

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:)
)
J & E, Inc.)
P. O. Box 228)
Basin, WY 82410)
)
Murdoch Oil, Inc.)
P. O. Box 607)
Greybull, WY 82426)
)

DOCKET # 4293-08

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. J & E, Inc. is the owner of two underground storage tanks (UST's) located at 501 South Fourth, Basin, Wyoming, that are operated by Murdoch Oil, Inc. The facility is registered as UST facility 0-001739. J & E, Inc. and Murdoch Oil, Inc. use automatic tank gauging and inventory control for leak detection on the tanks.

A compliance inspection was conducted on March 20, 2008, by personnel from the Department of Environmental Quality. It was discovered that passing automatic tank gauge (ATG) test results for the diesel tank were not obtained for any month for the year prior to the inspection.

2. J & E, Inc. and Murdoch Oil, Inc., failed to report a suspected release within 24 hours, after they were unable to obtain a passing ATG result for each of the twelve months from March 2007 through March 2008.

J & E, Inc. and Murdoch Oil, Inc., failed to investigate a suspected release within 7 days after they were unable to obtain a passing ATG result for each of the twelve months from March 2007 through March 2008.

3. Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 16 (c), states: "Owners and/or operators using automatic tank gauging shall also: (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..."

WWQRR, Chapter 17, Section 19, states: "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."

WWQRR, Chapter 17, Section 20, States: "Release Investigation and Confirmation for Eligible Owners and/or Operators. Owners and/or operators of storage tanks who are eligible for cleanup under the Corrective Action Account shall immediately investigate and confirm all suspected releases of regulated substances requiring reporting under Section 19 within seven (7) days of detection."

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4. By failing to obtain a passing result from the ATG for every month from March 2007 through March 2008, J & E, Inc. and Murdoch Oil, Inc. have violated WWQRR, Chapter 17, Section 16 (c). By failing to report and investigate suspected releases every month from March 2007 through March 2008, J & E, Inc. and Murdoch Oil, Inc. have violated WWQRR, Chapter 17, Section 19 and WWQRR Chapter 17, Section 20.
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 _____ 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.