

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:)
)
Mini Mart)
Loaf N Jug - Mini Mart, Inc.)
442 Keeler Parkway)
Pueblo, CO 83101)
)

DOCKET NUMBER 4312-08

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Loaf N Jug - Mini Mart, Inc. (Mini Mart), owns and operates two underground storage tanks (USTs) located at 1900 East Second Street, Casper, Wyoming. Mini Mart uses inventory control (IC) and automatic tank gauging (ATG) as the leak detection method for these USTs. These USTs are registered as facility 0-004068. A compliance inspection was conducted by the department on May 20, 2008. During this inspection it was discovered that Mini Mart did not have passing ATG results for any month from October 2007 through April 2008 for either of the USTs.
2. Mini Mart has failed to conduct ATG for two USTs for seven months.
3. Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 16 (c) 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) of this section, unless: (A) the regulated substance is placed in the UST in batches of twenty-five (25) gallons or less; (B) the tank is used only to fuel an emergency power generator; (C) a passing result is obtained monthly from the Automatic Tank Gauge with the tank at least 85% full; (D) the automatic tank gauge itself reconciles the inventory to the same levels as required by paragraph (a)(i) of this section; or (E) 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.”

WWQRR, Chapter 17, Section 19 (c) states: “Section 19. **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.”

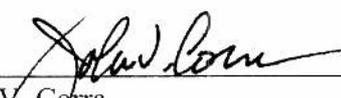
4. By failing to properly conduct ATG, Mini Mart has violated WWQRR, Chapter 17,

Section 16 (c). By failing to report a suspected release seven times, Mini Mart has violated WWQRR, Chapter 17, Section 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 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 16 day of July, 2008



John Y. 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.

RFL:KH:LCF:JVC