



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

July 18, 2007

CERTIFIED 7005 1820 0005 1474 8525

Lane Denzin
Wilson Bros. Construction
P. O. Box 636
Cowley, WY 82420

Dear Ms. Denzin:

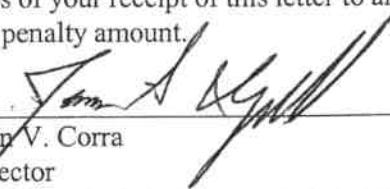
Enclosed you will find a Notice of Violation (NOV), Docket Number **4110-07**, issued under the provisions of W.S. 35-11-701(c). On May 2, 2007, a compliance inspection was conducted at Cowley Mercantile, in Cowley, Wyoming, storage tank facility 0-004087. During the inspection, it was discovered that passing automatic tank gauge (ATG) test results were not obtained for the months prior to March 2007. A suspected release was not reported or investigated for any of these months. The cathodic protection system testing on the underground tanks was last performed on January 20, 2004. There was a sub-standard above ground storage tank that was being used for selling fuel to the public. The AST was not registered as required by law, and the department was not notified so that an installation inspection could be scheduled.

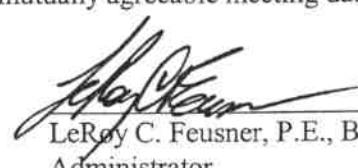
Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Sections 16 (c) (ii), 19, and 20, require that when a calendar month goes by and a passing ATG cannot be obtained during that month, the facility's owner or operator is required to report a suspected release within 24 hours and investigate the suspected release within 7 days.

WWQRR, Chapter 17, Section 11 (b) (i), requires that all cathodic protection systems be tested every three years.

Wyoming Statute (WS) 35-11-1420 requires that no person shall install or substantially modify a tank without giving 30 days prior notification to the department. It also requires that no tank shall be operated until the department determines the installation or modification meets the applicable standards. This tank does not meet applicable standards.

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 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

RFL:LCF/JVC

Enclosure: Notice of Violation

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7937 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5973	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

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

Wilson Bros. Construction, Inc.)
P. O. Box 636)
Cowley, WY 82420)

) DOCKET NUMBER 4110-07
)
)
)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Wilson Bros. Construction, Inc. (Wilson Bros.) owns and operates underground storage tanks (USTs) and an above ground storage tank (AST) located at 111 East Main, Cowley, WY. The facility is registered as storage tank facility 0-004087. Wilson Bros. uses automatic tank gauging and inventory control for leak detection on the tanks.

A compliance inspection was conducted on May 2, 2007, by personnel from the Department of Environmental Quality. It was discovered that passing automatic tank gauge (ATG) test results for the USTs were not obtained for the months prior to March 2007; cathodic protection testing of the USTs was last performed on January 27, 2004; an AST was being used to sell fuel to the public without being registered with this department or authorized for operation by this department.

2. Wilson Bros. failed to report a suspected release within 24 hours after they were unable to obtain passing ATG results for the months prior to March 2007.

Wilson Bros. failed to investigate a suspected release within seven days after they were unable to obtain passing ATG results for the months prior to March 2007.

Wilson Bros. failed to perform cathodic protection testing on a cathodically protected tank within three years.

Wilson Bros. failed to notify the department of the installation of an AST that is used to sell fuel retail.

Wilson Bros. used an AST to sell fuel retail without department authorization.

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.”

Wyoming Water Quality Rules and Regulations, Chapter 17, Section 11 (b) (i), states” All CP systems shall be tested within six (6) months of installation and at least once every three (3) years thereafter.”

Wyoming Statute (W.S.) 35-11-1420 (b), States: “No person shall install or substantially modify, or cause to be installed or substantially modified, any new or replacement tank without thirty (30) days prior notification to the department. Upon completion of the installation or modification the owner shall notify the department and the department shall within ten (10) days of receiving notification of completion, inspect the site or have the site inspected by a qualified state, local government or private inspector. No tank shall be operated until the department determines the installation or modification meets the applicable standards and the department has issued a written inspection letter to the tank owner stating that the facility, as constructed or modified, meets state standards, except that if the department has not inspected the tank within fifteen (15) days after receiving notice of completion, the tank may be operated without written notification of the department until the tank is inspected.”

4. By failing to report a suspected release, Wilson Bros. has violated WWQRR, Chapter 17, Sections 16(c) and 19.

By failing to investigate a suspected release, Wilson Bros. has violated WWQRR, Chapter 17, Section 20.

By failing to have the cathodic protection system tested, Wilson Bros. has violated WWQRR Chapter 17, Section 11 (b) (i).

By failing to register the AST, and operating it without obtaining department authorization, Wilson Bros. has violated W.S. 35-11-1420.

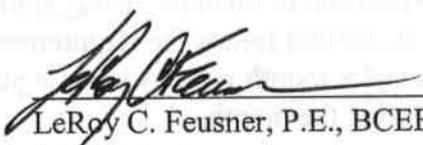
5. This Notice is being sent to you pursuant to W.S. 35-11-701(c)(i), which requires that in any case of the failure to correct or remedy an alleged violation, the director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

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 20th day of JULY, 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.