

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

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

Ben Reeves)
B & B Land Company)
6 O'Henry Drive)
Gillette, WY 82717)

DOCKET NUMBER 4159-07

Darin W. Homer)
Homax Oil Sales, Inc.)
605 South Poplar)
Casper, WY 82601)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Ben Reeves d/b/a B & B Land Company (B & B) owns, and Homax Oil Sales, Inc. (Homax) operates, underground storage tanks (USTs) located at B & B Land Company, 521 East Boxelder Road, Gillette, Wyoming. The facility is registered as UST facility 0-004147. B & B and Homax use automatic tank gauging (ATG) and inventory control for leak detection on these USTs.

A storage tank compliance inspection was conducted on September 20, 2007, by personnel from the Department of Environmental Quality. It was discovered that passing ATG test results were not obtained for any of the four USTs prior to February 2007. No suspected release was reported or investigated.

2. B & B as owner, and Homax as operator, are required to report a suspected release within 24 hours whenever they are unable to obtain a passing ATG test result for an entire calendar month. B & B and Homax failed to make this report at the end of any of the months when passing ATG results were not obtained.

B & B as owner, and Homax as operator, are required to investigate a suspected release within seven days whenever they are unable to obtain a passing ATG test result for an entire calendar month. B & B and Homax failed to make the required investigation at the end of any of the months when passing ATG results were not obtained.

2. 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.”

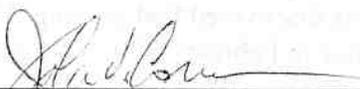
WWQRR, Chapter 17, Section 19, states: “**Reporting of Suspected Releases.** Owners and/or operators of storage tank systems shall orally report to the department within twenty-four (24) hours all releases or suspected releases.”

WWQRR, Chapter 17, Section 20, States: “**Release Investigation and Confirmation for Eligible Owners and/or Operators.** Owners and/or operators of storage tanks who are eligible for cleanup under the Corrective Action Account shall immediately investigate and confirm all suspected releases of regulated substances requiring reporting under Section 19 within seven (7) days of detection.”

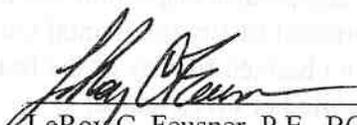
4. By failing to obtain passing ATG results for any of the four tanks before February 2007, B & B and Homax have violated WWQRR, Chapter 17, Section 16 (c). By failing to report a suspected release at the end of any of those same months, B & B and Homax have violated WWQRR, Chapter 17, Section 19. By failing to investigate a suspected release at the end of any of those same months, B & B and Homax have violated WWQRR Chapter 17, Section 20.
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.