

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

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

Richard and Cynthia Dingman)
Dingman Investments, LLC)
1426 Warm Springs Drive)
P. O. Box 1906)
Dubois, WY 82513)

DOCKET NUMBER 4127-07

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Dingman Investments, LLC (Dingman) owns and operates underground storage tanks (USTs) located at 1426 Warm Springs Drive, Dubois, Wyoming. The facility is registered as UST facility 0-004337 and does business under the name Taylor Creek Exxon. Dingman uses automatic tank gauging and inventory control for leak detection on the tanks. Dingman uses butterfly valves in the drop tubes for the overfill protection required.

A compliance inspection was conducted on August 2, 2007, by personnel from the Department of Environmental Quality. It was discovered that Dingman was not conducting inventory control for any of these tanks. It was also discovered that Dingman had either purposely disabled the overfill device in the unleaded tank or allowed someone else to do so.

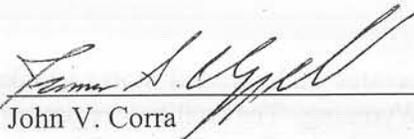
2. Dingman failed to conduct inventory control as required by Chapter 17, Section 16 (b) from the time they purchased the property on November 1, 2005. Dingman operated the unleaded tank with a disabled overfill device for an unknown period until it was discovered on August 2, 2007.
3. Wyoming Water 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.”

Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 6 (c) (ii) (B), states: “(c) *Spill and overfill prevention equipment*. (i) Except as provided in Section 6 (c)(ii), to prevent spilling and overfilling associated with regulated substance transfer to the UST system, owners and/or operators shall use the following spill and overfill prevention equipment: (B) Overfill prevention equipment that will: (I) Automatically shut off flow into the tank when the tank is no more than ninety-five percent (95%) full; or (II) Alert the transfer operator when the tank is no more than ninety percent (90%) full by restricting the flow into the tank or triggering a high-level alarm.”

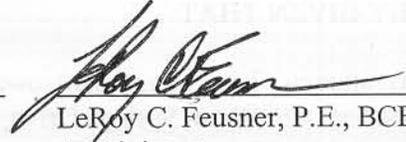
4. By failing to conduct inventory control, Dingman Investments, LLC has violated WWQRR, Chapter 17, Section 16 (c) (i). By operating the unleaded gasoline tank with the overfill device disabled, Dingman Investments, LLC has violated WWQRR, Chapter 17, Section 6 (c) (ii) (B).
5. This Notice is being 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 AUGUST, 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.