



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 27, 2016

CERTIFIED 7014 2120 0000 7769 4958

Darin Homer
YBP, LLC
605 South Poplar
Casper, WY 82601

SUBJ: Notice of Violation Docket Number 5674-16

Dear Mr. Homer:

Enclosed you will find a Notice of Violation (NOV), Docket Number 5674-16, issued under the provisions of W.S. 35-11-701(c).

The NOV has been issued to you for failure to perform cathodic protection (CP) testing and for failure to have licensed Class A and Class B Storage Tank Operators for the USTs located at the former McClintock station. The NOV also includes a Fuel Delivery Prohibition Order or "Red Tag" Order. This Red Tag Order prohibits you from purchasing fuel for the USTs until you have had the CP system tested by a licensed CP tester. The Order requires you to obtain licensed Class A and B Storage Tank Operators for the facility.

If you have any questions regarding this NOV, please contact Oma Gilbreth at (307) 777-7097.

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:)

Darin Homer)
YBP, LLC)
605 South Poplar)
Casper, WY 82601)

DOCKET NUMBER 5674-16

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. YBP, LLC, owns and operates the former McClintock Station, storage tank facility number 0-001892, located at 203 South Sixth Street, Thermopolis, Wyoming. This facility has five steel underground storage tanks (USTs) that are used to store fuel. The piping that connects the USTs and the fuel dispensers is constructed of galvanized steel. The steel USTs and piping are protected from corrosion by a cathodic protection (CP) system. The USTs are regulated by the Department of Environmental Quality, Solid and Hazardous Waste Division, Storage Tank Program (DEQ) under Title 14 of the Wyoming Environmental Quality Act.
2. The DEQ has determined that YBP, LLC, has violated Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, Sections 11(b)(i), 46(a), and 46(b), at the former McClintock Station. YBP, LLC, has not tested the CP system since February 8, 2013, has not had licensed Class A and Class B Storage Tank Operators for the former McClintock station since May 13, 2016. Regulated UST facilities that have CP systems are required to test their CP systems every 3 years and have licensed Class A and Class B Operators.
3. WWQRR, Chapter 17, Section 11(b)(i), states: "*All CP systems shall be tested within six (6) months of installation and at least once every three (3) years thereafter.*"
4. WWQRR, Chapter 17, Section 44 (a)(ii) states: "*(a) Reasons for Restricting Delivery. Prohibition of delivery of regulated substances to a storage tank system shall be required when the department becomes aware that:
(ii) The most recently required cathodic protection test has not been done within ninety (90) days of the date when due under Section 11(b) of this chapter;*"
5. WWQRR, Chapter 17, Section 46(a), states: "*(a) Class A Operator. Each facility shall be under the supervision of a person who has obtained a Class A Storage Tank Operator's License.*"
6. WWQRR, Chapter 17, Section 46(b), states: "*(b) Class B Operator. All owners and/or operators of storage tanks in Wyoming shall insure that the person who is in responsible charge of the day-to-day operation of the storage tanks obtains a license from the department...*"
7. Four letters were sent to YBP, LLC, reminding it that the CP system at the former McClintock Station was to be tested by February 8, 2016. The letters were sent on December 17, 2015; January 29, 2016; March 22, 2016; and May 13, 2016. The letters also reminded YBP, LLC, that a Fuel Delivery Prohibition Order could be issued if the CP testing was not performed within 90 days of the due date.
8. 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.

ORDER

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Within 90 days of receipt of this Notice of Violation YBP, LLC, shall have the CP system tested at the former McClintock station;

AND

2. By August 11, 2016, YBP, LLC, shall obtain licensed Class A and B Storage Tank Operators for the former McClintock Station;

OR

3. Within 90 days of receipt of this Notice of Violation, YBP, LLC, shall close the USTs located at the former McClintock Station in accordance with WWQRR, Chapter 17, Section 31.

4. This is a Red Tagging Order. Immediately after receiving this Notice and Order, YBP, LLC, is hereby prohibited from purchasing any fuel for delivery to the registered aboveground storage tank at the former McClintock Station, storage tank facility 0-001892, located at 203 South Sixth Street, Thermopolis, Wyoming. All fuel suppliers are ordered not to deliver any fuel to this tank until notified by the department that this Order has been lifted.

5. The Red Tag Order will be lifted when:

- A. The CP system at the former McClintock station has been tested by a licensed CP Tester;

OR

- B. The USTs at the former McClintock station have been closed in accordance with WWQRR, Chapter 17, Section 31.

THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing a written petition for a hearing before the Environmental Quality Council. If a hearing is requested, the petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, Room 1714, Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of Environmental Quality, 200 West 17th Street, 4th Floor, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

NOTHING IN THIS ORDER shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this Order be interpreted as being a condition precedent to any other enforcement action.

SIGNED this 12th day of July, 2016.



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 200 West 17th Street, 2nd Floor, Cheyenne, WY 82002, (307) 777-7097 or (307) 635-1784 FAX for technical matters.

cc. Homax Oil

TP/LE/KH/OG