



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

January 22, 2007

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Jodi Newkirk, Vice President
Arlington Outpost, LLC
HC64 Box 95
Arlington, WY 82083

Dear Ms. Newkirk:

Enclosed you will find a Notice of Violation, Docket Number 4000-07, issued under the provisions of W.S. 35-11-701(c). Arlington Outpost, LLC is required to provide an operator's annual inspection (OAI) for this facility. As part of the OAI, Arlington Outpost is required to functionally test the ALLDs, pressure test the lines, inspect the entire facility for any visible leaks, and provide the last twelve months passing records for the SIR. The last OAI was performed on May 31, 2005. Arlington Outpost, LLC has been contacted repeatedly and informed that this inspection is past due.

By failing to conduct an operator's annual inspection when it was due on May 31, 2006, Arlington Outpost, LLC, has violated WWQRR, Chapter 17, Section 13 (e). By failing to conduct a functional test of the ALLDs when that test was due on May 31, 2005, Arlington Outpost, LLC, has violated WWQRR, Chapter 17, Section 14 (g) (i) (B) (1).

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

JVC\LCF\RFL:



BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:)
)
Jodi Newkirk, Vice President)
Arlington Outpost, LLC)
HC64 Box 95)
Arlington, WY 82083)
)

DOCKET NUMBER: 4000-07

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Arlington Outpost, LLC, is the registered owner and operator of the Arlington Outpost service station in Carbon County, Wyoming. Jodi Newkirk, in her capacity as Vice President of this corporation, is registered as the contact person. Arlington Outpost, LLC, has three underground storage tanks (USTs) registered as facility 0-000756. The three USTs at Arlington Outpost are single wall bare steel tanks with single wall bare steel lines protected against corrosion using an impressed current system. Leak detection on the tanks is done using Statistical Inventory Reconciliation (SIR). Leak detection for the lines is done using automatic line leak detectors (ALLD) and line pressure testing. Arlington Outpost is a contaminated site presently being cleaned up using the Corrective Action Account.
2. Arlington Outpost, LLC, is required to provide an operator's annual inspection (OAI) for this facility. As part of the OAI, Arlington Outpost is required to functionally test the ALLDs, pressure test the lines, inspect the entire facility for any visible leaks, and provide the last 12 months passing records for the SIR. The last OAI was performed on May 31, 2005. Arlington Outpost, LLC, has been contacted repeatedly and informed that this inspection is past due.
3. Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 13(e), states: "(e) Operator's Annual Inspection. Storage tank system owners and/or operators shall provide an annual report of inspection for the entire facility. An annual inspection is to be conducted either by the owner, the operator, or a qualified consultant. The inspector shall meet all of the qualifications as a CP tester if he or she inspects a CP system. This inspection shall: (i) test all of the CP systems on site which are due for testing in accordance with Section 11; (ii) provide for pressure tests of pressurized piping or U.S. Suction piping in accordance with Section 14(g); (iii) provide for tests of all Automatic Line Leak Detectors as follows; (A) provide a simulated leak test for Mechanical Line Leak Detectors which will demonstrate that the leak detector meets the requirements of Section 14(g)(B) for Electronic Line Leak Detectors a simulated leak is required which demonstrates that the leak detector meets the requirements of Section 14(g). An internal electrical test of the system is not sufficient to meet this requirement. (C) When sump sensors are used to meet the requirement for an Automatic Line Leak Detector, they shall be configured to meet the requirements of Section 14(g) and the annual inspection shall include a manual tripping of each sump sensor. The automatic device used to monitor sump sensors shall be triggered by the manual tripping of the sensors, and a record shall be made showing the date when the test was done, the facility number, and recording the fact that the sensor operated as required. (iv) document that all Automatic Tank Gauges (ATG), interstitial monitoring systems, vapor monitoring systems, or other automatic systems are properly calibrated and functioning. This includes a check to determine if probes are clean and are the proper ones for the regulated substance being stored. (v) provide an annual summary for all inventory control calculations, statistical inventory reconciliation reports, or other leak detection methods which shows compliance for each month of the preceding year. Records of the operation of

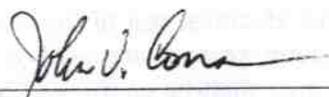
all leak detection systems for the past three years are required to be kept. (vi) include a physical inspection of all sumps, manholes, dispensers, and other openings provided on the storage tank system. Any leaks found shall be immediately eliminated."

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 conduct an operator's annual inspection when it was due on May 31, 2006, Arlington Outpost, LLC, has violated WWQRR, Chapter 17, Section 13 (e). By failing to conduct a functional test of the ALLDs when that test was due on May 31, 2006, Arlington Outpost, LLC, has violated WWQRR, Chapter 17, Section 14 (g) (i) (B) (1).
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 23rd day of January, 2007



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.

JVC/LCF/RFL:/