



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

March 15, 2006

CERTIFIED

Harry Washut
3 Fish Hatchery Road
Story, WY 82842

Dear Mr. Washut:

Enclosed you will find a Notice of Violation, Docket Number **3855-06** issued under the provisions of W.S. 35-11-701(c).

On March 9, 2006, our department conducted an inspection of underground storage tank (UST) facility 0-005168. This facility is known as Chuckwagon C-Store and is located at 3 Fish Hatchery Road, Story, Wyoming. During that inspection two of the leak detection sumps contained gasoline, and three sump sensors were in alarm condition. Whenever a leak detection method indicates that there may be a release, you are required to notify the department within 24 hours, investigate and find the leak, and repair the leak before going back into operation. None of these steps had been taken at the time of this inspection.

No suspected releases were reported for this facility. Furthermore, no documentation of any investigation to determine if releases had occurred at this facility was provided.

Failure to report and investigate suspected releases is a violation of Wyoming Water Quality Rules and Regulations Chapter 17, Section 14 (b).

If you would like to resolve this matter through a stipulated settlement without the need to go to the district court, this Department is willing to negotiate such a settlement. Please contact Robert Lucht at 777-7095, within thirty (30) days of your receipt of this letter to arrange a mutually agreeable meeting date for the purpose of negotiating the penalty amount.



John V. Corra
Director
Department of Environmental Quality



John F. Wagner
Administrator
Water Quality Division

JVC/JFW/RFL/bb/6-0219.LTR
Enclosure: Notice of Violation

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 777-6462	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
--	---	---	---	--	--	---



BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:)
Harry Washut)
3 Fish Hatchery Road)
Story, WY 82842)

DOCKET NUMBER 3855-06

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Harry Washut owns and operates underground storage UST (UST) facility number 0-005168. This facility is known as Chuckwagon C-Store and is located at 3 Fish Hatchery Road, Story, Wyoming. This facility has one fiberglass clad/steel UST with three compartments that was installed in 2004 and uses Automatic Tank Gauging (ATG) as its monthly UST leak detection method. The ATG also monitors sump sensors to provide the required leak detection for the three pressurized lines.

During a compliance inspection conducted March 9, 2006, three of the sump sensors were in alarm condition. The unleaded gasoline leak detection sump, the sump under one of the dispensers, and the diesel leak detection sump all contained unleaded gasoline. No suspected releases were reported and no documentation of investigations to determine if releases had occurred was provided;

The sump sensors on this location provide leak detection for the pressurized lines. The sump sensors are required to be tested to insure functionality once a year. The last such test was done October 22, 2004, so this test was required to be repeated no later than October 22, 2005. To date, no such test has been performed.

2. Harry Washut failed to report and investigate suspected releases of a regulated substance;
3. Wyoming Water Quality Rules and Regulations (WWQRR) Chapter 17 Section 14 (b) states: "*Release Reporting.* When a release detection method operated in accordance with Section 15, 16, or 17 indicates that a release may have occurred, owners and/or operators shall notify the department in accordance with Part E." Chapter 17, Part E, Section 19, states that: "Owners and/or operators of storage tank systems shall orally report to the department within twenty-four (24) hours all releases or suspected releases in accordance with Section 22 and follow the procedures of Section 22. Owners of sites where storage tanks were formerly located shall also report within seven (7) days after discovering any new evidence of a release. These reports shall be made for any of the following conditions:" Paragraph (c) of that same section continues as follows: "Monitoring results: Monitoring results from a release detection method required under Section 14 through 17 that indicate a release may have occurred unless the monitoring device is found to be defective, and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result."

WWQRR, Chapter 17, Section 14(g)(i)(B) states: "Pressurized piping systems shall: (B) Be equipped with an automatic line leak detector in accordance with the following: Methods which alert the owner and/or operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering an audible or visible alarm, may be used only if they detect leaks of three (3) gallons per hour at ten pounds per square inch line pressure within one (1) hour. An annual test of the operation of the leak detector shall be conducted..."

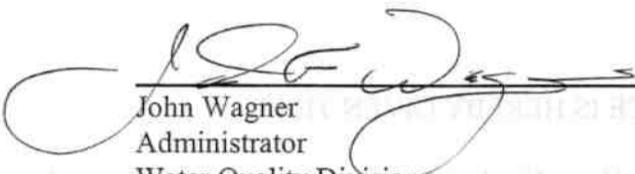
4. By failing to report and investigate suspected releases Harry Washut has violated WWQRR Chapter 17 Section 14 (b), and Section 19. By failing to perform a test of the sump sensors when it was due on October 22, 2005, Harry Washut has violated WWQRR Chapter 17, Section 14(g)(i)(B).
5. This Notice is 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 (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 March, 2006.



John V. Corra
Director
Department of Environmental Quality



John Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRES TO: Robert Lucht, P.E. & P.G. Storage, UST Program Principal at 122 West 25th Street, Fourth Floor, West Wing, Cheyenne, WY 82002, (307) 777-7095 or (307) 777-5973 FAX for technical matters.

JVC/JFW/RFL/bb/6-0219.NOV