

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:)
)
Lock, Stock & Barrel, Inc.)
1003 16'th Street)
Wheatland, WY 82201)
)

DOCKET NUMBER 4169-07

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Lock, Stock & Barrel, Inc. owns and operates underground storage tank (UST) facility number 0-003413 located at 1857 West Mariposa Parkway, Wheatland, Wyoming. This facility, known as the I-25 Pitstop, has three USTs. Two of the USTs contain gasoline, and the other one contains diesel. Lock, Stock & Barrel, Inc. uses automatic tank gauging (ATG) and inventory control (IC) as its monthly UST leak detection methods. The USTs were installed in 1986.

On August 25, 2006 a letter was sent to Lock, Stock & Barrel, Inc., informing them that they were required to obtain a passing ATG test each month for each UST located at this facility.

On August 15, 2007, this department conducted an UST inspection at the I-25 Pitstop. It was discovered that the premium tank had not passed an ATG test since August 2006.

2. Lock, Stock & Barrel, Inc. failed to report and investigate suspected releases of a regulated substance when a tank failed to pass monthly ATG testing.
3. Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 16 (c)(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”

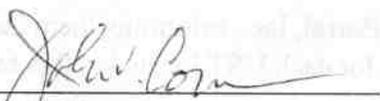
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WWQRR, Chapter 17, Section 19 (c) states: "**Reporting of Suspected Releases.** Owners and/or operators of storage tank systems shall orally report to the department within twenty-four (24) hours all releases or suspected releases in accordance with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

4. By failing to report and investigate a suspected release, Lock, Stock & Barrel, Inc. has violated WWQRR, Chapter 17, Sections 16 (c) (ii) and 19 (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 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.