

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:)
)
Kathy Clements)
CFJ Properties)
1104 Country Hills Drive)
Ogden, UT 84403)
)

DOCKET NUMBER 4366-08

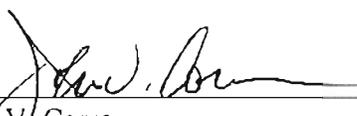
NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. CFJ Properties operates 6 Underground Storage Tanks (USTs) at the Flying J Travel Plaza, 650 Stagecoach Drive, Rock Springs, Wyoming. These USTs are registered as facility 0-003710. The 6 USTs are used to dispense more than 500,000 gallons per month of diesel, and leak detection is done using Automatic Tank Gauging (ATG) and Statistical Inventory Reconciliation (SIR). The Storage Tank Program conducted a compliance inspection on September 16, 2008. During that inspection it was discovered that there were no passing ATG results for UST number 6 for June or July 2008. The results for UST number 6 also showed failing ATG results for January 2008. No suspected releases were reported or investigated for any of these months.
2. CFJ Properties is required to obtain one passing ATG result for each calendar month for all 6 USTs on this location. UST number 6 did not pass leak detection tests in January 2008 and there were no records for tank number 6 for June or July 2008.
3. Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 16 (c), states: "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."
4. By failing to obtain a passing ATG result for UST number 6 for June or July 2008, CFJ Properties has violated WWQRR, Chapter 17, Section 16 (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 10/23/08 day of _____, 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: