



# Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

**CERTIFIED MAIL**

February 2, 2006

Mr. Paul Siler, P.E.  
Environmental Director, Retail Operations  
Flying J Inc.  
333 West Center  
North Salt Lake, Utah 84054

*RE: Notice of Violation, Docket Number 3841-06*

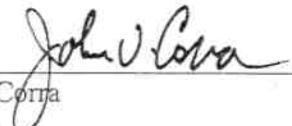
Dear Mr. Siler:

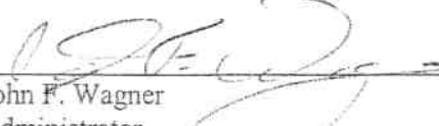
Attached is a copy of a Notice of Violation, Docket Number 3841-06, issued to Flying J Oil and Gas, Inc. (Flying J) for continually exceeding permitted effluent limits at the Evanston, Wyoming truck stop in accordance with WYPDES permit WY0035700. Flying J has received letters of violation concerning the exceedance of permitted effluent limits eleven times. Outfall 001 had carbonaceous oxygen demand (COD), pH, and total petroleum hydrocarbon (TPH) effluent limit exceedances throughout the life of the permit.

While neither the attached Notice of Violation nor this letter constitutes an order, this office strongly urges you to take action to immediately eliminate the alleged violations as follows:

1. Flying J should maintain compliance with all conditions established in the above referenced WYPDES permit.
2. Flying J should provide the WQD with a written report indicating the steps taken to prevent these violations from occurring again in the future on or before March 1, 2006.

The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by Flying J. If Flying J wishes to pursue resolution of the previously noted violations through such an agreement, please contact Mr. Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator, at (307) 777-8669 on or before February 15, 2006 to set up a meeting to discuss this matter.

  
 \_\_\_\_\_  
 John V. Corra  
 Director  
 Department of Environmental Quality

  
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 John F. Wagner  
 Administrator  
 Water Quality Division

JVC/JFW/BRB/mb/bb/6-0090.LTR

Enclosure: Notice of Violation

cc: Colleen Gillespie, 8ENF-W-NP, EPA Region 8  
Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator  
Glen Garton, Lander DEQ Office  
Todd T. Parfitt ► Brian K. Lovett ► Leah J. Krafft  
NOV Docket 3841-06

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002 • <http://deg.state.wy.us>

ADMIN/OUTREACH (307) 777-7758 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6452	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7368 FAX 777-6937	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

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

Flying J Inc. )  
333 West Center )  
North Salt Lake, Utah 84054 )

DOCKET NUMBER 3841-06

NOTICE OF VIOLATION

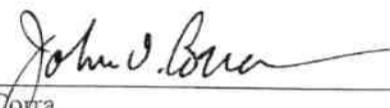
NOTICE IS HEREBY GIVEN THAT:

1. Flying J Oil and Gas, Inc. (Flying J) is the owner of an oil-water separator located in Township 15 North, Range 120 West (T 15N, R 120W), Uinta County, Wyoming. WYPDES permit WY0035700 was originally issued by the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD), to Flying J on February 28, 1994. The latest renewal of the permit was issued on March 30, 2005 and expires on February 28, 2010. Treated wastewater from the facility is discharged to Yellow Creek, a class 2C water, tributary to the Bear River, a class 2AB water;
2. Since December, 2001 there have been numerous exceedances of the permitted effluent limits for carbonaceous oxygen demand (COD), pH, and total petroleum hydrocarbons (TPH). Letters of violation (LOVs) were issued to Flying J by the WQD on March 11, 2002, April 30, 2002, November, 29, 2002, March 17, 2003, June 12, 2003, August 19, 2003, September, 23, 2003, December 18, 2003, June 23, 2004, October 25, 2004, November 1, 2004, and February 1, 2005 for exceeding the permitted effluent limits and failing to submit discharge monitoring reports in a timely manner;
3. Between December, 2001 and November, 2005 the permitted monthly average effluent limit for COD is 100 mg/L, and has been exceeded twenty-three (23) times. The permitted weekly average effluent limit for COD is 150 mg/L, and has been exceeded twenty-one (21) times. The permitted daily maximum effluent limit for COD is 300 mg/L, and has been exceeded seventeen (17) times. Of the sixty-one (61) total exceedances for COD, including the exceedances reported for November of 2005, the highest daily maximum value reported was 2,060 mg/L. These are violations of Part I.A.1. of WYPDES permit WY0035700;
4. The permitted effluent limit range for pH is a minimum of 6.5 and a maximum of 9.0 standard units (SU). Between February, 2002 and September, 2005 there have been four (4) samples outside the permitted effluent range with values ranging from 5.22 SU to 6.2 SU. These are violations of Part I.A.1. of WYPDES permit WY0035700;
5. The permitted daily maximum effluent limit for TPH is 10 mg/L. Between December, 2001 and September, 2004 there have been nine (9) exceedances with values ranging up to 4,390 mg/L. These are violations of Part I.A.1. of WYPDES permit WY0035700;
6. 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 on the person alleged to be responsible;

7. Pursuant to Wyoming Statute 35-11-901(a), any person who violates, or any director, officer or agent of a corporate permittee who willingly and knowingly authorizes, orders or carries out the violation of any provision of the Environmental Quality Act (Act), or any rule, regulation, standard, or permit adopted hereunder or who violates any determination or order of the council pursuant to this act or any rule, regulation, standard, permit, license, or variance is subject to a penalty not to exceed ten thousand dollars and no cents (\$10,000.00) for each violation for each day during which the violation continues, a temporary or permanent injunction, or both a penalty and an injunction. The penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming. Nothing herein shall preclude the department from negotiating stipulated settlements involving the payment of a penalty, implementation of compliance schedules, or other settlement conditions in lieu of litigation.

**NOTHING IN THIS NOTICE OF VIOLATION (NOV)** shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

Signed this 16th day of February, 2006.

  
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John V. Corra  
Director  
Department of Environmental Quality

  
\_\_\_\_\_  
John F. Wagner  
Administrator  
Water Quality Division

**PLEASE DIRECT ALL INQUIRIES TO:** Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator, Wyoming Department of Environmental Quality, Water Quality Division, Herschler Building, 4<sup>th</sup> Floor West, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

JVC/JFW/BRB/MB/bb/6-0090.NOV

cc: Colleen Gillespie, 8ENF-W-NP, EPA Region 8  
Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator  
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NOV Docket 3841-06  
Director, DEQ