BEFORE THE

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:	)	
Sonny Fraughton The Last Chance 49 Aspen Grove East Evanston, WY 82513	)	DOCKET NUMBER 4290-08

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Sonny Fraughton owns and operates underground storage tanks (USTs) located at 49 Aspen Grove East, Evanston, Wyoming. The facility is registered as UST facility 0-002462 and does business under the name The Last Chance. Butterfly valves in the drop tubes are used for the required overfill protection.

   A compliance inspection was conducted on June 5, 2008, by personnel from the Department of Environmental Quality. It was discovered that the overfill device in the unleaded tank had been disabled.

2. Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 6 (c) (ii) (B), states: "(c) *Spill and overfill prevention equipment.* (i) Except as provided in Section 6 (c)(ii), to prevent spilling and overfilling associated with regulated substance transfer to the UST system, owners and/or operators shall use the following spill and overfill prevention equipment: (B) Overfill prevention equipment that will: (I) Automatically shut off flow into the tank when the tank is no more than ninety-five percent (95%) full; or (II) Alert the transfer operator when the tank is no more than ninety percent (90%) full by restricting the flow into the tank or triggering a high-level alarm."

3. By operating the unleaded gasoline tank with the overfill device disabled, Sonny Fraughton has violated WWQRR, Chapter 17, Section 6 (c) (ii) (B).

4. 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 18th day of JUNE, 2008

John V. Corra
Director
Department of Environmental Quality

For
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.