

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 5190-13  
)  
)  
)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Kum & Go, L.C., owns and operates Kum & Go #953, underground storage tank (UST) facility number 0-001591, which is located at 109 North Main in Buffalo, Wyoming. This facility has three USTs that Kum & Go, L.C., 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 October 24, 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 two of the piping sumps, and the sump sensors located in the piping sumps had been lifted to over ½-inch above the bottom of the sumps, thus negating the sensors' ability to detect a piping leak of 3 gallons per hour.

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

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 109 North Main Street in Buffalo, Kum & Go, L.C., violated WWQRR, Chapter 17, Section 14(g)(i)(B), by having two sump sensors that were improperly placed, thus negating the ability of the sensors to detect a leak of 3 gallons per hour.

**Count 2: Failure to Perform Quarterly Sump Inspections: [WWQRR, Chapter 17, Section 46(d)].** As the operator of the USTs located at 109 North Main Street in Buffalo, Kum & Go, L.C., 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 quarterly sump inspections.

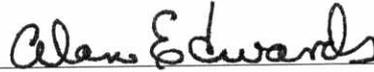
4. Any person who violates any provision of the Environmental Quality Act, or any rule, standard, permit, license, or variance adopted thereunder, is liable for a penalty of ten thousand dollars (\$10,000.00) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney 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 3rd day of December, 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