

BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

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

Paul E. McDowell )  
Wamsutter Sinclair )  
311 Kelly Road )  
P.O. Box 346 )  
Wamsutter, WY 82336 )

DOCKET NUMBER: 4205-08

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Paul E. McDowell is the registered owner and operator of the Wamsutter Sinclair station in Wamsutter, Wyoming. Wamsutter Sinclair has three underground storage tanks (USTs) registered as facility 0-004323. The three USTs at Wamsutter Sinclair are fiberglass reinforced plastic (FRP) tanks. Product is pumped from these USTs using pressurized double wall flexible plastic. Wamsutter Sinclair is registered as using Automatic Tank Gauging (ATG) and Inventory Control (IC) for leak detection on the tanks and sump sensors for leak detection on the lines.
2. Wamsutter Sinclair is required to provide an operator's annual inspection (OAI) for this facility. As part of the OAI, Wamsutter Sinclair is required to inspect the entire facility for any visible leaks and provide the last 12 months passing records for the ATG and IC. The last OAI was conducted on August 1, 2006, and was due again August 1, 2007. The sump sensors must be function tested annually. The last sump sensor function test was due by August 1, 2007. Wamsutter Sinclair has been contacted repeatedly and informed that the OAI and sump sensor function test are past due. A compliance inspection was conducted December 5, 2007. During that inspection it was discovered that Wamsutter Sinclair is also not doing IC.
3. Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 13 (e), states: "(e) *Operator's Annual Inspection*. Storage tank system owners and/or operators shall provide an annual report of inspection for the entire facility. An annual inspection is to be conducted either by the owner, the operator, or a qualified consultant. The inspector shall meet all of the qualifications as a CP tester if he or she inspects a CP system. This inspection shall: (i) test all of the CP systems on site which are due for testing in accordance with Section 11; (ii) provide for pressure tests of pressurized piping or U.S. Suction piping in accordance with Section 14(g); (iii) provide for tests of all Automatic Line Leak Detectors as follows; (A) provide a simulated leak test for Mechanical Line Leak Detectors which will demonstrate that the leak detector meets the requirements of Section 14 (g). (B) for Electronic Line Leak Detectors a simulated leak is required which demonstrates that the leak detector meets the requirements of Section 14 (g). An internal electrical test of the system is not sufficient to meet this requirement. (C) When sump sensors are used to meet the requirement for an Automatic Line Leak Detector, they shall be configured to meet the requirements of Section 14 (g) and the annual inspection shall include a manual tripping of each sump sensor. The automatic device used to monitor sump sensors shall be triggered by the manual tripping of the sensors, and a record shall be made showing the date when the test was done, the facility number, and recording the fact that the sensor operated as required. (iv) document that all Automatic Tank Gauges (ATG), interstitial monitoring systems, vapor monitoring systems, or other automatic systems are properly calibrated and functioning. This includes a check to determine if probes are clean and are the proper ones for the regulated substance being stored. (v) provide an annual summary for all inventory control calculations, statistical inventory reconciliation reports, or other leak detection methods

which shows compliance for each month of the preceding year. Records of the operation of all leak detection systems for the past three years are required to be kept. (vi) include a physical inspection of all sumps, manholes, dispensers, and other openings provided on the storage tank system. Any leaks found shall be immediately eliminated.”

Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 16 (c), states: “(a) *Inventory control*. Inventory control is never acceptable as a leak detection method except when it is combined with another method. Product inventory control (or another test of equivalent performance) shall be conducted monthly to detect a release of at least 1.0 percent (1%) of throughput plus one hundred thirty (130) gallons in the following manner: (i) Inventory volume measurements for regulated substance inputs, withdrawals, and the amount still remaining in the UST shall be recorded each operating day; (ii) The equipment used shall be capable of measuring the depth of regulated substance over the full range of the USTs height to the nearest one-eighth (1/8) of an inch; (iii) The regulated substance inputs shall be reconciled with delivery receipts by measurement of the UST inventory volume before and after delivery; (iv) Deliveries shall be made through a drop tube that extends to within one (1) foot of the UST bottom; (v) Dispensing of regulated substances shall be metered and recorded within the local standards for meter calibration or an accuracy of six (6) cubic inches for every five (5) gallons of regulated substance withdrawn; and (vi) Water in the bottom of the UST shall be measured to the nearest one-eighth (1/8) of an inch at least once a month. (vii) Owners and/or operators using inventory control may combine this method with tank tightness testing at least every five (5) years until December 22, 2008, or until ten (10) years after the UST itself first met the requirements of Section 6(a), whichever is sooner; (viii) Owners and/or operators using inventory control shall report a suspected release under Section 19(c) of this chapter whenever: (A) the inventory control fails to balance within 1.0 percent (1%) of total throughput plus one hundred thirty (130) gallons for the second consecutive month; (B) More than 20 daily readings are either positive or negative for the second consecutive month; or (C) A graph of the daily over/short readings shows a consistent non-zero trend for two consecutive months.”

Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 16 (a), 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.”

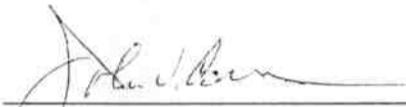
4. By failing to conduct an OAI when it was due on August 1, 2007, Paul McDowell has violated WWQRR, Chapter 17, Section 13 (e). By failing to conduct IC, Paul McDowell has violated WWQRR, Chapter 17 Section 16 (a) and Section 16 (c) (i). By failing to perform a test of the sump sensors, Paul McDowell has violated WWQRR Chapter 17, Section 13(e)(iii)(c).

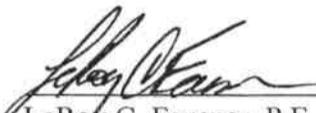
Notice of Violation, Docket Number 4205-08  
Wamsutter Sinclair

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 24 day of JAN, 2008

  
\_\_\_\_\_  
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.

JVC/LCF/RFL:/lm