



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

June 30, 2015

CERTIFIED 7013 2630 0001 0398 2465

Mr. Burke Steele
Boulder Store
P.O. Box 25
Boulder, Wyoming 82923

RE: Notice of Violation Docket Number 5594-15

Dear Mr. Steele:

Enclosed you will find a Notice of Violation, Docket Number 5594-15, issued under the provisions of W.S. 35-11-701(c).

On May 12, 2015, Department of Environmental Quality (DEQ) personnel performed an underground storage tank compliance inspection at Boulder Store. The inspection revealed that the sump sensors in the premium and diesel sumps had been lifted between 7 and 8 inches above the bottom of the sumps, thereby negating the ability of the sensor to detect a leak of at least 3 gallons per hour.

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

Luke Esch
Administrator
Solid and Hazardous Waste Division

TP/LE/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:)

Mr. Burke Steele)
P.O. Box 25)
Boulder, WY 82923)

DOCKET NUMBER 5594-15

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Burke Steele owns and operates Boulder Store, underground storage tank (UST) facility number 0-001787, located at 8782 Highway 191, Boulder, Wyoming. This facility has one compartmented UST used to sell fuel to the public. The tank is connected to pressurized double-wall piping that is monitored for leaks by sump sensors located inside 48-inch diameter turbine sumps. Sump sensors must be able to detect a leak of 3 gallons per hour. Three gallons in a 48-inch diameter sump is 0.38297 inches. Therefore, the sump sensors must be located within 0.38297 inches of the bottom of the sumps to be able to detect a release of 3 gallons per hour.
2. On May 12, 2015, personnel from the Department of Environmental Quality (DEQ) conducted a UST compliance inspection at this facility. The inspection revealed that the sump sensors for the diesel and premium piping had been lifted between 7 and 8 inches above the bottom of the sumps.
3. The DEQ has determined that the following violation of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, has occurred:

Count 1: Failure to Properly Monitor Pressurized Underground Piping: [WWQRR, Chapter 17, Section 14(g)(i)(B)]. As the operator of the UST system located at Boulder Store, Burke Steele, violated WWQRR, Chapter 17, Section 14(g)(i)(B), by having sump sensors that were improperly placed, thus negating the ability of the sensors to detect a leak of 3 gallons per hour.

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 7th day of JULY, 2015.



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