

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:)
)
J. H. Kaspar Oil Company)
P. O. Box 448)
Rawlins, WY 82301)
)

DOCKET NUMBER 4166-07

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. J. H. Kaspar Oil Company owns and operates underground storage tank (UST) facility number 0-003063, located at Interstate 80 Exit #221, Sinclair, Wyoming. This facility, known as the I-80 Travel Plaza, has seven USTs. Four of the USTs contains diesel and the other three contain gasoline. J. H. Kaspar Oil Company uses automatic tank gauging (ATG) and inventory control (IC) as its monthly UST leak detection methods. All of these tanks are steel and are protected against corrosion using an impressed current cathodic protection (ICCP) system. The three gasoline USTs were installed in 1973, and the four diesel USTs were installed in 1981.

On September 14, 2007, this department conducted an inspection of UST facility 0-003063. The inventory control records for the premium tank indicated failing results for April and May 2007, and the inventory control records for tanks 4 and 7 indicated failing results for June and July 2007. No suspected releases were reported, nor was there any documentation of investigations to determine if releases had occurred.

The notice of inspection requested that all compliance records be made available at the time of inspection. ATG test records for the previous year, and records showing that the ICCP rectifiers were being monitored every sixty days, were not made available during the inspection.

A new ATG system has been installed since an inspection conducted March 3, 2003. The department was not notified of the modification to the UST system.

A follow up inspection was conducted on October 19, 2007. The notice of inspection requested that all of the compliance records that were not made available during the inspection conducted on September 14, 2007, be on site. There were no compliance records at this facility on October 19, 2007.

2. J. H. Kaspar Oil Company failed to report and investigate suspected releases of a regulated substance when inventory control failed on the premium tank in April and May 2007, and when the inventory control for tanks 4 and 7 failed in June and July 2007.

J. H. Kaspar Oil Company failed to provide compliance records that were requested by the department, on two separate occasions.

J. H. Kaspar Oil Company failed to notify the department of a major modification to a UST system and operated the modified system without department authorization.

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: “**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.”

Wyoming Statute (WS) 35-11-1422 (a) (i), states: “(a) When requested by an authorized agent of the state the owner or operator shall: (i) Provide information to determine compliance with the statutes and rules and regulations;”

WS 35-11-1420 (b) states: “No person shall install or substantially modify, or cause to be installed or substantially modified, any new or replacement tank without thirty (30) days prior notification to the department. The department shall within ten (10) days of completion, inspect the site or have the site inspected by a qualified state, local government or private inspector. No tank shall be operated until the department determines the installation or modification meets the applicable standards.”

4. By failing to report and investigate a suspected release, J. H. Kaspar Oil Company has violated WWQRR Chapter 17, Sections 16 (c) (ii) and 19 (c). By failing to provide compliance records requested by the department, J. H. Kaspar Oil Company has violated WS 35-11-1422 (a) (i). By failing to notify the department of a major modification to a UST system and operating the modified system without department approval, J. H. Kaspar Oil Company has violated WS 35-11-1420 (b).

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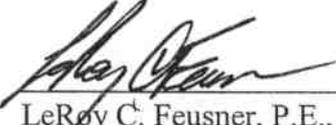
5. This Notice is being sent to you pursuant to W.S. 35-11-701 (c) (i), which requires that in any case of failure to correct or remedy an alleged violation, the director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

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 7 day of Nov 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.