

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:)

Mcintosh Oil Company)
P.O. Box 1218)
Powell, WY 82435)

DOCKET NUMBER 5175-13

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Mcintosh Oil Company operates underground storage tank (UST) facility number 0-004327, which is located at 1901 State Street in Meeteetse, Wyoming. This facility has two USTs that Mcintosh Oil Company uses to store fuel. The tanks are connected to dispensers by pressurized double wall piping and sump sensors are used as automatic line leak detectors to monitor the piping for leaks.
2. On April 26, 2013, personnel from the Department of Environmental Quality (DEQ) conducted a UST compliance inspection at this facility. The inspection revealed that there was liquid in one of the piping sumps, and the sump sensor located in the piping sump had been lifted to over ½-inch above the bottom of the sump, thus negating the sensor's ability to detect a piping leak of 3 gallons per hour.

The inspection also revealed that the Class A and B Storage Tank Operator for the facility was responsible for more than one facility, and monthly and quarterly inspections were not being conducted. If the required quarterly inspections had been performed as required, the inspections would have revealed the liquid in the piping sump and that the sump sensor had been raised above ½-inch from the bottom of the piping sump.

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

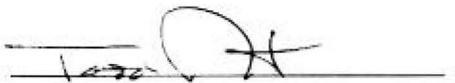
Count 1: Failure to Properly Monitor Pressurized Underground Piping: [WWQRR, Chapter 17, Section 14(g)(i)(B)]. As the operator of the USTs located at 1901 State Street in Meeteetse, Mcintosh Oil Company violated WWQRR, Chapter 17, Section 14(g)(i)(B), by having a sump sensor that was improperly placed, thus negating the ability of the sensor to detect a leak of 3 gallons per hour.

Count 2: Failure to Perform Monthly and Quarterly Inspections: [WWQRR, Chapter 17, Section 46(d)]. As the operator of the USTs located at 1901 State Street in Meeteetse, Mcintosh Oil Company violated WWQRR, Chapter 17, Section 46(d), by failing to require a Class A Storage Tank Operator, that is responsible for more than one facility, to perform monthly and quarterly inspections.

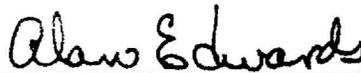
4. Any person who violates any provision of the Environmental Quality Act, or any rule, standard, permit, license, or variance adopted thereunder, is liable for a penalty of ten thousand dollars (\$10,000.00) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney 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.

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 02nd day of JULY, 2013.



Todd Parfitt
Director
Department of Environmental Quality



Alan Edwards
Acting 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/AE/KH/OG