BEFORE THE

ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO:	)	
James Todd Huff J J's General Store P. O. Box 523 Casper, WY 82602	)	DOCKET NUMBER: 4496-09

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. J J's General Store owns and operates four (4) underground storage tanks (UST) located at 10 South Third, Glenrock, WY 82070. J J's General Store registered these tanks as facility 0-000135.

2. Cathodic protection on these four (4) tanks is provided by an impressed current system. The impressed current system was due to be tested by a cathodic protection tester no later than January 4, 2009. J J's General Store was notified that this test was due on January 4, 2009, by letters dated October 10, 2008, November 24, 2008, December 23, 2008, January 26, 2009, February 11, 2009, and April 3, 2009. This test has not yet been done.

3. Wyoming Water Quality Rules and Regulations (WWQRR), Section 11 (b) and (c), states: "*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." (iii) All CP systems shall be tested within six months of any repair or substantial modification to the storage tank system, or any other installation on the facility requiring excavation, in accordance with NACE Standard RP0285-2002. (c) *Impressed Current Systems.* Storage tank systems with impressed current CP systems shall also be inspected by the owner and/or operator every sixty (60) days to ensure the equipment is running properly. The owner and/or operator shall make a record of these inspections, including the date of the inspection, the voltage reading on the rectifier, the amperage reading on the rectifier, and the hour reading on a properly connected hour meter showing how long the system has operated since the last inspection. The owner and/or operator shall compare those readings to the readings determined to be correct during the last inspection required under paragraph (b) of this section. Large changes in the voltage or amperage readings, or zero readings, shall be investigated by the owner and/or operator."

   Wyoming Water Quality Rules and Regulations (WWQRR), Section 44 (a)(ii), states: "**Prohibition of Deliveries** (a) *Reasons for Restricting Delivery.* Prohibition of delivery of regulated substances to a storage tank system shall be required when the department becomes aware that: (ii) The most recently required cathodic protection test has not been done within ninety (90) days of the date when due under Section 11(b) of this chapter…"

4. By failing to conduct a cathodic protection test on the impressed current system, James Todd Huff has violated Chapter 17, WWQRR, Section 11 (b) and (c). The fuel supplier for J J's General Store is: Fuel Services (Robin Taylor), P.O. Box 614, Gering, NE 69341.

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.

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

This is a Red-Tagging Order. Immediately after receiving this Notice and Order, J J's General Store is prohibited from purchasing any fuel for delivery to the tanks registered under facility 0-000135, 10 South Third, Glenrock, WY 82070. Fuel Services (Robin Taylor), P.O. Box 614, Gering, NE 69341 is ordered not to deliver any fuel to this location until notified by the department that this order has been lifted.

The department will lift the red-tagging order against J J's General Store when all of the following have been fulfilled:

1. J J's General Store shall conduct a cathodic protection system test by a qualified cathodic protection tester.

2. J J's General Store shall maintain the impressed current system continuously until these tanks are removed. This means that electric power must be continuously maintained to the impressed current rectifier and all sixty (60) day inspections required under Chapter 17, Section 11(c) must be conducted.

3. Within thirty (30) days of receipt of this Notice and Order, J J's General Store shall submit to this department a written description of actions that have or will be taken to implement the items above.

THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing a written petition for a hearing before the Environmental Quality Council. If a hearing is requested, the petition shall be mailed to Thomas Dunn, Chairman, Wyoming Environmental Quality Council, Room 1714 Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of Environmental Quality, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

NOTHING IN THIS ORDER shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this Order be interpreted as being a condition precedent to any other enforcement action.

ORDERED this 3rd day of JUNE, 2009.

John V. Corra
Director
Department of Environmental Quality

LeRoy C. Feusner, P.E., BCEE
Administrator
Solid and Hazardous Waste Management Division

Xc: Fuel Services (Robin Taylor), P.O. Box 614, Gering, NE 69341

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