BEFORE THE

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:	)	
Judi Skeen Orin Junction Station 75 US Highway 18-20 Douglas, WY 82633	)	DOCKET NUMBER 3934-06

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Orin Junction Station owns and operates underground storage tank (UST) facility number 0-004020. This facility is located at 75 US Highway 18-20, Douglas, Wyoming. This facility has five USTs containing gasoline and diesel. Orin Junction Station uses automatic tank gauging (ATG) and inventory control (IC) as its monthly UST leak detection methods. Orin Junction Station uses butterfly valves in the drop tubes to prevent overfills.

   A routine inspection was conducted on September 19, 2006, at this facility. The only leak detection records available during that inspection were inventory control records. Orin Junction Station did not have passing monthly ATG results from August 1, 2005 through August 31, 2006. No suspected releases were reported, nor was there any documentation of investigations to determine if releases had occurred.

2. Orin Junction Station failed to report and investigate suspected releases of a regulated substance every month from August 2005 through August 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 which 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."

4. By failing to obtain a passing automatic tank gauge result for each compartment of each tank for each month, Orin Junction Station has violated WWQRR, Chapter 17, Section 16 (c)(ii). By failing to report and investigate suspected releases, Orin Junction Station has violated WWQRR, Chapter 17, Sections 19(c).

5. This Notice is being sent to you pursuant to W.S. 35-11-701(c)(i), that 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 5th day of October 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.