

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:)

Sandy Whitaker)
Whitaker Oil Company)
1325 North Cleveland)
Loveland, CO 80537)
)

DOCKET NUMBER 4295-08

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Sandy Whitaker is the owner and operator of the Broken Wheel Truck Stop in Douglas, Wyoming. There are four underground storage tanks (USTs) at this facility, registered as facility 0-001167. Butterfly valves in the drop tubes are used to comply with overfill prevention requirements on these USTs. An operator's annual inspection was conducted June 26, 2007. During that inspection it was noted and reported that there was no overfill device in the 12,000-gallon diesel tank. A compliance inspection was conducted March 4, 2008. During that inspection, the overfill device in the 12, 000-gallon diesel tank was still missing.
2. Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Section 6 (c) (i) requires that every UST be equipped with an overfill prevention device. During two inspections, June 26, 2007, and March 4, 2008, there was no overfill prevention device in the 12,000-gallon diesel tank on this facility.
3. WWQRR, Chapter 17, Section 6 (c) (i) 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."
4. By operating a 12,000-gallon diesel tank for at least ten months without an overfill prevention device, Sandy Whitaker and Whitaker Oil have violated WWQRR, Chapter 17, Section 6 (c) (i).
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.

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