

BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO: )  
)  
Fresh Start Convenience Stores, Inc. )  
P. O. Box 1180 )  
Spearfish, SD 57783-1180 )  
)

DOCKET NUMBER 4281-08

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

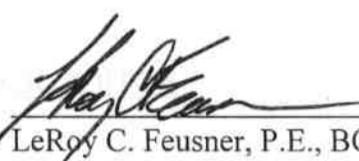
1. Fresh Start Convenience Stores, Inc., is the owner and operator of three underground storage tanks (USTs) located at the Fresh Start Convenience Store #13, 301 South Main, Lusk, Wyoming. These USTs are registered with the Storage Tank Program as facility 0-000950. The piping that is connected to these USTs is protected against corrosion using sacrificial anodes. On March 6, 2007, a cathodic protection test was performed on the UST piping. This test was clearly marked as a failing result for the piping. On May 9, 2007, Fresh Start Convenience Stores, Inc., was notified by letter from the Storage Tank Program that the test had failed and the system had to be repaired and retested. The cathodic protection system has not been repaired and retested.
2. Fresh Start Convenience Stores, Inc., has failed to repair a failing cathodic protection system for over a year.
3. Wyoming Water Quality Rules and Regulations, Chapter 17, Section 11, states: **“Operation and Maintenance of Corrosion Protection (CP).** All owners and/or operators of steel storage tank systems with CP shall comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the storage tank system is used to store regulated substances: (a) Continuous Operation. All CP systems shall be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances and are in contact with the ground. Once installed, CP systems shall not be removed, even if the tank has also been internally lined, as long as steel tanks or connected piping exist on that site. This does not preclude replacement of parts of the CP system which have become defective. (b) Periodic Inspections. All storage tank systems equipped with CP systems shall be inspected for proper operation by a qualified CP tester in accordance with the following requirements: (i) All CP systems shall be tested within six (6) months of installation and at least once every three (3) years thereafter. (ii) The criteria that are used to determine that CP is adequate shall be in accordance with the NACE Standard RP0285-2002, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems". (iii) All CP systems shall be tested within six months of any repair or substantial modification to the storage tank system, or any other installation on the facility requiring excavation, in accordance with NACE Standard RP0285-2002.”
4. By failing to repair and retest a failing cathodic protection system, Fresh Start Convenience Stores, Inc., has violated Chapter 17, Section 11, Wyoming Water Quality Rules and Regulations.

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 2nd day of June, 2008

  
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John V. Corra  
Director  
Department of Environmental Quality

  
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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 or [blucht@state.wy.us](mailto:blucht@state.wy.us), for technical matters.

RFL/KH/LCF/JVC