

12-5204

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
)
Ward Trenching)
P.O. Box 159)
Torrington, WY 82221)

DOCKET NUMBER: 4959-12

FILED

APR 19 2012

Jim Ruby, Executive Secretary
Environmental Quality Council

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Ward Trenching owns and operates underground storage tank facility number 0-005144, which is known as Ward Trenching and is located in Lagrange, Wyoming. This facility has one aboveground storage tank (AST).

STP personnel conducted a compliance inspection at the facility on February 1, 2012. During the inspection a number of violations were discovered: 1) the tank was not being monitored for leaks, 2) the tank did not have a visible overflow prevention device that restricts the flow of product into the tank when 95% full, 3) the tank did not have permanently attached tank top access equipment (ladder) or security fencing, 4) pressurized piping did not appear to have an automatic line leak detector, 5) an operator's annual inspection (OAI) had not been performed, and 6) a spill prevention control and countermeasure (SPCC) plan had not been developed or submitted to the Department of Environmental Quality (DEQ). These are violations of Wyoming Water Quality Rules and Regulations, Chapter 17.

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

Count 1: Failure to Perform and Record a Method of Tank Leak Detection [WWQRR, Chapter 17, Section 36(a)]: As owner and operator of an aboveground storage tank, Ward Trenching has violated WWQRR, Chapter 17, Section 36(a), by failing to perform and record a method of tank leak detection.

Count 2: Failure to Provide Adequate Overflow Protection [WWQRR, Chapter 17, Section 35(f)]: As owner and operator of an aboveground storage tank, Ward Trenching has violated WWQRR, Chapter 17, Section 35(f), by failing to have adequate overflow protection installed.

Count 3: Failure to Install Permanently Mounted Access Equipment [WWQRR, Chapter 17, Section 35(r)]: As owner and operator of an aboveground storage tank, Ward Trenching has violated WWQRR, Chapter 17, Section 35(r), by failing to have adequate tank access equipment installed that meets Occupational Safety and Health Administration (OSHA) Standards.

Count 4: Failure to Provide Adequate Site Security [WWQRR, Chapter 17, Section 35(x)]: As owner and operator of an aboveground storage tank, Ward Trenching has violated WWQRR, Chapter 17, Section 35(x), by failing to provide adequate site security.

Count 5: Failure to Meet Leak Detection Requirements for Underground Lines Connected to an AST [WWQRR, Chapter 17, Section 37]: As owner and operator of an aboveground storage tank, Ward Trenching has violated WWQRR, Chapter 17, Section 37, by failing to have sump sensors or line leak detectors installed on the system.

Count 6: Failure to Perform and Submit and Operators Annual Inspection (OAI) [WWQRR, Chapter 17, Section 36(f)]: As owner and operator of an aboveground storage tank, Ward Trenching has violated WWQRR, Chapter 17, Section 36(f), by failing to perform and submit an OAI to the DEQ.

Count 7: Failure to Perform and Submit a Spill Prevention Control and Countermeasure Plan (SPCC) to the DEQ [WWQRR, Chapter 17, Section 36(c)]: As owner and operator of an aboveground storage tank, Ward Trenching has violated WWQRR, Chapter 17, Section 36(c), by failing to perform and submit an SPCC plan to the DEQ.

3. Any person who violates any provision of the Environmental Quality Act, or any rule, standard, permit, license, or variance adopted there under, 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 Panhandle Cooperative Association 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

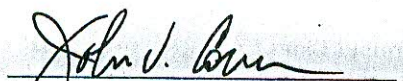
WHEREFORE IT IS HEREBY ORDERED THAT:

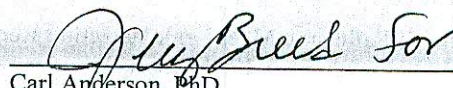
1. Ward Trenching shall return the facility into compliance with WWQRR, Chapter 17 as described within 120 days of receipt of this NOV.
2. Robert and Nina Ward shall upgrade the aboveground storage tanks including:
 - A. Perform and record a method of tank leak detection.
 - B. Install an overfill protection device that shall close valves and prevent overfilling the tank before the AST is 95% full.
 - C. Install permanently mounted access equipment that meets OSHA standards and will allow for the proper inspection of the tank.
 - D. Install adequate fencing for site security.
 - E. Install sump sensors or automatic line leak detectors for the underground lines.
 - F. Perform and submit an OAI to the DEQ for review.
 - G. Develop and submit an SPCC to the DEQ for review.

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 8th day of March, 2012.


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