BEFORE THE

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:	)	
Nield Oil Company P. O. Box 337 Afton, WY 83110	)	DOCKET NUMBER 4967-12

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Nield Oil Company owns and operates underground storage tank facility number 0-000869, which is located at 201 North Highway 89, Afton, 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 automatic tank gauging (ATG) and inventory control for tank leak detection.

   A compliance inspection was conducted at this facility on February 16, 2012. During the inspection, a number of violations were discovered: 1) failure to report and investigate a suspected release when passing automatic tank gauge test results could not be obtained for all of the tanks for the months of September 2011 thru January 2012, and 2) failure to have a licensed Class A operator. These are violations of Wyoming Water Quality Rules and Regulations, Chapter 17. Since the date of the inspection, Nield Oil Company has completed a tank tightness test and determined that there has not been a release to the environment.

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: Failure to Report a Suspected Release When a Passing ATG Test Cannot Be Obtained for Any One Month: [WWQRR, Chapter 17, Section 16(c)(ii)(A)]. As owner and operator of underground storage tanks, Nield Oil Company has violated WWQRR, Chapter 17, Section 16(c)(ii)(A), by failing to report and investigate a suspected release when a passing ATG test result could not be obtained for all of the tanks for September 2011 through January 2012.

   Count 2: Failure to Have a Licensed Class A Operator [WWQRR, Chapter 17, Section 46(a)]. As owner and operator of underground storage tanks, Nield Oil Company has violated WWQRR, Chapter 17, Section 46(a), by failing to have a licensed Class A operator.

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 15th day of MARCH, 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