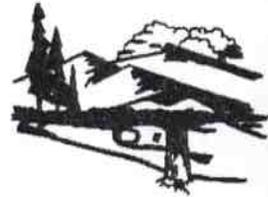




Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor
February 7, 2007

John Corra, Director

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Ron and Lori Hill
P.O. Box 1096
Torrington, WY 82240

Dear Mr. and Mrs. Hill:

Enclosed you will find a Notice of Violation, Docket Number **4016-07** issued under the provisions of W.S. 35-11-701(c).

An inspection was conducted December 13, 2006, of the USTs at the Corner Shop, located at 901 West Pershing Blvd, Cheyenne, Wyoming. During this inspection, automatic tank gauging (ATG) and inventory control (IC) records were examined for the previous 12 months. There were no ATG records available prior to December 2006 for any of the USTs. IC records were available for all USTs on this site for the past 12 months. IC records for the diesel tank did not balance within 1% of throughput plus 130 gallons for the entire months of July, August, and September 2006. Whenever IC records do not balance for two consecutive months, a suspected release is required to be reported and investigated. No suspected releases were reported, and no documentation of investigations to determine if releases had occurred was provided.

Failure to properly conduct ATG and IC is a violation of Wyoming Water Quality Rules and Regulations Chapter 17, Section 16 (a) and 19 (c). Failure to report and investigate suspected releases is a violation of Chapter 17, Section 19 (c).

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 OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

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

Ron and Lori Hill)
P.O. Box 1096)
Torrington, WY 82240)

DOCKET NUMBER 4016-07

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Ron and Lori Hill own underground storage (UST) facility # 0-000845. This facility is known as the Corner Shop and is located at 901 West Pershing Blvd, Cheyenne, Wyoming. This facility has three steel USTs that were installed on April 1, 1995. Mr. and Mrs. Hill use automatic tank gauging (ATG) and inventory control (IC) as their monthly UST leak detection methods.

An inspection was conducted December 13, 2006, of the USTs at the Corner Shop. During this inspection, ATG and IC records were examined for the previous 12 months. There were no ATG records available prior to December 2006 for any of the USTs. IC records were available for all USTs on this site for the past 12 months. IC records for the diesel tank did not balance within 1% of throughput plus 130 gallons for the entire months of July, August, and September 2006. Whenever IC records do not balance for two consecutive months, a suspected release is required to be reported and investigated. No suspected releases were reported, and no documentation of investigations to determine if releases had occurred was provided.

2. Ron and Lori Hill failed to conduct ATG and IC properly because they did not keep the required records. Ron and Lori Hill failed to report and investigate a suspected release of a regulated substance in August when the IC records failed to balance for the second consecutive month. Ron and Lori Hill also failed to report and investigate a suspected release in September when the IC records again failed to balance.
3. Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 16 (c) 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."

Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 16 (a) 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 the UST shall be recorded each operating day; (ii) The equipment used shall be capable of measuring the depth of regulated substance over the full range of the USTs height to the nearest one-eighth (1/8) of an inch; (iii) The regulated substance inputs shall be reconciled with delivery receipts by measurement of the UST inventory volume before and after delivery; (iv) Deliveries shall be made through a drop tube that extends to within one (1) foot of the UST bottom; (v) Dispensing of regulated substances shall be metered and recorded within the local standards for meter calibration or an accuracy of six (6) cubic inches for every five (5) gallons of regulated substance withdrawn; and (vi) Water in the bottom of the UST shall be measured to the nearest one-eighth (1/8) of an inch at least once a month. (vii) Owners and/or operators using inventory control may combine this method with tank tightness testing at least every five (5) years until December 22, 2008, or until ten (10) years after the UST itself first met the requirements of Section 6(a), whichever is sooner; (viii) Owners and/or operators using inventory control shall report a suspected release under Section 19(c) of this chapter whenever: (A) the inventory control fails to balance within 1.0 percent (1%) of total throughput plus one hundred thirty (130) gallons for the second consecutive month; (B) More than 20 daily readings are either positive or negative for the second consecutive month; or (C) A graph of the daily over/short readings shows a consistent non-zero trend for two consecutive months."

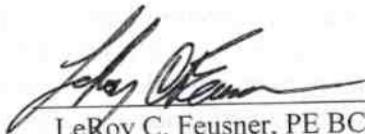
Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 19 (c) states: "Section 19. Reporting of Suspected Releases. Owners and/or operators of storage tank systems shall orally report to the department within twenty-four (24) hours all releases or suspected releases in accordance with 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 conduct ATG and IC properly, Ron and Lori Hill have violated WWQRR, Chapter 17, Section 16 (a), and 16(c). By failing to report and investigate a suspected release, Ron and Lori Hill have violated WWQRR, Chapter 17, Section 16 (a), Section 16(c), and Section 19 (c).
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 8th day of February 2007.


John V. Corra
Director
Department of Environmental Quality


LeRoy C. Feusner, PE BCEE
Administrator
Solid and Hazardous Waste Management Division

PLEASE DIRECT ALL INQUIRES TO: Robert Lucht, P.E. & P.G., Storage Tank 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.