

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

NOV 22 2010

Jim Ruby, Executive Secretary
Environmental Quality Council

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

Casper Sunrise, LLC)
4000 South Poplar Street)
Casper, WY 82601)

DOCKET NUMBER: 4765-10

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Casper Sunrise, LLC, owns and operates three underground storage tanks (USTs) that are used to sell fuel retail at the Sunrise Conoco, storage tank facility 0-002239, which is located at 3900 South Poplar, Casper, Wyoming.
2. The last Cathodic Protection (CP) test that was conducted on January 29, 2008, indicated that all three tanks at the facility were unprotected by the existing Sacrificial Anode Cathodic Protection (SACP) system.

The previous CP test, August 30, 2007, indicated that all three tanks at the facility were unprotected by the existing SACP system.

The last CP test to indicate that the tanks were protected was conducted on October 29, 2004.

The tanks have been without adequate CP since at least August 30, 2007.

The SACP system was not modified or repaired to protect the tanks from corrosion based on the failing CP test results.

The facility has not been operated since July 2008, however, the level of product in the tanks has not been verified.

A compliance inspection conducted on February 12, 2008, identified that the tanks do not have an overfill alarm capable of triggering a high-level alarm that can be seen or heard by the transfer operator.

A compliance inspection conducted on October 22, 2010, indicated that the overfill alarm violation previously identified had not been corrected.

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

Count 1: Failure to maintain continuous operation of the CP system [WWQRR, Chapter 17, Section 11(a)]. As owner of USTs, Casper Sunrise, LLC, is in violation of WWQRR, Chapter 17, Section 11(a), for failure to operate and maintain the CP system to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances and are in contact with the ground.

Count 2: Failure to provide overfill prevention equipment [WWQRR, Chapter 17, Section 6(c)(i)(B)(I & II)]. As owner of USTs, Casper Sunrise, LLC, is in violation of WWQRR, Chapter 17, Section 6(c)(i)(B)(I & II) for failure to provide overfill equipment that will automatically shut off flow into the tank when the tank is no more than ninety-

five percent (95%) full, or alert the transfer operator when the tank is no more than ninety percent (90%) full by restricting the flow into the tank or triggering a high-level alarm.

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 Casper Sunrise, LLC, 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

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

This is a Red Tagging Order. Immediately after receiving this Notice and Order, Casper Sunrise, LLC, is hereby prohibited from purchasing any fuel for delivery to the registered retail USTs at storage tank facility 0-002239, Sunrise Conoco, located at 3900 South Poplar Street, Casper, Wyoming. All fuel suppliers are ordered not to deliver any fuel to these tanks until notified by the department that this order has been lifted. Casper Sunrise, LLC, shall ensure that the tanks are empty to within one inch of the bottom and submit a plan to return the facility into compliance with WWQRR, Chapter 17 as described, within thirty (30) days of receipt of this NOV. The plan is to include a schedule to place Sunrise Conoco in compliance within six (6) months of the date of receipt of this NOV. The order will be lifted when the facility documents compliance with WWQRR, Chapter 17.


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, 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 22nd day of November, 2010.



John V. Corra
Director
Department of Environmental Quality



Carl Anderson, PhD
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.

cc. Homax Oil Sales, Inc., 605 South Poplar Street, Casper, WY 82601-2309

JVC/CA/KH/OG/SLW