthly UST leak detection methods.

A routine inspection was conducted on March 21, 2006 at this facility. No leak detection records were available on location during that inspection. Hurd provided those records by letter received April 12, 2006. Included in this documentation were passing ATG reports for March and April 2005, and August, 2005 through March 2006. Hurd did not have passing results for February, May, June, or July 2005 for any of the three USTs. No suspected releases were reported nor was any documentation of investigations to determine if releases had occurred provided.

The three USTs at this location have pressurized, single wall, fiberglass reinforced plastic lines leading from the tanks to the dispensers. Pressurized lines are required to be pressure tested annually and to be equipped with an Automatic Line Leak Detector (ALLD). ALLDs are also required to be tested for functionality annually. The last such test of these systems was conducted on September 29, 2004. No pressure test of the lines and no functionality test of the ALLDs had been performed by the due date of September 29, 2005. These tests had not yet been performed when the inspection was conducted on March 21, 2006.

2. Hurd Investments, LLC failed to report and investigate suspected releases of a regulated substance. Hurd also failed to pressure test the pressurized lines and functionally test the automatic line leak detectors when that test was due on September 29, 2005.
3. Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 16 (c)(ii), states: "(c) *Automatic tank gauging (ATG)*. Equipment for automatic tank gauging that tests for the loss of a regulated substance shall detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains a regulated substance. Owners and/or operators using automatic tank gauging shall also: (ii) report a suspected release and follow the requirements of Section 19(c) of this chapter whenever: (A) Any calendar month goes by when a passing result cannot be obtained from the ATG sometime during the month; or (B) A pattern becomes evident that the ATG produces a failing result whenever the level of a regulated substance in the tank is high, even if passing results can be obtained when the level is low. (C) Inventory control fails for the second consecutive month."

WWQRR, Chapter 17, Section 19 (c), states: "Section 19. *Reporting of Suspected Releases*. Owners and/or operators of storage tank systems shall orally report to the department within twenty-four (24) hours all releases or suspected releases in accordance with Section 22 and follow the procedures of Section 22. Owners of sites where storage tanks were formerly located shall also report within seven (7) days after discovering any new evidence of a release. These reports shall be made for any of the following conditions: (c) Monitoring results: Monitoring

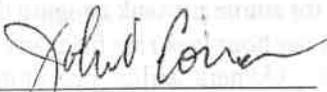
results from a release detection method required under Section 14 through 17 that indicate a release may have occurred unless the monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result.”

WWQRR, Chapter 17, Section 14 (g), states: “(g) *Piping*. Connected piping that routinely contains regulated substances shall be monitored for releases in a manner that meets one (1) of the following requirements: (i) Pressurized piping systems shall: (A) be monitored in accordance with Section 14(g)(i)(B) below. Whenever pressure systems have multiple dispensers hooked up to dispense product through a single meter, the pressurized piping between the first dispenser and the slave dispenser must also be monitored and tested; and (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. Manufacturers are required to recommend procedures to be used for testing their own equipment, but all automatic line leak detectors shall be tested annually. No manufacturer shall recommend that its equipment not be tested nor interfere with the testing of its equipment in any way. In addition all underground pressurized piping shall: (1) have an annual line tightness test. A periodic test of piping may be conducted only if it can detect a 0.1 gallon per hour leak rate at one and one-half (1 1/2) times the operating pressure. Tests performed by automatic systems are specifically allowed in meeting this requirement; or (2) be tested using any of the methods listed in Section 16(d), (e), (f), (g), (h) or (j). Methods not specifically named in these regulations shall be approved prior to use by the department, pursuant to Section 33, and that approval must state that the method will detect a leak in lines.”

4. By failing to report and investigate suspected releases, Hurd Investments, LLC has violated WWQRR, Chapter 17, Sections 16 (c)(ii) and 19(c). By failing to have a pressure test of the lines by September 29, 2005, Hurd Investments, LLC has violated WWQRR, Chapter 17, Section 14(g)(i)(B)(1). By failing to have the automatic line leak detectors functionally tested by September 29, 2005, Hurd Investments, LLC has violated WWQRR, Chapter 17, Section 14(g)(i)(B).
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 2 day of May, 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.