

BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

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

Cool Enterprises, Inc. )  
P.O. Box 878 )  
Ranchester, WY 82839 )

DOCKET NUMBER 5421-14

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Cool Enterprises, Inc., owns and operates Buckhorn Grocery and Gas, underground storage tank (UST) facility number 0-004325, located at 723 Dayton Street in Ranchester, Wyoming. This facility has one UST used to sell fuel retail. 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. A storage tank Operator's Annual Inspection (OAI) was conducted by a licensed tank tester at the Buckhorn Grocery and Gas on March 13, 2014. The OAI report informed the owner that there were liquid and ice inside the piping sumps and that the sump sensors needed to be placed at the lowest point in the sumps.

On May 5, 2014, personnel from the Department of Environmental Quality (DEQ) conducted a UST compliance inspection at this facility. The inspection revealed that there were 4 inches of liquid in the diesel piping sump, and the sump sensor had been lifted several inches off 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 Class C Storage Tank Operator training was not being conducted.

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 723 Dayton Street in Ranchester, Cool Enterprises, Inc., 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.

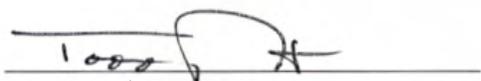
**Count 2: Failure to Perform Class C Storage Tank Operator Training: [WWQRR, Chapter 17, Section 46(h)].** As the operator of the USTs located at 723 Dayton Street in Ranchester, Cool Enterprises, Inc., violated WWQRR, Chapter 17, Section 46(h), by failing to provide Class C Storage Tank Operator training for their store clerks.

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.

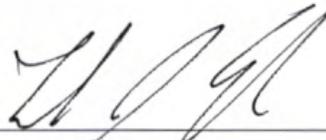
5. This Notice is being sent to you pursuant to W.S. 35-11-701(c)(i), which requires that in any case of the failure to correct or remedy an alleged violation, the director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

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 27<sup>th</sup> day of MAY, 2014.



Todd Parfitt  
Director  
Department of Environmental Quality



Luke Esch  
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/LE/KH/OG

- Potential \$300  
\$1,700 stayed  
BROKE

or  
SEP \$200  
cost for piping replacement



