BEFORE THE

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:	)	
Juli Hinze Red Eagle LC P. O. Box 2468 Cody, WY 82414	)	DOCKET NUMBER 4146-07

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. There are two 20,000 gallon single wall steel tanks with single wall steel lines located at the Quik Mart Cenex, 1826 17th Street, Cody, Wyoming. Both the tanks and the lines are protected against corrosion using a cathodic protection (CP) system consisting of sacrificial anodes. The sacrificial anodes are required to be tested once every three years. That test was due to be completed on or before January 8, 2007. The test was not performed on time, but was performed March 23, 2007, 75 days late. The sacrificial anodes failed that test. The system has not been retested or repaired since that date.

2. The tanks owned by Red Eagle LC failed the cathodic protection test and Red Eagle LC has taken no action to repair or retest the cathodic protection system.

3. Chapter 17 Section 11 (a) Wyoming Water Quality Rules and Regulations (WWQRR) states: "*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."

   Chapter 17, Section 11 (b), WWQRR states: "*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."

4. By failing to test the CP system by January 8, 2007, Red Eagle LC violated Chapter 17, Section 11 (b), WWQRR. By failing to repair the CP system after it failed a CP test, Red Eagle LC violated Chapter 17, Section 11 (a), WWQRR.

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 24th day of September, 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.