BEFORE THE

ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO:	)	
	)	
	)	
Valley Oil Company	)	DOCKET NUMBER: 4964-12
P.O. Box 1331	)	
Saratoga, WY 82331	)	

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Valley Oil Company owns and operates aboveground storage tank facility number 0-004138, which is known as Valley Oil Company and is located in Saratoga, Wyoming. This facility has four aboveground storage tanks (ASTs) that are used to sell fuel retail.

   Department of Environmental Quality (DEQ) personnel conducted a compliance inspection at the facility on February 9, 2012. During the inspection, seventeen (17) violations were discovered.

2. The Department of Environmental Quality (DEQ) has determined that the following violations of Wyoming Environmental Quality Act Article 14, and Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17 have occurred:

   Count 1: Failure to Upgrade the ASTs Prior to October 1, 2008 [WWQRR, Chapter 17, Section 35(o)]: As owner and operator of aboveground storage tanks, Valley Oil Company has violated WWQRR, Chapter 17, Section 35(o), by failing to upgrade existing ASTs.

   Count 2: Failure to Pay Tank Fees by January 1, 2012 [Wyoming Environmental Quality Act Article 14 W.S. 35-11-1425(a)]: As owner and operator of aboveground storage tanks, Valley Oil Company has violated Wyoming Environmental Quality Act Article 14 W.S. 35-11-1425(a) by not paying tank fees by January 1, 2012.

   Count 3: Failure to Perform Inventory Control Daily [WWQRR, Chapter 17, Section 36(e)]: As owner and operator of aboveground storage tanks, Valley Oil Company has violated WWQRR, Chapter 17, Section 36(e) by not performing inventory control on a daily basis.

   Count 4: Failure to have Double Walled Underground Piping [WWQRR, Chapter 17, Section 35(h)]: As owner and operator of aboveground storage tanks, Valley Oil Company has violated WWQRR, Chapter 17, Section 35(h) by not having double walled underground piping.

   Count 5: Failure to Meet Leak Detection Requirements for Underground Lines Connected to an AST [WWQRR, Chapter 17, Section 37]: As owner and operator of aboveground storage tanks, Valley Oil Company has violated WWQRR, Chapter 17, Section 37, by failing to have sump sensors or line leak detectors installed on the system.

   Count 6: Failure to have Adequate Warnings Signs [WWQRR, Chapter 17, Section 35(n)]: As owner and operator of aboveground storage tanks, Valley Oil Company has violated WWQRR, Chapter 17, Section 35(n), by failing to have no smoking signs that are properly posted in accordance with International Fire Codes (IFC) 3404.2.3.2, 3404.2.3.2 and 3403.5.

   Count 7: Failure to Meet Secondary Containment Requirements [WWQRR, Chapter 17, Section 35(b)]: As owner and operator of aboveground storage tanks, Valley Oil Company has violated WWQRR, Chapter 17, Section 35(b), by having cracks in the secondary containment structures negating the effectiveness of the secondary containment barrier.

Count 8: Failure to have Vehicle Impact Protection [WWQRR, Chapter 17, Section 35(c)]: As owner and operator of aboveground storage tanks, Valley Oil Company has violated WWQRR, Chapter 17, Section 35(c), by failing to have vehicle impact protection installed at the facility.

Count 9: Failure to have Secondary Containment for Fill Lines [WWQRR, Chapter 17, Section 35(g)]: As owner and operator of aboveground storage tanks, Valley Oil Company has violated WWQRR, Chapter 17, Section 35(g), by failing to have fill prevention equipment installed or have the fill lines completely enclosed in the secondary containment area.

Count 10: Failure to Meet Overfill Protection Requirements [WWQRR, Chapter 17, Section 35(f)]: As owner and operator of aboveground storage tanks, Valley Oil Company has violated WWQRR, Chapter 17, Section 35(f), by failing to provide overfill protection that shall sound an audible or visible alarm at 90% full and a system that shall close valves to prevent overfilling before the tanks are 95% full.

Count 11: Failure to have Emergency Venting [WWQRR, Chapter 17, Section 35(m)]: As owner and operator of aboveground storage tanks, Valley Oil Company has violated WWQRR, Chapter 17, Section 35(m), by failing to have emergency venting installed on the tanks.

Count 12: Failure to have Proper Labeling on the Tanks [WWQRR, Chapter 17, Section 35(k)]: As owner and operator of aboveground storage tanks, Valley Oil Company has violated WWQRR, Chapter 17, Section 35(k), by failing to have the tanks properly labeled.

Count 13: Failure to have the Emergency Shutoff Switch Installed within the Specified Parameters [WWQRR, Chapter 17, Section 35(t)]: As owner and operator of aboveground storage tanks, Valley Oil Company has violated WWQRR, Chapter 17, Section 35(t), by failing to have the emergency shutoff switch located within one-hundred (100) feet but not less than twenty (20) feet of dispensers.

Count 14: Failure to Install Permanently Mounted Access Equipment [WWQRR, Chapter 17, Section 35(r)]: As owner and operator of aboveground storage tanks, Valley Oil Company has violated WWQR Section 35(r), by failing to have adequate tank access equipment installed for inspections that meets Occupational Safety and Health Administration (OSHA) Standards.

Count 15: Failure to have all Piping Connected to the Top of the Tanks [WWQRR, Chapter 17, Section 35(s)]: As owner and operator of aboveground storage tanks, Valley Oil Company has violated WWQR Section 35(s), by failing to have all fill lines and product delivery lines exiting the top of the tank.

Count 16: Failure to Provide Adequate Site Security [WWQRR, Chapter 17, Section 35(x)]: As owner and operator of an aboveground storage tank, Valley Oil Company has violated WWQRR, Chapter 17, Section 35(x), by failing to provide fencing and adequate site security.

Count 17: Failure to Perform and Submit a Spill Prevention Control and Countermeasure Plan (SPCC) to the DEQ [WWQRR, Chapter 17, Section 36(c)]: As owner and operator of aboveground storage tanks, Valley Oil Company has violated WWQRR, Chapter 17, Section 36(c), by failing to submit an SPCC plan to the DEQ.

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 Valley Oil Company 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.

(THIS SECTION INTENTIONALLY BLANK)

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Valley Oil Company shall return the facility into compliance with WWQRR, Chapter 17 as described within 120 days of receipt of this NOV.

2. Valley Oil Company shall upgrade the aboveground storage tanks including:

   A. Upgrade the tanks as required by WWQRR, Chapter 17, Section 35(o).

   B. Pay past due tank fees.

   C. Perform inventory control on a daily basis.

   D. Install double walled piping or expose existing underground piping currently installed.

   E. Install sump sensors or automatic line leak detectors for the underground lines or expose existing underground piping currently installed.

   F. Install all warning signs that are properly posted in accordance with IFC 3404.2.3.2, 3404.2.3.2 and 3403.5.

   G. Repair, replace, or ensure that the secondary containment will perform its intended function.

   H. Install vehicle impact protection.

   I. Install a secondary containment system for each fill line or ensure fill lines are completely enclosed within the secondary containment system.

   J. Install overfill protection that will sound an audible or visible alarm at 90% full and a system that shall close valves to prevent overfilling before the tanks are 95% full.

   K. Install emergency venting systems.

   L. Install proper labeling on the tanks that state name and address of the tank manufacturer, year the tank was built or date of recertification, capacity of the tank in US gallons, and the tank construction or inspection standard used.

   M. Relocate the emergency shutoff switch within one-hundred (100) feet but not less than twenty (20) feet of dispensers.

   N. Install permanently mounted, solidly constructed, non-combustible ladders, stairs, catwalks and platforms that comply with Occupational Safety and Health Administration standards.

   O. Ensure all fill lines and product delivery lines exit the tank through the top and are equipped with anti-syphon devices.

   P. Install security fencing made of galvanized wire mesh no less than six (6) feet high topped with three (3) strands of barbed wire on an angled support bracket, and ensure that fencing shall be no less than five (5) feet from any of the tanks within the secondary containment structure.

   Q. Submit an SPCC to the Department of Environmental Quality.

(THIS SECTION INTENTIONALLY BLANK)

THIS ORDER is final unless, not later than ten (1 0) 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 the 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 8th day of February, 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/SH