

12-5285

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**

**JUN 08 2012**

Jim Ruby, Executive Secretary  
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF )  
VIOLATION AND ORDER ISSUED TO: )  
)  
Alcova Resort, LLC )  
101 East 2<sup>nd</sup> Street )  
Casper, WY 83110 )

DOCKET NUMBER: 5001-12

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Alcova Resort, LLC, owns and operates one aboveground storage tank (AST) that is used to sell fuel retail at the Alcova Lakeside Marina, storage tank facility 0-000530, which is located at 24025 Lakeshore Drive in Alcova.
2. Department of Environmental Quality (DEQ) personnel conducted a compliance inspection at this facility on April 13, 2012. During the inspection the following violations were discovered: 1) the AST is connected to single wall corrodible (steel) underground piping, 2) the piping does not have leak proof transition sumps, 3) the AST does not have adequate no smoking signs or product labels, 4) the AST does not have adequate security fencing, 5) a Spill Prevention Control and Countermeasures (SPCC) Plan has not been submitted to the DEQ, 6) inventory control was not being conducted, 7) an operator's annual inspection (OAI) has never been performed, 8) annual function testing of the automatic line leak detector had not been performed, and 9) annual line tightness testing has not been performed.
3. The DEQ has determined that the following violations of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17, have occurred at the Alcova Lakeside Marina:

**Count 1: Operating an AST with Single Wall Corrodible Underground Piping [WWQRR, Chapter 17, Section 35(h)].** As owner of an AST, Alcova Resort, LLC, is in violation of WWQRR, Chapter 17, Section 35(h), by operating an AST with single wall corrodible underground piping.

**Count 2: Failure to Install Leak Proof Transition Sumps [WWQRR, Chapter 17, Section 35(h)].** As owner of an AST, Alcova Resort, LLC, is in violation of WWQRR, Chapter 17, Section 35(h), for failure to have leak proof transition sumps where the aboveground piping is connected to the underground piping.

**Count 3: Failure to Install No Smoking Signs and Product Labels on an AST [WWQRR, Chapter 17, Section 35(n)].** As owner of an AST, Alcova Resort, LLC, is in violation of WWQRR, Chapter 17, Section 35(n), for failure to install no smoking signs and product labels on an AST.

**Count 4: Failure to Install Adequate Site Security at an AST [WWQRR, Chapter 17, Section 35(x)].** As owner of an AST, Alcova Resort, LLC, is in violation of WWQRR, Chapter 17, Section 35(x), for failure to install adequate security fencing at an AST

**Count 5: Failure to Submit an SPCC Plan to the DEQ [WWQRR, Chapter 17, Section 36(c)].** As owner of an AST, Alcova Resort, LLC, is in violation of WWQRR, Chapter 17, Section 36(c), for failure to submit an SPCC plan to the DEQ.

**Count 6: Failure to Perform Inventory Control [WWQRR, Chapter 17, Section 36(e)].** As owner of an AST, Alcova Resort, LLC, is in violation of WWQRR, Chapter 17, Section 36(e), for failure to perform inventory control.

**Count 7: Failure to Perform an OAI [WWQRR, Chapter 17, Section 36(f)].** As owner of an AST, Alcova Resort, LLC, is in violation of WWQRR, Chapter 17, Section 36(f), for failure to perform an OAI.

**Count 8: Failure to Perform Annual Automatic Leak Detector Function Testing and Annual Line Tightness Testing [WWQRR, Chapter 17, Section 37(b)].** As owner of an AST, Alcova Resort, LLC, is in violation of WWQRR, Chapter 17, Section 37(b), for failure to perform annual automatic line leak detector function testing and annual line tightness testing.

4. This Notice is being sent to Alcova Resort, 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:

1. Alcova Resort, LLC, bring the facility into compliance with WWQRR, Chapter 17, as described, within 120 days of receipt of this NOV.
2. Alcova Resort, LLC, shall:
  - a. Change the service status of the AST in accordance with WWQRR, Chapter 17, Section 31.

OR

- b. Replace the existing AST in accordance WWQRR, Chapter 17, Part I.

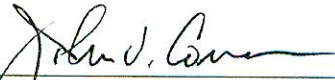
OR


- c. Upgrade the AST, in accordance with WWQRR, Chapter 17, Part I, which includes the following:
      1. Replace the single wall corrodible underground piping with double wall non-corrodible underground piping or steel aboveground piping.
      2. Install leak proof transition sumps any place where aboveground piping connected to the AST is connected to underground piping.
      3. Post no smoking signs and product labels on the AST.
      4. Install a 6-foot high galvanized steel security fence around the tank. The fence shall be topped with three strands of barbwire.
      5. Submit an SPCC plan to the DEQ.
      6. Perform inventory control.
      7. Perform an OAI.
      8. Have the upgrades inspected and approved by the DEQ after they have been completed.

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 JUNE, 2012.

  
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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: 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