

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

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

Shervin's Independent Oil, Inc.)
P.O. Box 1807)
Jackson, WY 83001)

DOCKET NUMBER 4139-07

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Shervin's Independent Oil, Inc. (Shervin) owns and operates underground storage tanks (USTs) located at 400 South Highway 89, Jackson, Wyoming. This facility is registered as UST facility 0-000369 and does business under the name Shervin's Independent Oil. Shervin uses butterfly valves in the drop tubes for the required overfill protection.

A compliance inspection was conducted on August 23, 2007, by personnel from the Department of Environmental Quality. It was discovered that Shervin had either purposely disabled two of the butterfly valves, or allowed others to purposely disable two of the butterfly valves.

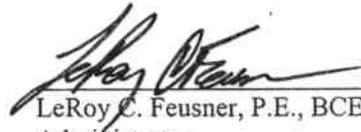
2. Shervin operated the unleaded gasoline tank and the low sulfur diesel tank for an unknown period with a disabled overfill device until it was discovered on August 23, 2007.
3. Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 6 (c), states: "Spill and overfill prevention equipment. (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 operating the unleaded gasoline tank and the low sulfur diesel tank with the overfill device disabled, Shervin 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 31st 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 INQUIRIES TO: Robert Lucht, P.E. & P.G., Storage Tank Program Compliance Supervisor, 122 West 25th Street, Fourth Floor, West Wing, Cheyenne, WY 82002, (307) 777-7095, or (307) 777-5973 FAX for technical matters.