

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

Terry L. and Colleen M. Miner)
2267 Monroe)
Laramie, WY 82070)
)

DOCKET NUMBER 4057-07

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Underground storage tank (UST) facility number 0-002955 is located at Nancy's Handy Truck Stop, 1559 McCue Street, Laramie, Wyoming. There are five temporarily out of use USTs on this facility. On April 10, 2007, an inspection was conducted of the five temporarily out of use USTs. During this inspection, it was discovered that the power to the building had been disconnected, disabling the impressed current system on the USTs.

2. A letter was sent by the department to Terry L. and Colleen M. Miner on December 22, 2005 informing them about the requirements for temporarily out of use USTs. Those requirements include the requirement to maintain, inspect, and service impressed current systems. On January 18, 2006, February 6, 2006, July 17, 2006, and January 18, 2007, letters were written to Terry L. and Colleen M. Miner informing them that the impressed current system was overdue for testing. On April 10, 2007 an inspection was conducted of the USTs at Nancy's Handy Truck Stop and it was discovered that the impressed current system was not in operation. Terry L. and Colleen M. Miner have failed to maintain the impressed current system in operable condition, failed to monitor the system every sixty days, and failed to have the system tested every three years.

3. Owners of temporarily out of use USTs are required to maintain those USTs in a condition that would allow them to be placed back in service if desired. This means that corrosion protection systems, including impressed current systems, must be maintained to prevent deterioration of the USTs during the time they are temporarily out of use.

4. Wyoming Water Quality Rules and Regulations, (WWQRR) Chapter 17, Section 11, states: "Operation and Maintenance of Corrosion Protection (CP). All owners and/or operators of steel storage tank systems with CP shall comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the storage tank system is used to store regulated substances: (a) Continuous Operation. All CP systems shall be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances and are in contact with the ground. Once installed, CP systems shall not be removed, even if the tank has also been internally lined, as long as steel tanks or connected piping exist on that site. This does not preclude replacement of parts of the CP system which have become defective. (b) Periodic Inspections. All storage tank systems equipped with CP systems shall be inspected for proper operation by a qualified CP tester in accordance with the following requirements: (i) All CP systems shall be tested within six (6) months of installation and at least once every three (3) years thereafter. (ii) The criteria that are used to determine that CP is adequate shall be in accordance with the NACE Standard RP0285-2002, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems". (iii) All CP systems shall be tested within six months of any repair or substantial modification to the storage tank system, or any other installation on the facility requiring excavation, in accordance with NACE Standard RP0285-2002. (c) Impressed Current Systems. Storage tank systems with impressed current CP systems shall also be inspected by the owner and/or operator every sixty (60) days to ensure the equipment is running properly. The owner and/or operator shall make a record of these inspections, including the date of the inspection, the voltage reading on the rectifier, the amperage reading on the rectifier, and the hour reading on a properly connected hour meter showing how long the system has operated since the last inspection. The owner and/or operator shall compare those readings to the readings determined to be correct during the last inspection required under paragraph (b) of this section. Large changes in the voltage or amperage readings, or zero readings, shall be

investigated by the owner and/or operator.”

5. By failing to maintain the impressed current system in operation for the USTs at facility 0-002955, Terry L. and Colleen M. Miner, have violated WWQRR, Chapter 17, Section 11(a). By failing to monitor the impressed current system every sixty days, Terry L. and Colleen M. Miner have violated WWQRR, Chapter 17, Section 11(c). By failing to have the impressed current system tested once every three years by a cathodic protection tester, Terry L. and Colleen M. Miner have violated WWQRR, Chapter 17, Section 11(b).

6. 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.

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT TERRY L. AND COLLEEN M. MINER SHALL:

1. Within ninety (90) days of the receipt of this notice, perform a complete integrity inspection showing that the USTs are free of holes and could be placed back in service.
2. Within thirty (30) days of the receipt of this notice place the impressed current system back in operation.
3. Within ninety (90) days of the receipt of this notice, submit a passing cathodic protection test performed by a qualified cathodic protection tester.
4. Within ninety (90) days of the receipt of this notice, submit an operator's annual inspection of the entire facility.
5. Within ninety (90) days of receipt of this Notice and Order, submit to this department a written description of policies that have been implemented to insure future compliance.

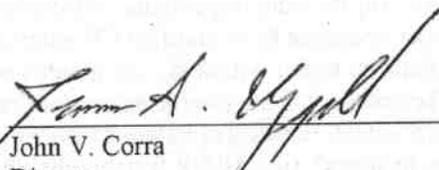
OR

6. Within ninety (90) days of the receipt of this notice, remove the USTs, decommission them at a licensed facility, and notify the department thirty (30) days in advance so that a department inspector can witness the removals.

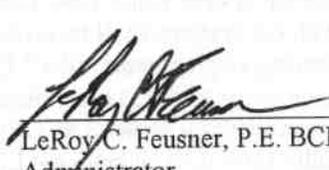
THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing a written petition for a hearing before the Environmental Quality Council. If a hearing is requested, the petition shall be mailed to Thomas Dunn, Chairman, Wyoming Environmental Quality Council, Room 1714 Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of Environmental Quality, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

NOTHING IN THIS ORDER shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this Order be interpreted as being a condition precedent to any other enforcement action.

ORDERED this 31st day of May, 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.