



# 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

January 13, 2012

CERTIFIED 91 7199 9991 7030 5505 2184

Moyle Petroleum Company  
P. O. Box 2860  
Rapid City, SD 57709

Dear Mr. Larson:

Enclosed you will find a Notice of Violation, Docket Number 4945-12, issued under the provisions of W.S. 35-11-701(c).

On December 16, 2011, personnel from the Department of Environmental Quality (DEQ) performed a storage tank compliance inspection at the Common Cents Food Store #202 in Casper, Wyoming. The inspectors discovered a tank gauge stick inside one of the drop tubes. The tank gauge stick disabled the overfill prevention device. A monthly inspection is required at this facility because the Class A Operator is in charge of more than one facility. The monthly inspections have not been completed by the Class A Operator. During the monthly inspection, the Operator should have caught and rectified the disabled overfill device.

Operating an underground storage tank without an operational overfill prevention device is a serious violation of Wyoming Water Quality Rules and Regulations, Chapter 17.

If you would like to resolve this matter through a stipulated settlement without the need to go to District Court, DEQ is willing to negotiate such a settlement. Please contact Oma Gilbreth at (307) 777-7097 within 30 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/

Enclosure: Notice of Violation



BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO: )  
)  
Moyle Petroleum Company ) DOCKET NUMBER 4945-12  
P. O. Box 2860 )  
Rapid City, SD 57709 )  
)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Moyle Petroleum Company owns and operates underground storage tank facility number 0-002900, which is known as the Common Cents Food Store #202 and is located at 632 North Poplar Street, Casper, Wyoming. This facility has three underground storage tanks that are used to store gasoline and diesel. The tanks at this facility are registered as using butterfly valves for overfill prevention.

A compliance inspection was conducted at this facility on December 16, 2011. During the inspection, the inspectors discovered a tank gauge stick inside one of the drop tubes. The tank gauge stick disabled the overfill prevention device.

A monthly inspection is required at this facility because the Class A Operator is in charge of more than one facility. The monthly inspections have not been completed at this facility.

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

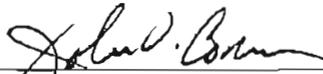
**Count 1: Operating a Tank Without an Operational Overfill Prevention Device [WWQRR, Chapter 17, Section 6(c)(i)(A) & (B)(I)(II)].** As owner and operator of underground storage tanks, Moyle Petroleum Company, has violated WWQRR, Chapter 17, Section 6(c)(i)(A) & (B)(I)(II), by operating a tank without an operational overfill device.

**Count 2: Failure to Perform Monthly Inspection [WWQRR, Chapter 17, Section 46(d)].** As owner and operator of underground storage tanks, Moyle Petroleum Company, has violated WWQRR, Chapter 17, Section 46(d), by failing to perform monthly visual inspection of each storage tank system when the Class A operator is in charge of more than one facility.

3. Any person, who violates any provision of the Environmental Quality Act, or any rule, standard, permit, license, or variance adopted thereunder, 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 17th day of January, 2012.



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