

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

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

Debbie Moore)
Moore DeWitt LLC)
d/b/a Mountain View Conoco)
5076 W. Yellowstone)
Casper, WY 82604)

DOCKET NUMBER 3955-06

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Moore DeWitt, LLC owns and operates underground storage tank (UST) facility number 0-002735. Moore DeWitt, LLC, does business as Mountain View Conoco, located at 5076 W. Yellowstone, Casper, Wyoming. This facility has three USTs storing gasoline and diesel. Moore DeWitt, LLC uses automatic tank gauging (ATG) and inventory control (IC) as its monthly UST leak detection methods. Moore DeWitt, LLC uses butterfly valves in the drop tubes to prevent overfills.

A routine inspection was conducted on September 20, 2006, at this facility. Inventory control records for August 2005 through August 2006 were not available during the inspection. Moore DeWitt, LLC did not have passing monthly ATG results for any of the USTs from August 1, 2005, through March 31, 2006, and from August 1, 2006, through August 31, 2006. No suspected releases were reported, nor was there any documentation of investigations to determine if releases had occurred.

2. Moore DeWitt, LLC 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 16 (a)(i) through (viii), states: “(a) Inventory control. Inventory control is never acceptable as a leak detection method except when it is combined with another method. Product inventory control (or another test of equivalent performance) shall be conducted monthly to detect a release of at least 1.0 percent (1%) of throughput plus one hundred thirty (130) gallons in the following manner: (i) Inventory volume measurements for regulated substance inputs, withdrawals, and the amount still remaining in