



# Department of Environmental Quality

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



Matthew H. Mead, Governor

Todd Parfitt, Director

December 21, 2012

**CERTIFIED 7011 2970 0003 9703 1303**

Craig Wallin  
Border Foods of Wyoming, LLC  
965 Decatur Avenue North  
Golden Valley, MN 55427

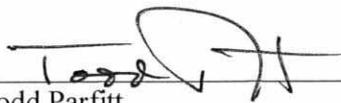
SUBJ: Notice of Violation Docket Number 5096-12

Dear Mr. Wallin:

Enclosed you will find a Notice of Violation, Docket Number 5096-12, issued under the provisions of W.S. 35-11-701(c).

On October 23, 2012, Department of Environmental Quality (DEQ) personnel performed an underground storage tank compliance inspection at the Shell C-Store #91000, located at 2421 Plaza Street in Rawlins, Wyoming. The inspection revealed that Border Foods of Wyoming, LLC, failed to obtain a passing automatic tank gauge (ATG) test result during multiple months and did not report and investigate suspected releases. This happened on seven separate occasions. Failure to report and investigate a suspected release when a passing ATG result cannot be obtained during a month is a violation of Wyoming Water Quality Rules and Regulations, Chapter 17, Section 16(c)(ii)(A).

If you would like to resolve this matter through a stipulated settlement without the need to go to District Court, the 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.

  
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Todd Parfitt  
Director  
Department of Environmental Quality

  
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Carl Anderson, PhD  
Administrator  
Solid and Hazardous Waste Division

TP/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: )  
 )  
Border Foods of Wyoming, LLC ) DOCKET NUMBER 5096-12  
965 Decatur Avenue North )  
Golden Valley, MN 55427 )  
 )

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Border Foods of Wyoming, LLC, owns and operates Shell C-Store #91000, underground storage tank (UST) facility number 0-004334, which is located at 2421 Plaza Street, Rawlins, Wyoming. This facility has three USTs that Border Foods of Wyoming, LLC, uses to store gasoline and diesel. In its registration for the USTs that are located at Shell C-Store #9100, Border Foods of Wyoming, LLC, committed to monitor the USTs with monthly automatic tank gauging (ATG) testing and inventory control.
2. Whenever ATG testing is used for UST release detection, a passing ATG test result must be obtained each month. If a UST does not pass an ATG test during a month, the owner and/or operator is/are required to report and investigate a suspected release.
3. On October 23, 2012, personnel from the Department of Environmental Quality (DEQ) conducted a UST compliance inspection at Shell C-Store #9100. The inspection revealed that Border Foods of Wyoming, LLC, failed to obtain passing ATG test results for the diesel UST during the months of November 2011, December 2011, January 2012, February 2012, May 2012, and June 2012. Border Foods of Wyoming, LLC, also failed to obtain a passing ATG test result for the premium UST during the month of September 2012. Border Foods of Wyoming, LLC, did not report and investigate suspected releases each time it failed to obtain a passing monthly ATG test result.
4. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17 have occurred:

**Count 1: Failure to Report and Investigate a Suspected Release: [WWQRR, Chapter 17, Section 16(c)(ii)(A)].** As the owner and operator of the USTs located at Shell C-Store #91000, Border Foods of Wyoming, LLC, 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 the diesel UST during the month of November 2011.

**Count 2: Failure to Report and Investigate a Suspected Release: [WWQRR, Chapter 17, Section 16(c)(ii)(A)].** As the owner and operator of the USTs located at Shell C-Store #91000, Border Foods of Wyoming, LLC, 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 the diesel UST during the month of December 2011.

**Count 3: Failure to Report and Investigate a Suspected Release: [WWQRR, Chapter 17, Section 16(c)(ii)(A)].** As the owner and operator of the USTs located at Shell C-Store #91000, Border Foods of Wyoming, LLC, 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 the diesel UST during the month of January 2012.

**Count 4: Failure to Report and Investigate a Suspected Release: [WWQRR, Chapter 17, Section 16(c)(ii)(A)].** As the owner and operator of the USTs located at Shell C-Store #91000, Border Foods of Wyoming, LLC, 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 the diesel UST during the month of February 2012.

**Count 5: Failure to Report and Investigate a Suspected Release: [WWQRR, Chapter 17, Section 16(c)(ii)(A)].** As the owner and operator of the USTs located at Shell C-Store #91000, Border Foods of Wyoming, LLC, 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 the diesel UST during the month of May 2012.

**Count 6: Failure to Report and Investigate a Suspected Release: [WWQRR, Chapter 17, Section 16(c)(ii)(A)].** As the owner and operator of the USTs located at Shell C-Store #91000, Border Foods of Wyoming, LLC, 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 the diesel UST during the month of June 2012.

**Count 7: Failure to Report and Investigate a Suspected Release: [WWQRR, Chapter 17, Section 16(c)(ii)(A)].** As the owner and operator of the USTs located at Shell C-Store #91000, Border Foods of Wyoming, LLC, 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 the premium UST during the month of September 2012.

5. 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.
6. 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 3rd day of JANUARY, 2013.

  
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Todd Parfitt  
Director  
Department of Environmental Quality

  
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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.

TP/CA/KH/OG