

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:)
)
Harvey Jackson)
South Lincoln Hospital District)
711 Onyx)
P. O. Box 390)
Kemmerer, WY 83101)
)

DOCKET NUMBER 4339-08

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The South Lincoln County Hospital District operates an underground storage tank (UST) facility located at 711 Onyx Street in Kemmerer, Wyoming. This facility has one fiberglass reinforced plastic UST equipped with four copper product lines, and it is registered as facility 0-004241. The copper product lines were equipped with a Cathodic Protection (CP) system in 1999. CP systems are required to be tested once every 3 years. The CP system was last tested December 20, 1999. During an inspection conducted August 8, 2006, the overdue CP test was noted as a violation. To date, the required CP test for this facility has not been completed.

WWQRR, Chapter 17, Section 13 (e) requires operators of UST systems to conduct an Operator's Annual Inspection (OAI.) The purpose of an OAI is for the operator of an UST to find any physical problem with the UST, correct any deficiencies, and to insure compliance with all substantial requirements of the Storage Tank Program. WWQRR, Chapter 17, Section 16 also requires operators to conduct leak detection. On January 3, 2006, South Lincoln Hospital District was informed of these requirements by letter. On July 13, 2006; November 28, 2006; April 24, 2007; and November 20, 2007; letters were sent informing South Lincoln Hospital District that an OAI was due on August 17, 2006. During the inspection conducted August 8, 2006, the overdue OAI was also noted as a violation. To date, the required OAI for this facility has not been completed.
2. South Lincoln Hospital District has failed to conduct an OAI when it was due for two years and has failed to conduct CP tests on the lines for 9 years. South Lincoln County Hospital District has failed to conduct leak detection as required by WWQRR, Chapter 17, Section 14.
3. WWQRR, 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: (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'."

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.”

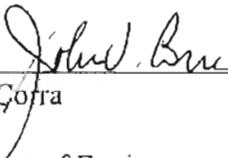
WWQRR, Chapter 17, Section 14 (a), states: “*Release Detection.* Owners and/or operators of UST systems shall provide a method, or combination of methods, of release detection that: (i) Can detect a release from any portion of the tank and the connected piping that routinely contains a regulated substance; (ii) Is installed, calibrated, operated, and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks showing that the leak detection equipment is fully operational and in proper calibration; and (iii) Meets the performance requirements in Sections 15, 16, or 17 , with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer. Methods used shall be capable of detecting the leak rate or quantity specified for that method in Sections 15, 16, or 17 with a probability of detection of 0.95 and a probability of false alarm of 0.05.”

4. By failing to conduct CP testing when it was due December 20, 2002, and December 20, 2005, South Lincoln Hospital District has violated WWQRR, Chapter 17, Section 11 (b) (i). By failing to conduct an OAI when it was due August 17, 2006, and again August 17, 2007, South Lincoln Hospital District has violated WWQRR, Chapter 17, Section 13 (e). By failing to conduct leak detection, South Lincoln Hospital District has violated WWQRR, Chapter 17, Section 14.

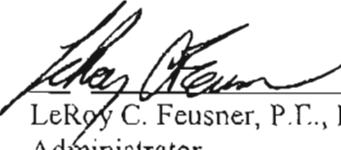
5. This Notice is being sent to you pursuant to W.S. 35-11-701(c)(i), which requires that in any case of the failure to correct or remedy an alleged violation, the director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

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 12 day of August, 2008



John V. Coffra
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:KH:/RFL