

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

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

Michael Pacheco)
Cowboy Gas, Inc. Gas, Inc.)
P. O. Box 1597)
Jackson, WY 83001)

DOCKET NUMBER 4150-07

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Cowboy Gas, Inc. owns and operates three underground storage tanks (USTs) located at 560 West Broadway, Jackson, Wyoming. The facility is registered as UST facility 0-003983. Cowboy Gas, Inc. uses automatic tank gauging and inventory control for leak detection on the tanks.

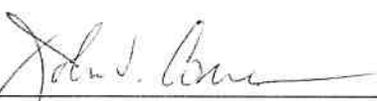
A compliance inspection was conducted on August 23, 2007, by personnel from the Department of Environmental Quality. It was discovered that Cowboy Gas, Inc. is not performing inventory control along with automatic tank gauging (ATG). There were no inventory control records available during the inspection and none were available for submittal after the inspection.

2. Cowboy Gas, Inc. failed to conduct inventory control as required by Chapter 17, Section 16 (c).
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. (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.”
4. By failing to conduct inventory control, Cowboy Gas, Inc. has violated WWQRR, Chapter 17, Section 16 (c).

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 19 day of October, 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.