

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

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

Don St. Jeor)
39751 Business Loop 80)
Urie, WY 82937)

DOCKET NUMBER 4173-07

)
Clint and Sylvia Feehan)
Truckers, Tankers, Inc.)
d/b/a Feehan Country Store)
39751 Business Loop 80)
Urie, WY 82937)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Don St. Jeor (St. Jeor) owns, and Truckers, Tankers, Inc., (TTI) operates, underground storage tanks located at Feehan Country Store located at 39751 Business Loop 80, Urie, Wyoming. The facility is registered as UST facility 0-002938. St. Jeor and TTI use Statistical Inventory Reconciliation (SIR) for leak detection on the tanks.

A storage tank compliance inspection was conducted on October 26, 2007, by personnel from the Department of Environmental Quality. It was discovered that SIR records that were submitted showed either a failing result or an inconclusive result for the past 12 months.

2. St. Jeor as owner, and TTI as operator, failed to report a suspected release within 24 hours, after they were unable to obtain a passing SIR result, each month for 12 consecutive months.

St. Jeor as owner, and TTI as operator, failed to investigate a suspected release within 7 days after they were unable to obtain an SIR result at the end of every calendar month from September 2006 through September 2007.

3. Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 16 (g), states: “(g) *Statistical Inventory Reconciliation (SIR)*. All SIR methods shall: (i) meet the requirements found in Section 16(a) for inventory control; (ii) be capable of detecting a 0.2 gallon per hour leak rate or a release of one hundred fifty (150) gallons within a month with a probability of detection of at least 0.95 and a probability of false alarm of no more than 0.05; and (iii) be approved, in writing, by the department prior to use. (iv) All ‘inconclusive’ results shall be investigated by the owner and/or operator as soon as they are reported by the SIR company, including a complete audit of all input data. The owner and/or operator shall make every effort to resolve all ‘inconclusive’ results as soon as they are reported. If the inventory for an entire month fails to balance within two thousand (2,000) gallons, that month shall be treated as inconclusive. A month with an un-resolved inconclusive result is a month when no valid leak detection was provided. (v) Owners and/or operators using SIR shall report a suspected release and follow the requirements of Section 19(c) of this chapter whenever: (A) Any single month is reported as a failure for the UST system by the SIR company; (B) Any month is reported by the SIR company as ‘inconclusive’ unless that

inconclusive result has been resolved by re-submission of audited inventory numbers to the SIR company. (vi) UST Systems with a throughput of more than 500,000 gallons per month in any single system shall not be monitored using SIR as the only release detection method.”

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 report a suspected release, St. Jeor as owner, and TTI as operator, have violated WWQRR, Chapter 17, Section 16 (g) and WWQRR, Chapter 17, Section 19. By failing to investigate a suspected release, St. Jeor as owner, and TTI as operator, 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 13 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.