

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

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

John Oja)
1934 Edgar Street)
Rock Springs, WY 82901)

DOCKET NUMBER 4194-07

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Underground storage tank (UST) facility number 0-003001 is located at O J's Market, 1200 Walnut Street, Rock Springs, Wyoming. There is one (1) temporarily out of use UST on this facility. On May 14, 2007, an inspection was conducted of the temporarily out of use UST. During this inspection, Mr. Oja indicated that he would remove that tank from the ground.
2. Letters were sent by the department to John Oja on August 11, 2000; June 25, 2002; November 25, 2002; December 22, 2005; February 6, 2006; March 26, 2006; and May 28, 2007, informing him about the requirements for temporarily out of use tanks. An inspection was conducted May 14, 2007, of this facility. Mr. Oja was present at that inspection. Mr. Oja has promised verbally to remove this tank on numerous occasions but has failed to perform on that promise.
3. Owners of temporarily out of use USTs are required to maintain those USTs in a condition that would allow them to be placed back in service if desired. This means that corrosion protection systems, including sacrificial anode systems, must be maintained to prevent deterioration of the USTs during the time they are temporarily out of use.
4. Wyoming Water Quality Rules and Regulations, (WWQRR) Chapter 17, Section 11 (a) and (b), state: **"Operation and Maintenance of Corrosion Protection (CP).** All owners and/or operators of steel storage tank systems with CP shall comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the storage tank system is used to store regulated substances: (a) *Continuous Operation.* All CP systems shall be operated and maintained 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. Once installed, CP systems shall not be removed, even if the tank has also been internally lined, as long as steel tanks or connected piping exist on that site. This does not preclude replacement of parts of the CP system which have become defective. (b) *Periodic Inspections.* All storage tank systems equipped with CP systems shall be inspected for proper operation by a qualified CP tester in accordance with the following requirements: (i) All CP systems shall be tested within six (6) months of installation and at least once every three (3) years thereafter. (ii) The criteria that are used to determine that CP is adequate shall be in accordance with the NACE Standard RP0285-2002, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems". (iii) All CP systems shall be tested within six months of any repair or substantial modification to the storage tank system, or any other installation on the facility requiring excavation, in accordance with NACE Standard RP0285-2002."
5. By failing to maintain the sacrificial anode system in operation for the UST at facility 0-003001, John Oja has violated WWQRR, Chapter 17, Section 11 (a). By failing to have the sacrificial anode system tested once every three years by a cathodic protection tester, John Oja has violated WWQRR, Chapter 17, Section 11 (b).
6. 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.

John Oja,
Notice of Violation and Order, Docket 4194-07

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT JOHN OJA SHALL:

1. Within thirty (30) days of the receipt of this notice, perform a complete integrity inspection showing that the UST is free of holes and could be placed back in service.
2. Within ninety (90) days of the receipt of this notice, submit a passing cathodic protection test performed by a qualified cathodic protection tester.
3. Within ninety (90) days of the receipt of this notice, submit an operator's annual inspection of the entire facility.
4. Within ninety (90) days of receipt of this Notice and Order, submit to this department a written description of policies that have been implemented to insure future compliance.

OR

6. Within ninety (90) days of the receipt of this notice, remove the UST, decommission it at a licensed facility, and notify the department thirty (30) days in advance so that a department inspector can witness the removal.

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 Thomas Dunn, 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 21 day of Dec, 2000.



John V. Corra
Director
Department of Environmental Quality



LeRoy C. Feusner, P.E. BCEE
Administrator
Solid and Hazardous Waste Management Division

PLEASE DIRECT ALL INQUIRES TO: Robert Lucht, P.E. & P.G. Storage Tank Program Compliance Supervisor at 122 West 25th Street, Fourth Floor, West Wing, Cheyenne, WY 82002, (307) 777-7095 or (307) 777-5973 FAX for technical matters.