



December 21, 2018

JAY SEXTON
SEXTON OIL CO
3329 STONY AVE
DANBURY IA 51019

SUBJECT: Notice of Violation for Expired Financial Responsibility, Overdue Deficiency Corrections, A/B Operator Training - Delivery Prohibition in Effect
Site: Amoco Pronto, 804 4th Ave S, Denison, IA 51442
UST Registration #198606429

Dear Mr. Sexton:

The Department's records show the pollution liability insurance for the underground storage tanks (USTs) at the Amoco Pronto in Denison expired on November 25, 2018. **This facility cannot operate the UST system without financial responsibility. All associated tanks must remain out-of-operation until insurance is obtained and a copy of the Certificate of Insurance is submitted to the Department.**

You were notified on December 7, 2018 via email to submit a current copy of the Certificate of Insurance by close of business December 10, 2018 or the site may be placed under delivery prohibition. The Department spoke with Brenda on December 21, 2018 who stated she did see the email from December 7, 2018. Per 567 Iowa Administrative Code (IAC) Chapter 136, all owners and/or operators of a petroleum underground storage tank must demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damages caused by accidental releases arising from the operation of petroleum underground storage tanks.

On December 21, 2018, the Department also contacted the site and spoke with the assistant manager. The assistant manager was asked to speak to the Class A/B Operator. She was unaware of what a Class A/B/C Operator was, and also stated she did not have any emergency contact information available. When asked who she would call if there was an emergency she stated there had never been one so she didn't know who to call. Per 567 IAC Chapter 135, A Class C operator must be on site whenever the UST facility is in operator and readily available to respond to suspected/confirmed releases, equipment shut-off or failures, and other unusual operating conditions. A Class A or B Operator must also be immediately available for telephone consultation with the Class C Operator.

Our records also indicate the deficiencies outlined in the last biennial compliance inspection (inspection date of December 5, 2017) have not been corrected. The Department confirmed the compliance inspector, whom completed the inspection, had not received any documentation that the work had been completed. Per 567 IAC 135.20(3)a., take all actions necessary to correct any compliance violations or deficiencies in accordance with this chapter. Corrective action must be taken within the time frame established by rule or, if no time frames are established by rule, within 60 days of receipt of the inspector's report or another reasonable time period

approved by the department. The granting of time to remedy a violation does not preclude the department from exercising its discretion to assess penalties for the violation. And 567 IAC 135.20(3)b., Within 60 days of receipt of the inspector's report, provide documentation to the compliance inspector that the violation or deficiencies have been corrected.

Your site is now under delivery prohibition. The following items must be corrected before the Department will remove this site from the delivery prohibition list. If these are not corrected within five (5) business days, a red tag will be placed on fill pipes of all the USTs indicating to the delivery company that is unlawful to deposit fuel into the tanks.

- Current proof of financial responsibility as required by IA 567 Chapter 136
- Proper documentation that there is a trained C Operator on site.
- Proper documentation the deficiencies from the December 2017 biennial compliance inspection have been corrected.

The Department is also requiring a new Class A/B Operator be trained or the existing Class A/B Operator be retrained by January 21st, 2018.

Please contact me at 515-725-8324 or brandy.beavers@dnr.iowa.gov if you have any questions.

Sincerely,



Brandy Beavers
Environmental Specialist
UST Section

c: DNR Field Office 4
DNR Legal (via email)