

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:)
)
Ray Schulte)
Superintendent)
Goshen County School District #1)
2602 West E Street)
Torrington, WY 82240)
)

DOCKET NUMBER 4143-07

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Goshen County School District #1 owns and operates underground storage tank (UST) facility number 0-004070, located at 810 West 25th Street, Torrington, Wyoming. This facility, known as the Torrington Bus Garage, consists of three USTs. One of the USTs contains diesel and the other two contain gasoline. Goshen County School District #1 uses automatic tank gauging (ATG) and inventory control (IC) as its monthly UST leak detection methods. All three of these tanks are STI-P3[®] steel tanks protected against corrosion using sacrificial anodes. All three of these USTs were installed October 1, 1986.

On August 14, 2007, this department conducted an inspection of UST facility 0-004070. During the inspection, there were no ATG records available on site for any of the UST systems for the period January 2007 through August 2007. Inventory control records have never been kept for this facility, despite the fact that this requirement was clearly communicated during a previous inspection. No suspected releases were reported, nor was there any documentation of investigations to determine if releases had occurred.

The sacrificial anodes on these tanks are required to be tested for proper operation once every three years. This test was due on December 4, 2004. This test was not conducted until May 16, 2007.

2. Goshen County School District #1 failed to report and investigate suspected releases of a regulated substance every month from January 2007 through August 2007 and failed to test the sacrificial anodes when they were due for testing on December 4, 2004.
3. Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 16 (c)(i) and (ii), states: “(c) Automatic tank gauging (ATG). Equipment for automatic tank gauging which 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. (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; or (B) A pattern becomes evident that the ATG produces a failing result whenever the level of a regulated substance in the tank is high, even if passing results can be obtained when the level is low. (C) Inventory control fails for the second consecutive month.”

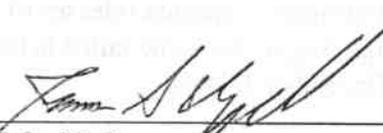
WWQRR, Chapter 17, Section 19 (c), states: "Section 19. Reporting of Suspected Releases. Owners and/or operators of storage tank systems shall orally report to the department within twenty-four (24) hours all releases or suspected releases in accordance with Section 22 and follow the procedures of Section 22. Owners of sites where storage tanks were formerly located shall also report within seven (7) days after discovering any new evidence of a release. These reports shall be made for any of the following conditions: (c) Monitoring results: Monitoring results from a release detection method required under Section 14 through 17 that indicate a release may have occurred unless the monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result."

WWQRR, Chapter 17, Section 11 (b), states: "(b) 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. (ii) The criteria that are used to determine that CP is adequate shall be in accordance with the NACE Standard RP0285-2002, 'Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems'."

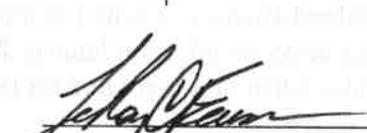
4. By failing to obtain a passing automatic tank gauge result for each compartment of each tank for each month, Goshen County School District #1 has violated WWQRR, Chapter 17, Section 16 (c) (ii). By failing to properly conduct inventory control, Goshen County School District #1 has violated WWQRR, Chapter 17, Section 16 (c) (i). By failing to report and investigate suspected releases, Goshen County School District #1 has violated WWQRR, Chapter 17, Sections 19 (c). By failing to have the sacrificial anodes tested within three (3) years of the last passing test, Goshen County School District #1 has violated WWQRR, Chapter 17, Section 11 (b).
5. This Notice is being sent to you pursuant to W.S. 35-11-701 (c) (i), that requires that in any case of 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 26th 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.