



# 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

CERTIFIED 7012 1640 0000 0561

October 31, 2013

Richard Nelson  
Fort Devils Tower  
601 Highway 24  
Devils Tower, WY 82714

RE: Notification Fuel Delivery Prohibition Order Lifted  
Letter of Violation Minimum Site Assessment Still Past Due  
Fort Devils Tower, Storage Tank Facility 0-003892

Dear Mr. Nelson:

Notice of Violation Docket Number 4981-12 was issued to you on April 18, 2012. The NOV was issued to you for failure to pay tank fees, failure to perform cathodic protection testing on the underground storage tanks (USTs), and for failure to perform a minimum site assessment (MSA) when your tanks have been in temporarily out of use for longer than three years. The NOV included an Order that Ordered you to: pay past due tank fees, perform cathodic protection testing, and perform a minimum site assessment or brings the tanks back into service. The NOV also included a "Fuel Delivery Prohibition Order" for failure to pay annual tank fees and for failure to perform CP testing. The NOV was affirmed by the Environmental Quality Council (EQC) on May 10, 2012.

Since the NOV was issued and affirmed, you have paid the tank fees, and you have performed CP testing. For these reasons the Fuel Delivery Prohibition Order portion of the NOV is lifted, in accordance with WWQRR, Chapter 17, Section 44(b)(iii). However, you still have not fully complied with the NOV and Order. You were ordered to perform an MSA or change the service of the tanks (bring them back into use or remove them) within 30 days of receipt of the NOV.

**You must complete the following to bring the site back into compliance with WWQRR, Chapter 17:**

1. Submit a written MSA plan to the DEQ Storage Tank Program (STP) for approval. The plan must be implemented and the MSA completed within 90 days of submittal;

**Or**

2. Close or remove the USTs in accordance with WWQRR, Chapter 17, Section 31;

**Or**

**(Continued on Other Side)**



3. Bring the tanks back into service. Doing this will require you to:
- A. Fill the tanks with fuel
  - B. Perform an Operator's Annual Inspection immediately
  - C. Perform manual tank gauging in accordance with WWQRR, Chapter 17, Section 15
  - D. Obtain a Class A Storage Tank Operator's License, by taking and passing the ICC W-6 Storage Tank Operator's Exam and submitting a license application to the DEQ STP within 90 days of bringing the tanks back into service.

You must complete one of these options immediately. Failure to do so within the next sixty (60) days will result in the DEQ referring the matter to the Wyoming State Attorney General's Office, with a request that they take the matter to District Court.

Please be aware that you are also in violation of the International Fire Code (IFC). IFC 3404.2.13.1.3 states: "Underground tanks that have been out of service for a period of one year shall be removed from the ground..."

If you have any questions regarding this matter please feel free to contact me at (307)777-7097, or my e-mail address is [oma.gilbreth@wyo.gov](mailto:oma.gilbreth@wyo.gov).

Sincerely,



Oma K. Gilbreth IV  
Storage Tank Program Compliance Supervisor  
Solid and Hazardous Waste Division

cc. Facility File 0-003892  
EQC