

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

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

Kelly Mortimer)
Eastgate Travel Plaza, LLC)
6985 Nugget)
Evansville, WY 82636)

DOCKET NUMBER 4092-07

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Eastgate Travel Plaza, LLC (Eastgate) owns and operates underground storage tanks (USTs) located at 6585 Nugget Avenue, Evansville, Wyoming. The facility is registered as UST facility 0-000466. Eastgate uses automatic tank gauging and inventory control for leak detection on the tanks.

A compliance inspection was conducted on June 7, 2007, by personnel from the Department of Environmental Quality. It was discovered that a passing automatic tank gauge (ATG) test result for the regular unleaded tank was not obtained for the month of July 2006, and a passing automatic tank gauge test result was not obtained on the premium tank for any of the months from February to May 2007.

2. Eastgate failed to report a suspected release within 24 hours, after they were unable to obtain a passing ATG result during the months of November 2006, February 2007, March 2007, April 2007, and May 2007.

Eastgate failed to investigate a suspected release within seven days after they were unable to obtain a passing ATG result during the months of November 2006, February 2007, March 2007, April 2007, and May 2007.

3. Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 16 (c), states: "Owners and/or operators using automatic tank gauging shall also: (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..."

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. Eastgate Travel Plaza, LLC has violated WWQRR, Chapter 17, Section 16 (c); 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 28 day of June, 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.