BEFORE THE

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:	)	
	)	
R. J. and Linda Smith	)	
2700 Plant Street	)	
Rapid City, SD 57702	)	DOCKET NUMBER 4698-10
	)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. R. J. and Linda Smith own and operate underground storage tank facility number 0-003470, which is known as the Rapid Stop Conoco located at 565 West Highway 14, Sundance, Wyoming. This facility has three underground storage tanks. The underground tanks are connected to pressurized piping that is monitored for leaks by sump sensors.

   On October 15, 2008 a storage tank compliance inspection was conducted at the Rapid Stop Conoco. It was discovered that the diesel sump was full of liquid and the sump sensor was not alarming.

   On April 28, 2010 another storage tank compliance inspection was conducted at the Rapid Stop Conoco. It was discovered that the diesel sump was full of water again. The sump sensor was alarming and site personnel were ignoring the alarm.

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

   Count 1: Failure to monitor piping for releases [WWQRR, Chapter 17, Section 14(g)]. As owner and operator of underground storage tanks, R. J. and Linda Smith have violated WWQRR, Chapter 17, Section 14(g), by failing to monitor piping for releases.

   Count 2: Failure to report a suspected release [WWQRR, Chapter 17, Section 19(c)]. As owner and operator of underground storage tanks, R. J. and Linda Smith violated WWQRR, Chapter 17, Section19(c), by failing to report a suspected release when their piping release detection method indicated a possible release.

   Count 3: Failure to investigate a suspected release [WWQRR, Chapter 17, Section 20]. As owner and operator of underground storage tanks, R. J. and Linda Smith violated WWQRR, Chapter 17, Section 20, by failing to investigate a suspected release when their piping release detection method indicated a possible release.

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 29th 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