

11-5217

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED
OCT 24 2011
Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
)
Ron and Yolanda Strand)
P.O. Box 155)
Alcova, WY 82620)

DOCKET NUMBER: 4911-11

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Ron and Yolanda Strand own and operate three aboveground storage tanks (ASTs) that are used to sell fuel retail at Sloanes General Store, storage tank facility 0-002201, which is located at 21405 Kortess Road, Alcova, Wyoming.
2. Sloanes General Store does not have a licensed storage tank operator, a fireproof secondary containment barrier is not installed, emergency shutoff switches are not prominently marked, and the sump sensors are not wired to shut the turbines down, and the tanks are not labeled. One of the ASTs is in ground contact and is not protected from corrosion. These are violations of Wyoming Water Quality Rules and Regulations, Chapter 17.
3. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, have occurred at Sloanes General Store:

Count 1: Failure to Have a Licensed Operator [WWQRR, Chapter 17, Section 46(a)]. As owners of ASTs, Ron and Yolanda Strand are in violation of WWQRR, Chapter 17, Section 46(a), for failure to have a licensed operator on site.

Count 2: Failure to Install Fireproof Secondary Containment Barrier [WWQRR, Chapter 17, Section 35(b)]. As owners of ASTs, Ron and Yolanda Strand are in violation of WWQRR, Chapter 17, Section 35(b), for failure to have a proper secondary containment barrier.

Count 3: Failure to Have a Properly Labeled Emergency Shutoff Switch [WWQRR, Chapter 17, Section 35(t)]. As owners of ASTs, Ron and Yolanda Strand are in violation of WWQRR, Chapter 17, Section 35(t), for failure to have the switch labeled correctly.

Count 4: Failure to Have Sump Sensors Wired to Shut Down the Turbines [WWQRR, Chapter 17, Section 37(a)]. As owners of ASTs, Ron and Yolanda Strand are in violation of WWQRR, Chapter 17, Section 37(a), for failure to have the sump sensors wired to shut off the turbines whenever they alarm.

Count 5: Failure to Have Proper Labeling Installed on the Tanks [WWQRR, Chapter 17, Section 35(k)]. As owners of ASTs, Ron and Yolanda Strand are in violation of WWQRR, Chapter 17, Section 35(k), for failure to have proper labeling installed on the tanks.

Count 6: Failure to Provide Corrosion Protection [WWQRR, Chapter 17, Section 35(d)]. As owners of ASTs, Ron and Yolanda Strand are in violation of WWQRR, Chapter 17, Section 35(d), for failure to protect a tank from corrosion.

4. This Notice is being sent to Ron and Yolanda Strand 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:

1. Ron and Yolanda Strand return the facility into compliance with WWQRR, Chapter 17 as described within 90 days of receipt of this NOV.
2. Ron and Yolanda Strand shall upgrade the above ground storage tanks including:
 - A. Assign a licensed storage tank operator for the facility.
 - B. Install a fireproof secondary containment barrier.
 - C. Properly label the emergency shutoff switch.
 - D. Modify the sump sensors to shut down the tank turbines whenever they alarm.
 - E. Install weather proof labels identifying the tank manufacturer, manufacturer's name and address, and to what specification the tank was manufactured.
 - F. Protect the AST from corrosion in accordance with WWQRR, Chapter 17. This can be accomplished by properly isolating it from ground contact or installing a cathodic protection system.

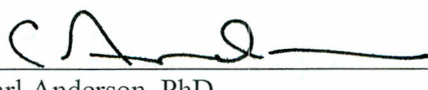
THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing a written petition for a hearing before the Environmental Quality Council. If a hearing is requested, the petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, 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 24th day of October, 2011.



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.

JVC/CA/KH/OG/SH