



Department of Environmental Quality

To protect, conserve, and enhance the Quality of Wyoming's environment for the benefit of current and future generations



Dave Freudenthal, Governor

John Corra, Director

December 22, 2010

CERTIFIED 7007 0710 0000 3817 7028

James T. Asbury
Pilot Travel Centers, LLC
P.O. Box 10146
Knoxville, TN 37919-0146

Dear Mr. Asbury:

Enclosed you will find a Notice of Violation, Docket Number 4775-10, issued under the provisions of W.S. 35-11-701(c).

This Notice of Violation is being issued for failure to notify the department prior to installing new tank monitoring equipment at the Flying J Travel Plaza in Cheyenne, Wyoming. On November 8, 2010, the department became aware that a new tank monitoring system had been installed at the facility and had not been notified of the installation. On November 9, 2010, department personnel visited the site and verified that the previous tank monitoring system had been removed and replaced with a Veeder-Root TLS-450 tank monitoring system. Storage tank system operators are required to notify the department at least thirty (30) days prior to making any system modifications. The modified system is currently being operated without department authorization.

If you would like to resolve this matter through a stipulated settlement without the need to go to District Court, this Department is willing to negotiate such a settlement. Please contact Oma Gilbreth at (307) 777-7097 within thirty days of receipt of this letter to arrange a date and time to negotiate a penalty amount.

John V. Corra
Director
Department of Environmental Quality

Carl Anderson, PhD
Administrator
Solid and Hazardous Waste Division

JVC/CA/KH/OG/SLW

Enclosure: Notice of Violation



BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)	
VIOLATION ISSUED TO:)	
)	
Pilot Travel Centers, LLC)	DOCKET NUMBER 4775-10
P.O. Box 10146)	
Knoxville, TN 37919-0146)	
)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Pilot Travel Centers, LLC, owns and operates underground storage tank facility number 0-003476, which is known as the Flying J Travel Plaza, located at 2250 Etchepare Drive, Cheyenne, Wyoming. This facility has seven underground storage tanks (USTs). The underground tanks are connected to fiberglass reinforced plastic pressurized piping.

Pilot Travel Centers, LLC, recently acquired the Flying J Travel Plaza and installed a new Veeder-Root Automatic Tank Gauge (ATG) system and associated equipment to monitor the tanks for leaks. They are currently operating the ATG system and associated equipment without department approval.

2. DEQ has determined that the following violations of The Wyoming Environmental Quality Act have occurred:

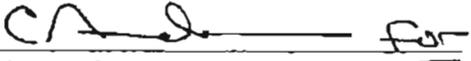
Count 1: Failure to notify the Department of modification to the UST system [W.S. 35-11-1420(b)]. As owner and operator of underground storage tanks, Pilot Travel Centers, LLC, violated W.S. 35-11-1420(b) by not notifying the department of the modification of the tank gauge system prior to installation or following installation.

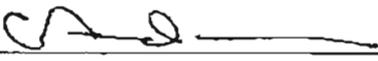
Count 2: Operating a storage tank system without authorization [W.S. 35-11-1420(b)]. As owner and operator of underground storage tanks, Pilot Travel Centers, LLC, violated W.S. 35-11-1420(b) by operating the modified system without department authorization.

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 23 day of December, 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