



Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

September 18, 2015

CERTIFIED MAIL – 7014 1200 0000 4389 1907
RETURN RECEIPT REQUIRED

Mr. Bryan E. Moubert
Baker, Sterchi, Cowden & Rice, LLC
2400 Pershing Road, Suite 500
Kansas City, MO 64108-2533

NOTICE OF VIOLATION #1730TE

RE: ZILL, LLC (ST0008310), 3814 EAST 31ST STREET, KANSAS CITY, MISSOURI

Dear Mr. Moubert:

The Compliance and Enforcement Section of the Missouri Department of Natural Resources' Hazardous Waste Program found product in the tank pit observation wells at the above referenced facility. This Notice of Violation is notification of the outstanding serious issues associated with the July 15, 2015, inspection of this site. Please have your client address the violations listed below and submit the requested information within **15 days** of your receipt of this letter. Testing and corrections required by this letter are considered to be the type covered by Section 319.107 Revised Statutes of Missouri.

The following violations require your immediate attention:

1. **Violation:** Failure to investigate suspected releases, as required by 10 Code of State Regulations (CSR) 26-2.050 and 10 CSR 26-2.052.

Necessary Action: Owners and operators must investigate any indicators of possible releases. During the inspection, product was noted in both tank pit observation wells. Please submit documentation demonstrating that any signs of a possible release were properly reported and investigated. The documentation should include proof that a system test and a site check were performed. The system test must determine whether a leak exists in any portion of the tank that contains fuel. Your client should test the system using a tightness test method that evaluates the entire system, is not affected by the product already in the tank pit, and is third-party certified to a 0.005 gallon per hour leak rate.

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In addition, as the source of the suspected release was product found in the tank pit, a site check is also required.

2. **Violation:** Failure to properly install and maintain corrosion protection, as required by 10 CSR 26-2.020, 10 CSR 26-2.021, and 10 CSR 26-2.031.

Necessary Action: The recent inspection noted unprotected metal piping components in contact with soil and/or water in the unleaded tank top area, specifically the old isolation boot was no longer functioning to isolate the metal fitting(s) from the backfill and water. All metal components of an underground storage tank system that routinely contain product and are in contact with soil or water must be protected from corrosion. Corrosion protection can be accomplished by cathodically protecting the metal component or isolating it from the soil or water (i.e. isolation boots on flex connectors, dry sumps around metal fittings). Please submit documentation that all metal system components are protected from corrosion.

Thank you for your time and attention to this matter. Your documentation should be returned to the Underground Storage Tank Compliance and Technology Unit at Missouri Department of Natural Resources, Hazardous Waste Program, P.O. Box 176, Jefferson City, MO 65102. As an alternative, you may submit your response electronically at tanks-compliance@dnr.mo.gov or via facsimile at (573) 526-5268. Please include a copy of this letter with your response. Should you have any questions in regard to this letter, please contact Ms. Heather Peters at the above address or by telephone at (573) 522-5665.

Sincerely,

HAZARDOUS WASTE PROGRAM



David J. Lamb
Program Director

DJL:hpa