BEFORE THE

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:	)	
	)	
	)	
Fred Nelson	)	
Kinnear Store, Inc.	)	
P. O. Box 372	)	DOCKET NUMBER 4689-10
Kinnear, WY 82516	)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Kinnear Store, Inc. owns and operates underground storage tank facility number 0-001859, which is known as the Kinnear Store located at 11519 Highway 26, Kinnear, Wyoming. This facility has three steel underground storage tanks. Kinear Store, Inc. is a low throughput facility that uses inventory control as its only form of tank leak detection.

   On May 5, 2010, a storage tank compliance inspection was conducted at the Kinnear Store. It was discovered that in the last year the tank inventory control records failed to balance within 150 gallons on twenty-one separate occasions. The failing records were not submitted to a statistical inventory reconciliation (SIR) provider. There were nine instances where the inventory control records failed on consecutive months and suspected releases were neither reported nor investigated. During the month of December, leak detection was not performed on the diesel tank or the premium tank.

2. DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17 have occurred:

   Count 1: Failure to Submit Records to an SIR Provider When Inventory Control Fails to Balance Within 150 Gallons [WWQRR, Chapter 17, Section14(f)(i)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section14(f)(i) by failing to submit their inventory control records to an SIR provider when the inventory control records for the diesel tank failed to balance within 150 gallons during the month of May 2009.

   Count 2: Failure to Submit Records to an SIR Provider When Inventory Control Fails to Balance Within 150 Gallons [WWQRR, Chapter 17, Section14(f)(i)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section14(f)(i) by failing to submit their inventory control records to an SIR provider when the inventory control records for the diesel tank failed to balance within 150 gallons during the month of June 2009.

   Count 3: Failure to Submit Records to an SIR Provider When Inventory Control Fails to Balance Within 150 Gallons [WWQRR, Chapter 17, Section14(f)(i)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section14(f)(i) by failing to submit their inventory control records to an SIR provider when the inventory control records for the diesel tank failed to balance within 150 gallons during the month of July 2009.

Count 4: Failure to Submit Records to an SIR Provider When Inventory Control Fails to Balance Within 150 Gallons [WWQRR, Chapter 17, Section14(f)(i)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section14(f)(i) by failing to submit their inventory control records to an SIR provider when the inventory control records for the diesel tank failed to balance within 150 gallons during the month of August 2009.

Count 5: Failure to Submit Records to an SIR Provider When Inventory Control Fails to Balance Within 150 Gallons [WWQRR, Chapter 17, Section14(f)(i)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section14(f)(i) by failing to submit their inventory control records to an SIR provider when the inventory control records for the diesel tank failed to balance within 150 gallons during the month of February 2010.

Count 6: Failure to Submit Records to an SIR Provider When Inventory Control Fails to Balance Within 150 Gallons [WWQRR, Chapter 17, Section14(f)(i)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section14(f)(i) by failing to submit their inventory control records to an SIR provider when the inventory control records for the premium tank failed to balance within 150 gallons during the month of May 2009.

Count 7: Failure to Submit Records to an SIR Provider When Inventory Control Fails to Balance Within 150 Gallons [WWQRR, Chapter 17, Section14(f)(i)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section14(f)(i) by failing to submit their inventory control records to an SIR provider when the inventory control records for the premium tank failed to balance within 150 gallons during the month of June 2009.

Count 8: Failure to Submit Records to an SIR Provider When Inventory Control Fails to Balance Within 150 Gallons [WWQRR, Chapter 17, Section14(f)(i)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section14(f)(i) by failing to submit their inventory control records to an SIR provider when the inventory control records for the premium tank failed to balance within 150 gallons during the month of July 2009.

Count 9: Failure to Submit Records to an SIR Provider When Inventory Control Fails to Balance Within 150 Gallons [WWQRR, Chapter 17, Section14(f)(i)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section14(f)(i) by failing to submit their inventory control records to an SIR provider when the inventory control records for the premium tank failed to balance within 150 gallons during the month of August 2009.

Count 10: Failure to Submit Records to an SIR Provider When Inventory Control Fails to Balance Within 150 Gallons [WWQRR, Chapter 17, Section14(f)(i)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section14(f)(i) by failing to submit their inventory control records to an SIR provider when the inventory control records for the premium tank failed to balance within 150 gallons during the month of October 2009.

Count 11: Failure to Submit Records to an SIR Provider When Inventory Control Fails to Balance Within 150 Gallons [WWQRR, Chapter 17, Section14(f)(i)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section14(f)(i) by failing to submit their inventory control records to an SIR provider when the inventory control records for the premium tank failed to balance within 150 gallons during the month of January 2010.

Count 12: Failure to Submit Records to an SIR Provider When Inventory Control Fails to Balance Within 150 Gallons [WWQRR, Chapter 17, Section14(f)(i)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section14(f)(i) by failing to submit their inventory control records to an SIR provider when the inventory control records for the premium tank failed to balance within 150 gallons during the month of March 2010.

Count 13: Failure to Submit Records to an SIR Provider When Inventory Control Fails to Balance Within 150 Gallons [WWQRR, Chapter 17, Section14(f)(i)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section14(f)(i) by failing to submit their inventory control records to an SIR provider when the inventory control records for the premium tank failed to balance within 150 gallons during the month of April 2010.

Count 14: Failure to Submit Records to an SIR Provider When Inventory Control Fails to Balance Within 150 Gallons [WWQRR, Chapter 17, Section14(f)(i)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section14(f)(i) by failing to submit their inventory control records to an SIR provider when the inventory control records for the unleaded tank failed to balance within 150 gallons during the month of June 2009.

Count 15: Failure to Submit Records to an SIR Provider When Inventory Control Fails to Balance Within 150 Gallons [WWQRR, Chapter 17, Section14(f)(i)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section14(f)(i) by failing to submit their inventory control records to an SIR provider when the inventory control records for the unleaded tank failed to balance within 150 gallons during the month of July 2009.

Count 16: Failure to Submit Records to an SIR Provider When Inventory Control Fails to Balance Within 150 Gallons [WWQRR, Chapter 17, Section14(f)(i)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section14(f)(i) by failing to submit their inventory control records to an SIR provider when the inventory control records for the unleaded tank failed to balance within 150 gallons during the month of August 2009.

Count 17: Failure to Submit Records to an SIR Provider When Inventory Control Fails to Balance Within 150 Gallons [WWQRR, Chapter 17, Section14(f)(i)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section14(f)(i) by failing to submit their inventory control records to an SIR provider when the inventory control records for the unleaded tank failed to balance within 150 gallons during the month of September 2009.

Count 18: Failure to Submit Records to an SIR Provider When Inventory Control Fails to Balance Within 150 Gallons [WWQRR, Chapter 17, Section14(f)(i)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section14(f)(i) by failing to submit their inventory control records to an SIR provider when the inventory control records for the unleaded tank failed to balance within 150 gallons during the month of October 2009.

Count 19: Failure to Submit Records to an SIR Provider When Inventory Control Fails to Balance Within 150 Gallons [WWQRR, Chapter 17, Section14(f)(i)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section14(f)(i) by failing to submit their inventory control records to an SIR provider when the inventory control records for the unleaded tank failed to balance within 150 gallons during the month of November 2009.

Count 20: Failure to Submit Records to an SIR Provider When Inventory Control Fails to Balance Within 150 Gallons [WWQRR, Chapter 17, Section14(f)(i)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section14(f)(i) by failing to submit their inventory control records to an SIR provider when the inventory control records for the unleaded tank failed to balance within 150 gallons during the month of January 2010.

Count 21: Failure to Submit Records to an SIR Provider When Inventory Control Fails to Balance Within 150 Gallons [WWQRR, Chapter 17, Section14(f)(i)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section14(f)(i) by failing to submit their inventory control records to an SIR provider when the inventory control records for the unleaded tank failed to balance within 150 gallons during the month of February 2010.

Count 22: Failure to Perform Tank Leak Detection [WWQRR, Chapter 17, Section14(a)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section14(a) by failing to perform tank leak detection on the premium tank during the month of December 2009.

Count 23: Failure to Perform Tank Leak Detection [WWQRR, Chapter 17, Section14(a)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section14(a) by failing to perform tank leak detection on the diesel tank during the month of December 2009.

Count 24: Failure to Report a Suspected Release When Inventory Control Fails for Two Consecutive Months [WWQRR, Chapter 17, Section16(viii)(A)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section16(viii)(A) by failing to report a suspected release when the inventory control records for the diesel tank failed during May and June 2009.

Count 25: Failure to Report a Suspected Release When Inventory Control Fails for Two Consecutive Months [WWQRR, Chapter 17, Section16(viii)(A)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section16(viii)(A) by failing to report a suspected release when the inventory control records for the diesel tank failed during August and September 2009.

Count 26: Failure to Report a Suspected Release When Inventory Control Fails for Two Consecutive Months [WWQRR, Chapter 17, Section16(viii)(A)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section16(viii)(A) by failing to report a suspected release when the inventory control records for the premium tank failed during May and June 2009.

Count 27: Failure to Report a Suspected Release When Inventory Control Fails for Two Consecutive Months [WWQRR, Chapter 17, Section16(viii)(A)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section16(viii)(A) by failing to report a suspected release when the inventory control records for the premium tank failed during August and September 2009.

Count 28: Failure to Report a Suspected Release When Inventory Control Fails for Two Consecutive Months [WWQRR, Chapter 17, Section16(viii)(A)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section16(viii)(A) by failing to report a suspected release when the inventory control records for the unleaded tank failed during June and July 2009.

Count 29: Failure to Report a Suspected Release When Inventory Control Fails for Two Consecutive Months [WWQRR, Chapter 17, Section16(viii)(A)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section16(viii)(A) by failing to report a suspected release when the inventory control records for the unleaded tank failed during August and September 2009.

Count 30: Failure to Report a Suspected Release When Inventory Control Fails for Two Consecutive Months [WWQRR, Chapter 17, Section16(viii)(A)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section16(viii)(A) by failing to report a suspected release when the inventory control records for the unleaded tank failed during October and November 2009.

Count 31: Failure to Report a Suspected Release When Inventory Control Fails for Two Consecutive Months [WWQRR, Chapter 17, Section16(viii)(A)]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section16(viii)(A) by failing to report a suspected release when the inventory control records for the unleaded tank failed during January and February 2010.

Count 32: Failure to Investigate a Suspected Release When Inventory Control Fails for Two Consecutive Months [WWQRR, Chapter 17, Section 20]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section 20 by failing to investigate a suspected release when the inventory control records for the diesel tank failed during May and June 2009.

Count 33: Failure to Investigate a Suspected Release When Inventory Control Fails for Two Consecutive Months [WWQRR, Chapter 17, Section 20]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section 20 by failing to investigate a suspected release when the inventory control records for the diesel tank failed during July and August 2009.

Count 34: Failure to Investigate a Suspected Release When Inventory Control Fails for Two Consecutive Months [WWQRR, Chapter 17, Section 20]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section 20 by failing to investigate a suspected release when the inventory control records for the premium tank failed during May and June 2009.

Count 35: Failure to Investigate a Suspected Release When Inventory Control Fails for Two Consecutive Months [WWQRR, Chapter 17, Section 20]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section 20 by failing to investigate a suspected release when the inventory control records for the premium tank failed during July and August 2009.

Count 36: Failure to Investigate a Suspected Release When Inventory Control Fails for Two Consecutive Months [WWQRR, Chapter 17, Section 20]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section 20 by failing to investigate a suspected release when the inventory control records for the unleaded tank failed during June and July 2009.

Count 37: Failure to Investigate a Suspected Release When Inventory Control Fails for Two Consecutive Months [WWQRR, Chapter 17, Section 20]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section 20 by failing to investigate a suspected release when the inventory control records for the unleaded tank failed during August and September 2009.

Count 38: Failure to Investigate a Suspected Release When Inventory Control Fails for Two Consecutive Months [WWQRR, Chapter 17, Section 20]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section 20 by failing to investigate a suspected release when the inventory control records for the unleaded tank failed during October and November 2009.

Count 39: Failure to Investigate a Suspected Release When Inventory Control Fails for Two Consecutive Months [WWQRR, Chapter 17, Section 20]. As owner and operator of underground storage tanks, Kinnear Store, Inc. violated WWQRR, Chapter 17, Section 20 by failing to investigate a suspected release when the inventory control records for the unleaded tank failed during January and February 2010.

3. Any person who violates any provision of the Environmental Quality Act, or any rule, standard, permit, license, or variance adopted there under, is liable for a penalty of ten thousand dollars ($10,000.00) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the people of Wyoming.

4. 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 shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this Notice of Violation be interpreted as being a condition precedent to any other enforcement action.

SIGNED this 22 day of June, 2010.

John V. Corra Director Department of Environmental Quality	Carl Anderson, PhD Administrator Solid and Hazardous Waste Division

PLEASE DIRECT ALL INQUIRES TO: Oma Gilbreth, Storage Tank Program Compliance Supervisor at 122 West 25th Street, Fourth Floor, West Wing, Cheyenne, WY 82002, (307) 777-7097 or (307) 777-5973 FAX for technical matters.

JVC/CA/KH/OG