

BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

**FILED**  
**SEP 13 2010**  
Jim Ruby, Executive Secretary  
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO: )  
)  
Chris Smith )  
Petroleum Wholesale LP )  
P.O. Box 4456 )  
Houston, TX 77210 )

DOCKET NUMBER 4720-10

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Petroleum Wholesale LP owns and operates underground storage tank facility number 0-001285 known as Sunmart #586 located at 1620 Elk Street, Rock Springs, Wyoming. This facility has two double walled underground storage tanks (USTs) connected to pressurized piping. The tanks and piping are monitored for leaks by interstitial probes and sump sensors connected to an INCON TS-1001 automatic tank gauging (ATG) system.

On September 26, 2008, the Storage Tank Program (STP) conducted a compliance inspection at Sunmart #586. It was discovered that statistical inventory reconciliation (SIR) was being employed as the tank leak detection method and mechanical line leak detectors (MLLD) were being utilized for line leak detection. The ATG system was found to be in an alarm condition and improperly programmed.

On July 7, 2010, the STP conducted a follow-up inspection at Sunmart #586. It was discovered that SIR and MLLD were still being utilized as the leak detection methods with the ATG system in an alarm condition and improperly programmed.

The last documented function test of the interstitial probes and sump sensors was September 2006 when the existing tanks were installed. Due to the proximity to an "existing community water system," the double walled tanks and lines are required to be monitored by interstitial probes and sump sensors.

2. DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17 have occurred:

**Count 1: Failure to test the operation of the interstitial probes and sump sensors annually with the Operator's Annual Inspection (OAI) [WWQRR, Chapter 17, Section 13(e)(iii)(C)].** As the owner and operator of USTs, Petroleum Wholesale LP violated WWQRR, Chapter 17, Section 13(e)(iii)(C), by not testing the interstitial probes and sump sensors with the OAI.

**Count 2: Failure to document monthly compliance with the required leak detection methods and maintain records of those leak detection methods [WWQRR, Chapter 17, Section 13(e)(v)].** As the owner and operator of USTs, Petroleum Wholesale LP violated WWQRR, Chapter 17, Section 13(e)(v), by not documenting monthly compliance with the required leak detection methods and not maintaining records of the operation of those leak detection methods for three (3) years.

**Count 3: Failure to use interstitial monitoring and sump sensors for tank and line leak detection [WWQRR, Chapter 17, Section 14(h)].** As the owner and operator of USTs, Petroleum Wholesale LP violated WWQRR, Chapter 17, Section 14(h), by not utilizing interstitial monitoring and sump sensors for tank and line leak detection.

3. 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.
4. 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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ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING


WHEREFORE IT IS HEREBY ORDERED THAT:

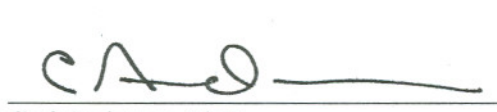
1. Petroleum Wholesale LP will return the facility into compliance with WWQRR, Chapter 17, Section 13(c)(iii)(C), Section 13(e)(v) and Section 14(h) as described within 90 days of receipt of this NOV.
2. Upon receipt of this Notice and Order, Petroleum Wholesale LP will assess the operational condition of the interstitial probes and sump sensors. This assessment will be documented by conducting an OAI. The OAI will be submitted to the STP upon completion, and will include documentation of all deficiencies and any repairs made at the time. Any repairs not made at the time of the OAI will be documented and a schedule for repair included. To ensure that the ATG system is properly monitoring the interstitial probes and sump sensors, the ATG will be programmed with the actual date and time. Following the repair, reprogramming or replacement of the existing ATG system will be capable of generating monthly status reports of the interstitial probes and sump sensors.
3. Upon implementation of interstitial monitoring and sump sensors as the leak detection methods, Petroleum Wholesale LP will ensure that onsite personnel are trained on the operation of the system and how to document proper operation of the sump sensors and interstitial probes and the proper responses to alarms on the ATG.

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 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, Herschler Building, 4th Floor West, 122 West 25th Street, 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.

ORDERED this 8 day of SEPT., 2010.

  
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John V. Corra  
Director  
Department of Environmental Quality

  
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Carl Anderson, PhD  
Administrator  
Solid and Hazardous Waste Division

PLEASE DIRECT ALL INQUIRES TO: Shain Wright, Storage Tank Program Compliance Inspector, at 122 West 25th Street, Fourth Floor, West Wing, Cheyenne, WY 82002, (307) 777-7095 or (307) 777-5973 FAX for technical matters.

JVC/CA/KH/OG/SLW

