

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

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

Don Turner)
Triangle X Ranch)
P. O. Box 120)
Moose, WY 82935)

DOCKET NUMBER 3929-06

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Triangle X Ranch (Triangle X) owns and operates underground storage tank (UST) facility number 0-003925. This facility is located at 2 Triangle X Ranch Road, Moose, Wyoming. This facility has two USTs, with one of the USTs compartmented to hold two products. Triangle X uses automatic tank gauging (ATG) and inventory control (IC) as its monthly UST leak detection methods. Triangle X uses butterfly valves in the drop tubes to prevent overfills.

A routine inspection was conducted on August 24, 2006, at this facility. The only leak detection records available during that inspection were ATG records for July and August, 2006. Triangle X did not have passing monthly ATG results from May 2005 through June 2006. Triangle X was not performing inventory control as required. No suspected releases were reported, nor was there any documentation of investigations to determine if releases had occurred.

On September 5, 2006, Triangle X reported that they removed the overfill device from one of the tanks during a fuel delivery that was made after the August 24, 2006, inspection.

2. Triangle X Ranch failed to report and investigate suspected releases of a regulated substance every month from May 2005 through June 2006. Triangle X removed the overfill device from one of the tanks sometime after August 24, 2006.
3. Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 16 (c)(i) and (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: (i) conduct inventory control in conformance with paragraph (a)(i) of this section, unless: (A) the regulated substance is placed in the UST in batches of twenty five (25) gallons or less; (B) a passing result is obtained monthly from the automatic tank gauge with the tank at least 85% full; (C) the automatic tank gauge itself reconciles the inventory to the same levels as required by paragraph (a)(i) of this section; or (D) a method of equivalent performance to inventory control is also used. (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 6(c)(i)(B), states: "(i) Except as provided in Section 6 (c) (ii), to prevent spilling and overfilling associated with regulated substance transfer to the UST system, owners and/or operators shall use the following spill and overfill prevention equipment: (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;"

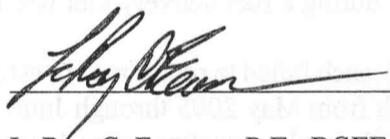
4. By failing to obtain a passing automatic tank gauge result for each compartment of each tank for each month, and failing to perform inventory control, Triangle X has violated WWQRR, Chapter 17, Section 16 (c)(ii). By failing to conduct inventory control, Triangle X has violated WWQRR, Chapter 17, Section 16 (c)(i). By failing to report and investigate suspected releases, Triangle X Ranch has violated WWQRR, Chapter 17, Sections 19(c). By removing the overfill device from one of the tanks, Triangle X Ranch violated WWQRR, Chapter 17, Section 6(c)(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 15th day of September 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 Compliance Supervisor at 122 West 25th Street, Fourth Floor, West Wing, Cheyenne, WY 82002, (307) 777-7095 or (307) 777-5973 FAX for technical matters.