



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

March 13, 2007

CERTIFIED

Therese Mead
Big Horn Co-Operative Marketing Association
P. O. Box 591
Greybull, WY, 82426

Dear Ms. Mead:

Enclosed you will find a Notice of Violation (NOV), Docket Number 4044-07, issued under the provisions of W.S. 35-11-701(c). This NOV is in response to the release of gasoline that occurred at Big Horn Co-Operative station, located at 311 South Bent Street, Powell, Wyoming, storage tank facility 0-003798. This release was detected in December 2006 and was allowed to continue until the end of February 2007. After inventory control records indicated a suspected release, facility personnel failed to report a suspected release within 24 hours and failed to investigate a suspected release within 7 days.

Between December 1, 2006, and February 22, 2007, over 5,000 gallons of gasoline was spilled into the ground. The fumes from this release forced several families to evacuate their residences, and the U.S. Environmental Protection Agency and the Wyoming Department of Environmental Quality had to conduct emergency response operations.

If you would like to resolve this matter through a stipulated settlement without the need to go to 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

OG:LCF/JVC

Enclosure: Notice of Violation



BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:)
)
Big Horn Co-Operative Marketing Association)
P. O. Box 591)
Greybull, WY, 82426)
)
)

DOCKET NUMBER 4044-07

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Big Horn Co-Operative Marketing Association owns and operates underground storage tanks, which are located at 311 South Bent Street, Powell. The tanks are connected to double wall, pressurized lines that have sump sensors for line leak detection. The facility is registered as using automatic tank gauging and inventory control for leak detection on the tanks.

The United States Environmental Protection Agency received reports of fuel vapors in residences within the City of Powell and sent a response team to investigate. It was determined that the source of the contamination was a tank at the Big Horn Co-Operative.

Personnel from the Department of Environmental Quality requested tank leak detection records from the Big Horn Co-Operative. When these records were reviewed, it was discovered that the monthly inventory control records for December 2006 and January 2007 failed on the unleaded tank. These records indicated a loss of 3,665 gallons, or 5.4% of the total throughput for the unleaded tank for these 2 months.

Department personnel informed Big Horn Co-Operative that they were required to investigate a suspected release. On February 27, 2007, an investigation was conducted, and a leak was found in one of the unleaded lines.

2. Big Horn Co-Operative failed to report a suspected release within 24 hours, when inventory control losses for their unleaded tank for December 2006 and January 2007 exceeded 1% of throughput plus 130 gallons.

Big Horn Co-Operative failed to investigate a suspected release within seven days of detection.

3. Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 16 (a) (viii) states: "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."

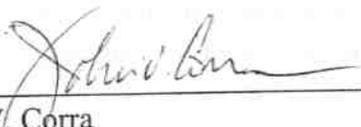
WWQRR, Chapter 17, Section 19, states: "Reporting of Suspected Releases. Owners and/or operators of storage tank systems shall orally report to the department within twenty-four (24) hours all releases or suspected releases."

WWQRR, Chapter 17, Section 20, States: "Release Investigation and Confirmation for Eligible Owners and/or Operators. Owners and/or operators of storage tanks who are eligible for cleanup under the Corrective Action Account shall immediately investigate and confirm all suspected releases of regulated substances requiring reporting under Section 19 within seven (7) days of detection."

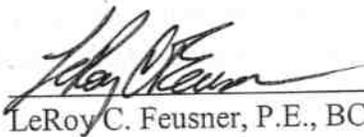
4. Big Horn Co-Operative Marketing has violated WWQRR, Chapter 17, Section 16 (a) (viii); WWQRR, Chapter 17, Section 19; and WWQRR Chapter 17, Section 20.
5. This Notice is being sent to you pursuant to W.S. 35-11-701(c)(i), which requires that in any case of the failure to correct or remedy an alleged 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 14th day of MARCH, 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.