



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

January 31, 2013

CERTIFIED 7012 0470 0000 6510 5435

Tim Lakers
Kum & Go, L.C.
6400 Westown Parkway
Des Moines, IA 50266

SUBJ: Notice of Violation Docket Number 5117-13

Dear Mr. Lakers:

Enclosed you will find a Notice of Violation, Docket Number 5117-13, issued under the provisions of W.S. 35-11-701(c).

On December 5, 2012, Department of Environmental Quality (DEQ) personnel performed an underground storage tank compliance inspection at Kum & Go #961, located at 310 Skyline Drive in Gillette, Wyoming. The inspection revealed that a new Veeder Root TLS-450 automatic tank gauge monitor had been installed without proper notification to the DEQ. This installation is a substantial modification to an underground storage tank system as defined by Wyoming Water Quality Rules and Regulations, Chapter 17. Failure to notify the DEQ of a substantial modification is a violation of WS 35-11-1420(b). Operating a substantially modified tank system without the DEQ's written authorization is also a violation of WS 35-11-1420(b).

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.

Todd Parfitt
Director
Department of Environmental Quality

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:)

Kum & Go, L.C.)
6400 Westown Parkway)
Des Moines, IA 50266)

) DOCKET NUMBER 5117-13)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Kum & Go, L.C, owns and operates Kum & Go #961, underground storage tank (UST) facility number 0-001554, which is located at 310 Skyline Drive, Gillette, Wyoming. This facility has four USTs that Kum & Go, L.C., uses to store gasoline and diesel. Kum & Go, L.C., uses an automatic tank gauge (ATG) system to monitor the USTs for leaks.
2. On December 5, 2012, personnel from the Department of Environmental Quality (DEQ) conducted a UST compliance inspection at Kum & Go #961. The inspection revealed that Kum & Go, L.C., had recently installed a new ATG system, which is a substantial modification to the UST system. This modification was made without notifying the DEQ, and the modified tank system was being operated without written authorization from the DEQ.
3. The DEQ has determined that the following violations of The Wyoming Environmental Quality Act have occurred:

Count 1: Failure to Notify the DEQ of a Substantial Modification to a UST System: [WS 35-11-1420(b)]. As the owner and operator of the USTs located at Kum & Go #961, Kum & Go, L.C., violated WS 35-11-1420(b), by failing to notify the DEQ of a substantial modification to a UST system.

Count 2: Operating a Substantially Modified UST System Without Written Authorization: [WS 35-11-1420(b)]. As the owner and operator of the USTs located at Kum & Go #961, Kum & Go, L.C., violated WS 35-11-1420(b), by operating a substantially modified UST system without written authorization.

4. 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.
5. 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.

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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 1st day of February, 2013.



Todd Parfitt
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.

TP/CA/KH/OG