



Oregon

Tina Kotek, Governor

Department of Environmental Quality
Western Region Eugene Office
165 East 7th Avenue, Suite 100
Eugene, OR 97401
(541) 686-7838
FAX (541) 686-7551
TTY 711

August 5, 2024

Doug Tate
Intermountain Food Stores, Inc.
3310 S Gekeler Ln
Boise, ID 83706-5214

RE: UST Compliance Inspection
DEQ UST #5460
M&W Express
101 Thunderegg Blvd.
Nyssa, OR 97913

To Mr. Tate,

The Oregon Department of Environmental Quality (DEQ) is conducting underground storage tank (UST) inspections throughout Oregon. The purpose of this letter is to inform you that your facility, among others, has been selected for inspection. A thorough inspection of your facility will be conducted to determine compliance with state and federal UST requirements. The date you receive this letter is the date that the inspection starts. If you have work done after that date, you will need to have the previous set of records available for evaluation in addition to the most recent records.

The compliance inspection for this facility is scheduled for August 28, 2024 starting at approximately 10:30 am.

Please read this entire notice and contact the DEQ inspector if you have questions about the upcoming inspection.

You must contact the inspector at least two (2) weeks prior to the date above to reschedule if you are unavailable at the stated time. Failure to reschedule within this timeframe may result in enforcement actions if equipment or records are not made available.

The inspection will require **uninterrupted participation** and attendance by you or a knowledgeable assistant. You should expect that you won't be able to attend to customers or vendors and should staff accordingly. For the inspection **you need to provide access** to tank sumps, under dispenser areas, cathodic protection rectifiers, and leak monitoring equipment. DEQ will not touch the equipment or lift lids. **If you are unable to assist with equipment access, please have your UST Service Provider there.** This inspection may also include review of Stage I Vapor Recovery.

The DEQ requests the following documentation be prepared and available on-site during the inspection or submitted electronically, prior to the inspection, in a single, complete, email with attachments accurately labeled.

dylan.eckert@deq.oregon.gov

- Line and leak detector testing results for the past three years,
- Monthly tank leak detection records (12 months),
- Class A, B, and C training documentation.
- Financial responsibility mechanism.
- Annual tank gauge / release detection equipment certification
- Spill prevention testing records
- Overfill Prevention Equipment testing
- Cathodic protection testing (if applicable)
- Tank lining records (if applicable)
- Monthly walkthroughs

Upon request, the DEQ inspector may allow up to five (5) days after the inspection to accept missing documents prior to making a final compliance determination. Any records submitted after an approved five (5) day extension will not be included for compliance determination and the inspection will be considered closed. Any submitted documents after that five day approved extension will instead be evaluated as a corrective action and may satisfy actions necessary to return to compliance but will not alter pursuit of enforcement action per guidance.

As stated previously, DEQ will not touch any equipment and if you are unable to assist with equipment access, please have your UST Service Provider there to remove manway or sump lids. DEQ will need to observe what equipment is in the tank top sumps and under the dispensers. If ball floats are the primary overfill protection device, these will need to be verified during the inspection, please be able to locate and remove the ball floats.

If violations are found at the time of the inspection without prior notification, DEQ is required to initiate enforcement action. For UST violations, enforcement usually begins with a field citation option, which is much like paying a traffic ticket and making corrections. Some enforcement situations, including repeat violations and significant compliance deficiencies, will go through a longer and more formal process through the Office of Compliance and Enforcement and can potentially lead to larger penalties.

Thank you for your cooperation. I can be reached at 541-686-7517 or dylan.eckert@deq.oregon.gov to answer any questions you may have and assist you in the preparation for your inspection.

Sincerely,

Dylan Eckert
Natural Resource Specialist
Underground Storage Tanks Program

Full Compliance Inspection - Test

Submitted by: dylan.eckert_deq

Submitted time: Aug 29, 2024, 7:40:40 AM

Facility Number

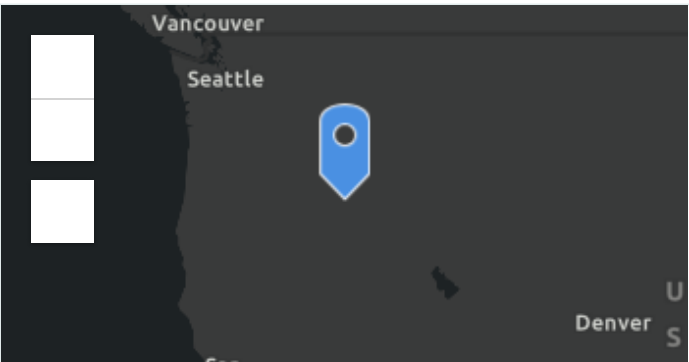
5640

Address

101 Thunderegg Boulevard, Nyssa, OR, 97913

Map

Lat: 43.878049 Lon: -117.002228



Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, USFWS

Powered by Esri

Date

Aug 28, 2024

Time

11:07

Compliance Determination

Corrosion Protection or Lining

Pass

Spill Prevention

Fail

Overfill Prevention

Pass

Release Detection

Fail

Operator Training

Fail

Financial Responsibility

Pass

Walkthrough Requirements

Pass

Passing Inspection

Fail

med
initial split?
Sups?
No random living
before drop-out

vape

she

cwp
HLA

body

pa
tre
Ro

02 Jul 2019 - mms to - e light back, for long
split, HLA. Any LH
Low med LHA

7 Aug 2019. A is cwp? ✓ included
09 Jul 2017 - A is cwp? ✓ included
~~No random living before drop-out~~

✓ included

car son

Oregon Department of Environmental Quality - Underground Storage Tank Program
Tank Closure Compliance Rating - UST Inspection Report

Inspection conducted by: Dylan Eckert Date: 2/26/2009 Time: 8:50 Facility: Gyro

Facility Name: <u>MEDS EXPRESS</u>	Permittee: <u>Dynex Int'l</u>	Contact:
Site Address: <u>1000 SW Broadway Blvd</u>	Organization: <u>Zachry</u>	Phone:
City: <u>Medford</u>	County: <u>Curry</u>	

Tank Information

ID#	EDIF#	ROJFA	RDIFB
Substance:	12	2	6
Est. Gallons:	5	D	6
Tank Material:	<u>Steel</u>		
Tank Install Date:	<u>7/9</u>		
Pipe Material:	<u>DW old pipes</u>		
Pipe Type:	<u>Pressure</u>		
Pipe Install Date:	<u>January 2008</u>		
Overfill Device:	<u>HGA</u>		

Notes:
some other clean up

Fog

Operating Certificate

Operator Training: Dynex Int'l - from agency

Financial Responsibility: 3/27/2008

Wet Weather Inspection: John Jackson - under review

Corrosion Protection / Lining

Overfill Prevention

Spill Prevention:

Release Detection: 5-6 W/ CSD 2003

Compliance: Y N ?
 Compliance: Y N
 Compliance: ☒ N
 Compliance: ☒ N
 Compliance: Y N
 Compliance: Y N
 Compliance: Y N

2) T1 ☐ Jan ☐ Feb ☐ Mar ☐ Apr ☐ May ☐ Jun ☐ Jul ☐ Aug ☐ Sep ☐ Oct ☐ Nov ☐ Dec
 T2 ☐ Jan ☐ Feb ☐ Mar ☐ Apr ☐ May ☐ Jun ☐ Jul ☐ Aug ☐ Sep ☐ Oct ☐ Nov ☐ Dec
 T3 ☐ Jan ☐ Feb ☐ Mar ☐ Apr ☐ May ☐ Jun ☐ Jul ☐ Aug ☐ Sep ☐ Oct ☐ Nov ☐ Dec
 T4 ☐ Jan ☐ Feb ☐ Mar ☐ Apr ☐ May ☐ Jun ☐ Jul ☐ Aug ☐ Sep ☐ Oct ☐ Nov ☐ Dec
 T5 ☐ Jan ☐ Feb ☐ Mar ☐ Apr ☐ May ☐ Jun ☐ Jul ☐ Aug ☐ Sep ☐ Oct ☐ Nov ☐ Dec

Line Number	Time	Pressure (PSI)		Inlet Air (gpm)			Comments (Type of Test, Standards, etc.)	Pass/ Fail
		Before	After	Before	After	% Change		
1	10:15	0	80	1875	1700	5000 CFM	Unrated Variable Pump	Pass
	12:45	0	0	1750	1875			
2	10:15	0	90	1875	1400	5000 CFM	Premium Fanblade	Pass
	12:45	0	0	1400	1875			
3	10:15	0	80	1875	1800	5000 CFM	Fanblade Clean	Pass
	12:45	0	0	1800	1875			
4								
5								
6								
7								

Testing was performed according to manufacturer's instructions and 42 CFR Part 285.

Tester Signature: [Signature] Date: 7.9.12

Manufacturer Certification # (optional): Tim Flory 4823.LTN

Facility 5040 240626115926 .jpg

Idaho Department of Environmental Quality

Idaho Department of Environmental Quality
Line Leak Detector and Line Tightness Test Form

UNDERGROUND STORAGE TANK (UST) FACILITY

Name: M&W Waste Express, Inc. Address: 2010 Center City, Idaho State: Idaho
City: Boise Phone #: 208.344.0000

Tester's Name: Tim Flegel, Elmer, Inc. Address: 208.550.1823
Company Name: Elmer, Inc. Email: tim@elmerinc.com
Address: 518 S. 43rd Suite 4

Line Test ☒ Leak Detector Test ☐

Testing Equipment Used: Acoustic

Product Stored (Single or Blend, Ethanol Blend)

Tank Number	Product Stored (Single or Blend, Ethanol Blend)	Manufacturer	Model #	Turned Leak Rate (gph)	Pass/Fail
1	EB Unleaded	Red Jacket	FXIV	3	Pass
2	EB Premium	VMI	2000	3	Pass
3	Diesel	Red Jacket	FXIVD	3	Pass
4					
5					
6					

Notes (replacements, etc.): Tested on 07-02-2024

Facility_5640_240626115910_.jpg

Idaho Department of Environmental Quality

Line Leak Detector and Line Tightness Test Form

Name: M&W Waste Express, Inc. Address: 2010 Center City, Idaho State: Idaho
City: Boise Phone #: 208.344.0000

Tester's Name: Tim Flegel, Elmer, Inc. Address: 208.550.1823
Company Name: Elmer, Inc. Email: tim@elmerinc.com
Address: 518 S. 43rd Suite 4

Line Test ☒ Leak Detector Test ☐

Testing Equipment Used: Acoustic

Product Stored (Single or Blend, Ethanol Blend)

Tank Number	Product Stored (Single or Blend, Ethanol Blend)	Manufacturer	Model #	Turned Leak Rate (gph)	Pass/Fail
1	EB Unleaded	Red Jacket	FXIV	3	Pass
2	EB Premium	VMI	2000	3	Pass
3	Diesel	Red Jacket	FXIVD	3	Pass
4					
5					
6					

Notes (replacements, etc.): Tested on 07-02-2024

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Idaho Department of Environmental Quality

Line Leak Detector and Line Tightness Test Form

Name: M&W Waste Express, Inc. Address: 2010 Center City, Idaho State: Idaho
City: Boise Phone #: 208.344.0000

Tester's Name: Tim Flegel, Elmer, Inc. Address: 208.550.1823
Company Name: Elmer, Inc. Email: tim@elmerinc.com
Address: 518 S. 43rd Suite 4

Line Test ☒ Leak Detector Test ☐

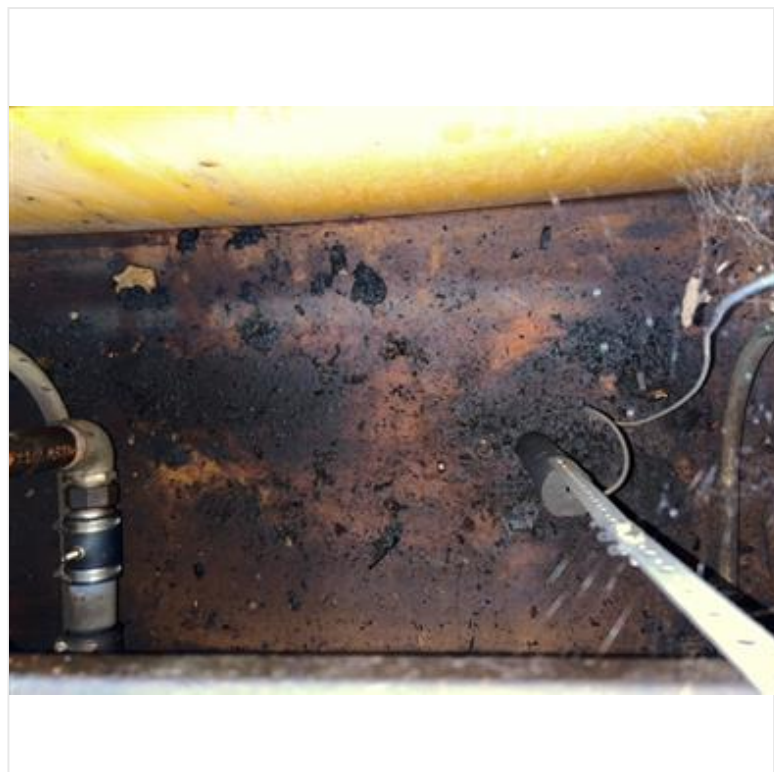
Testing Equipment Used: Acoustic

Product Stored (Single or Blend, Ethanol Blend)

Tank Number	Product Stored (Single or Blend, Ethanol Blend)	Manufacturer	Model #	Turned Leak Rate (gph)	Pass/Fail
1	EB Unleaded	Red Jacket	FXIV	3	Pass
2	EB Premium	VMI	2000	3	Pass
3	Diesel	Red Jacket	FXIVD	3	Pass
4					
5					
6					

Notes (replacements, etc.): Tested on 07-02-2024

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Facility_5640_240828113636_diesel176.jpg



Facility_5640_240828113334_.jpg



Facility_5640_240828113254_56.jpg



Facility_5640_240828113103_34.jpg



Facility_5640_240626113032_34.jpg



Facility_5640_240626112621_12.jpg



Facility_5640_240626112603_12.jpg



Facility_5640_240626112332_vent.jpg



Facility_5640_240828112322_rulstp.jpg



Facility_5640_240828112300_rulstp.jpg



Facility_5640_240828112128_rulwithindrainneweropwbucket.jpg



Facility_5640_240828112021_dieselspln.jpg



Facility_5640_240828112006_dieselspill.jpg



Facility_5640_240828111855_fx1dvondiesel.jpg



Facility_5640_240828111630_diesel.jpg



Facility_5640_240828111709_puisspin.jpg



Facility_5640_240626111043_pur.jpg



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State of Oregon
Department of
Environmental
Quality

Program Enforcement No. 2024-FC-9584

This section for
DEQ use only

Department of Environmental Quality Underground Storage Tank Program

Field Citation For UST Violations

Page 1 of 3

DEQ Information		UST Facility Information	
Inspection Date:	08/26/2024	Facility ID#:	5460
Inspector:	Dylan ECKERT	Facility Name:	M&W EXPRESS
DEQ Office:	165 E. 7th Ave Ste100	Facility Address:	101 THUNDEREGG BLVD, NYSSA, Oregon 97913
Phone #:	541-686-7517	County:	Malheur

Oregon DEQ inspected the facility listed above and identified the UST violations listed on page 3 of this Field Citation.

Field Citation Issued:	☐ In Person	☒ By Mail	☐ Both	Date Issued: 10/02/2024
Facility Representative Present During Inspection:		☐ Permittee ☐ Owner ☐ Other		
Name of Permittee or Owner:		Nyssa Properties, LLC		
Mailing Address:		3310 S Gekeler Ln , Boise Idaho 83706		

Field Citation Penalty – See Page 3 for detailed listing of each violation. \$ 650

Check payable to: DEQ Financial Services LBX3615; P.O. Box 3615; Portland OR 97208-3615

This Field Citation is issued in accordance with the requirements for the expedited enforcement of underground storage tank (UST) violations, OAR 340-150-0250.

Owner or Permittee should select Option 1 or Option 2 below and

return a signed copy of this for to DEQ by the following date: 11/02/2024

DEQ Revenue Section
700 NE Multnomah St. #600
Portland, Oregon 97232

Check one option

- ☐ **Option 1** - I acknowledge that the listed violation(s) have occurred and I am remitting the listed field citation penalty.
- ☐ **Option 2** - I do not want to participate in the expedited enforcement process and understand that my file will be referred to the Department's Office of Compliance and Enforcement for formal enforcement action.

Name:	Owner / Permittee
Signature:	Date:

Important

Read pages 2 and 3 for more information about your options and a detailed listing of violations and compliance requirements.

Field Citation Requirements

The permittee or owner should select Option 1 or Option 2 and return a signed copy of Page 1 of the Field Citation form within thirty (30) days of issuance of the Field Citation. If the permittee or owner fails to sign and send Page 1 of the Field Citation form back or pay the penalty within thirty days, Option 1 expires, the Field Citation will serve as a Pre-Enforcement Notice (PEN) and the permittee and owner will be subject to formal enforcement including the imposition of civil penalties in accordance with OAR Chapter 340, Division 12.

The permittee or owner must complete the actions required to correct the violations listed on the Field Citation by the date specified to prevent further enforcement action by DEQ.

Option 1:

By checking Option 1 the permittee or owner acknowledges that the violations listed on Page 3 of this Field Citation have occurred and agrees to pay the established penalty.

By submitting payment of the penalty amount, the responding permittee or owner agrees to accept the field citation as a final order of the Environmental Quality Commission (commission) and waives any and all rights and objections to the form, content, manner of service and timeliness of the Field Citation; to a contested case hearing and judicial review of the Field Citation [OAR 340-150-0250(6)]; and to service of a copy of this Final Order (*i.e.*, no other copy will be provided).

Upon the Department's receipt of payment of the penalty amount set forth in the Field Citation, the Field Citation becomes a Final Order of the Commission that:

1. Imposes upon the permittee or owner a civil penalty in the amount listed on Page 1 of this Field Citation; and
2. Requires the permittee or owner to satisfactorily complete the requirements and actions necessary to correct the violations documented by the dates set forth on Page 3 of this Field Citation.

Failure by the permittee or owner to complete the actions set forth on Page 3 of the Field Citation by the specified date violates the Commission Order and subjects the permittee and owner to a formal enforcement action including the imposition of additional civil penalties.

Option 2:

The permittee or owner may deny that the violations as listed on Page 3 of this Field Citation have occurred or contest the Field Citation process by checking Option 2 and submitting to the Department a signed copy of Page 1 of the Field Citation. In that event, the Field Citation will serve as a Pre-Enforcement Notice (PEN) and the permittee and owner will be subject to formal enforcement for those violations set forth in the Field Citation, including the imposition of civil penalties in accordance with OAR Chapter 340, Division 12. Civil penalties that will be imposed by the formal enforcement process will exceed the Field Citation penalties for the same violation(s).

The Department appreciates your cooperation and efforts to comply with the regulations for underground storage tank systems.

Department of Environmental Quality (DEQ) Underground Storage Tank Program
UST FIELD CITATION

Facility Representative initials: _____

DATE ISSUED: 10/02/2024

PROGRAM ENFORCEMENT No.: 2024-FC-9584

FACILITY ID: 5460

Page 3 of 3

Violation #1:	Failure to test equipment used for interstitial monitoring at least once every 3 years		
*TCR:			
Corrective Action:	Testing all sumps used for interstitial monitoring and submit records of testing/repairs to DEQ prior to 12/2/24		
Rule Citation: OAR 340-150-0310(8)(b)	Penalty Amount: \$ 500	Correct Violation by: 12/02/2024	Date Violation Corrected:
Violation #2:	Failure to complete initial overfill, spill prevention or sump testing requirements by October 1, 2020		
*TCR:			
Corrective Action:	Testing of spills and alarm took place on 02 July 2024. No additional work requested.		
Rule Citation: OAR 340-150-0310(10)	Penalty Amount: \$ 0.00	Correct Violation by: n/a	Date Violation Corrected:
Violation #3:	Failure to have a trained UST System Operator for an UST facility or to provide emergency response information.		
*TCR:			
Corrective Action:	Complete Oregon DEQ approved operator training course and submit certificate to DEQ prior to 12/2/24		
Rule Citation: OAR 340-150-0200 (1)	Penalty Amount: \$ 150	Correct Violation by: 12/02/2024	Date Violation Corrected:
Violation #4:			
*TCR:			
Corrective Action:			
Rule Citation: OAR	Penalty Amount: \$	Correct Violation by:	Date Violation Corrected:
Violation #5:			
*TCR:			
Corrective Action:			
Rule Citation: OAR	Penalty Amount: \$	Correct Violation by:	Date Violation Corrected:
Violation #6:			
*TCR:			
Corrective Action:			
Rule Citation: OAR	Penalty Amount: \$	Correct Violation by:	Date Violation Corrected:
	Total Penalty Amount 650		
	(This Page): \$		

YOU MUST CORRECT THE VIOLATIONS AS REQUIRED AND

RETURN THIS FORM TO THE DEQ INSPECTOR LISTED ON PAGE 1 ON OR BEFORE: 11/02/2024

Retain a copy of this form and all documentation of corrective actions for your records.

I hereby certify that the UST violations noted above have been corrected: _____ / _____

Permittee/Owner Signature

Date



Overfill Prevention Inspection, Spill Bucket and Containment Sump Testing Form

Inspection Date: 11-15-2024

- In lieu of this form, DEQ prefers the manufacturer's inspection/testing forms be used and completed per manufacturer's instructions.
- Overfill prevention equipment must be inspected every 3 years.
- Spill buckets and containment sumps must be tested every 3 years. Only containment sumps used for interstitial monitoring of piping require testing.
- Double-walled spill buckets and containment sumps do not require testing if the integrity of both walls is monitored at least every 30 days.
- Fill in the tank number, describe the sump, and check or fill in the box information if the item has been inspected and/or tested.

UST Facility		Person Conducting the Testing							
Name:	Nyssa Express M&W	ID#:							
Street Address:	101 Thunderegg Blvd		Company Name:	Nwestco					
City:	Nyssa, Oregon	Zip Code:	97913						
Site Contact:	Rich Tate	Phone:	208-921-5521		Email:	Haroldw@nwestco.com		Phone:	208-890-1823
Overfill Prevention Inspection									
Identify tank (number, product type, etc.):		E10 Unleaded	Premium	Diesel					
Flapper Valve	Make and model								
	Shuts off flow at 95% tank capacity	☐	☐	☐	☐	☐	☐	☐	☐
	Float moves freely, proper orientation, poppet moves into flow path, and operates per manufacturer's design	☐	☐	☐	☐	☐	☐	☐	☐
Inspection Results (P = pass, F = fail)									

Overfill Alarm	Activates at no more than 90% capacity	☐	☐	☐	☐	☐	☐	☐
	Alarm can be seen and heard by delivery driver	☐	☐	☐	☐	☐	☐	☐
	Activates in test mode	☐	☐	☐	☐	☐	☐	☐
	Float moves freely on the stem	☐	☐	☐	☐	☐	☐	☐
	Fuel float level on the ATG agrees with gauge stick reading	☐	☐	☐	☐	☐	☐	☐
	Inch level at which the alarm activates corresponds with value in ATG	☐	☐	☐	☐	☐	☐	☐
	Inspection Results (P = pass, F = fail)							
Ball Float	Restricts flow at 90% capacity	☐	☐	☐	☐	☐	☐	☐
	Tank top fittings are vapor-tight	☐	☐	☐	☐	☐	☐	☐
	Ball is free of holes, cracks and moves freely in cage	☐	☐	☐	☐	☐	☐	☐
	Cage is free of debris and is intact	☐	☐	☐	☐	☐	☐	☐
	Inspection Results (P = pass, F = fail)							
	Ball floats that fail an overfill inspection cannot be replaced for any reason.							
Spill Bucket Testing (passes if water level drops less than 1/8 inch, minimum test time 1 hour)								
☐ Spill bucket is double-walled and monitored monthly (must be recorded on 30-day walkthrough inspection form)								
Make and model								
Identify tank (tank number, product type, etc.)								
Liquid and debris removed from spill bucket*		☐	☐	☐	☐	☐	☐	☐
Water was filled 1.5 inches from top of spill bucket		☐	☐	☐	☐	☐	☐	☐
Starting water level height (inches)								
Starting test time								
Ending test time								
Ending water level height (inches)								
Level change								

* Liquid and debris must be disposed of properly.

For vacuum testing, 30-inch water column was applied and at least 26-inch water column was maintained after 1 minute or manufacturer's procedures	☐	☐	☐	☐	☐	☐	☐
Test Results (P = pass, F = fail)							
Containment Sump Testing							
(passes if water level drops less than 1/8 inch, minimum test time 1 hour)							
☐ Containment sump is double-walled and monitored monthly (must be recorded on 30-day walkthrough inspection form)							
Describe sump (tank number, dispenser number, etc.):	Premium Sump	Diesel Sump	E 10 Sump	1/2 Dispenser	3/4 Dispenser	Dispenser 5/6	7/8 Dispenser
Liquid and debris removed from sump*	☒	☒	☒	☒	☒	☒	☒
☒ DEQ Alternative Test Method used ** (fill out level change info below)							
All sensors were tested confirming positive shutdown	☒	☒	☒	☒	☒	☒	☒
☐ PEI RP 1200 Method (fill out level change info below)							
Water was filled at least 4 inches above the highest penetration fitting	☐	☐	☐	☐	☐	☐	☐
Starting water level height (inches)	3.7/8	4"	4.1/8"	6.1/2"	6"	5.7/8"	6"
Starting test time	11:45	11:30	11:20	12:05	12:15	12:25	12:30
Ending test time	13:00	13:00	13:00	14:00	14:00	14:00	14:00
Ending water level height (inches)	3.7/8	4"	4.1/8"	6.1/2"	6"	5.7/8"	6"
Level change	0	0	0	0	0	0	0
Test Results (P = pass, F = fail)	Pass	Pass	Pass	Pass	Pass	Pass	Pass
Corrective Action							
Description of actions taken if items tested or inspected were not acceptable							
All sumps tested after positive shut down installed each turbine sump will shut down that product. Dispenser 1-6 will shut down every thing. Dispenser 7/8 will shut down Diesel if sensors are tripped.							

* Liquid and debris must be disposed of properly.

** See IDAPA 58.01.07.101.02.

Tester's Signature

[Handwritten Signature]

Date

11.22.2024



CERTIFICATE OF TRAINING

Michael Kharri

Has successfully completed

Oregon UST Class A/B Operator Training

Issued on:

10-02-2024

Expires:

Raymond Rees

Trainer

P.O. Box 2353, Muncie, IN 47307 • passtesting.com • 765-281-5588



Overfill Prevention Inspection, Spill Bucket and Containment Sump Testing Form

Inspection Date: 01-16-2025

- In lieu of this form, DEQ prefers the manufacturer's inspection/testing forms be used and completed per manufacturer's instructions.
- Overfill prevention equipment must be inspected every 3 years.
- Spill buckets and containment sumps must be tested every 3 years. Only containment sumps used for interstitial monitoring of piping require testing.
- Double-walled spill buckets and containment sumps do not require testing if the integrity of both walls is monitored at least every 30 days.
- Fill in the tank number, describe the sump, and check or fill in the box information if the item has been inspected and/or tested.

UST Facility		Person Conducting the Testing							
Name:	Nyssa Express M&W	ID#:							
Street Address:	101 Thunderegg Blvd		Company Name:	Nwestco					
City:	Nyssa, Oregon	Zip Code:	97913						
Site Contact:	Rich Tate	Phone:	208-921-5521		Email:	Haroldw@nwestco.com		Phone:	208-890-1823
Overfill Prevention Inspection									
Identify tank (number, product type, etc.):		E10 Unleaded	Premium	Diesel					
Flapper Valve	Make and model								
	Shuts off flow at 95% tank capacity	☐	☐	☐	☐	☐	☐	☐	☐
	Float moves freely, proper orientation, poppet moves into flow path, and operates per manufacturer's design	☐	☐	☐	☐	☐	☐	☐	☐
	Inspection Results (P = pass, F = fail)								

Overfill Alarm	Activates at no more than 90% capacity	☐	☐	☐	☐	☐	☐	☐
	Alarm can be seen and heard by delivery driver	☐	☐	☐	☐	☐	☐	☐
	Activates in test mode	☐	☐	☐	☐	☐	☐	☐
	Float moves freely on the stem	☐	☐	☐	☐	☐	☐	☐
	Fuel float level on the ATG agrees with gauge stick reading	☐	☐	☐	☐	☐	☐	☐
	Inch level at which the alarm activates corresponds with value in ATG	☐	☐	☐	☐	☐	☐	☐
	Inspection Results (P = pass, F = fail)							
Ball Float	Restricts flow at 90% capacity	☐	☐	☐	☐	☐	☐	☐
	Tank top fittings are vapor-tight	☐	☐	☐	☐	☐	☐	☐
	Ball is free of holes, cracks and moves freely in cage	☐	☐	☐	☐	☐	☐	☐
	Cage is free of debris and is intact	☐	☐	☐	☐	☐	☐	☐
	Inspection Results (P = pass, F = fail)							
	Ball floats that fail an overfill inspection cannot be replaced for any reason.							
Spill Bucket Testing (passes if water level drops less than 1/8 inch, minimum test time 1 hour)								
☐ Spill bucket is double-walled and monitored monthly (must be recorded on 30-day walkthrough inspection form)								
Make and model								
Identify tank (tank number, product type, etc.)								
Liquid and debris removed from spill bucket*		☐	☐	☐	☐	☐	☐	☐
Water was filled 1.5 inches from top of spill bucket		☐	☐	☐	☐	☐	☐	☐
Starting water level height (inches)								
Starting test time								
Ending test time								
Ending water level height (inches)								
Level change								

* Liquid and debris must be disposed of properly.

For vacuum testing, 30-inch water column was applied and at least 26-inch water column was maintained after 1 minute or manufacturer's procedures	☐	☐	☐	☐	☐	☐	☐
Test Results (P = pass, F = fail)							
Containment Sump Testing							
(passes if water level drops less than 1/8 inch, minimum test time 1 hour)							
☐ Containment sump is double-walled and monitored monthly (must be recorded on 30-day walkthrough inspection form)							
Describe sump (tank number, dispenser number, etc.):	Premium Sump	Diesels Sump	E 10 Sump				
Liquid and debris removed from sump*	☒	☒	☒	☐	☐	☐	☐
☒ DEQ Alternative Test Method used ** (fill out level change info below)							
All sensors were tested confirming positive shutdown	☒	☒	☒	☐	☐	☐	☐
☐ PEI RP 1200 Method (fill out level change info below)							
Water was filled at least 4 inches above the highest penetration fitting	☐	☐	☐	☐	☐	☐	☐
Starting water level height (inches)	5.5"	5.25"	5.5"				
Starting test time	15.00	15.15	15.25				
Ending test time	16.00	16.20	16.30				
Ending water level height (inches)	5.5"	5.25"	5.5"				
Level change	0	0	0				
Test Results (P = pass, F = fail)	Pass	Pass	Pass				
Corrective Action							
Description of actions taken if items tested or inspected were not acceptable							
All sumps retested to meet the 4 " above sensor alarm. Positive shut down in each turbine sump will shut down that product. Sumps have sensors that shut down at 1/4" to 1/2" Liquid.							

* Liquid and debris must be disposed of properly.

** See IDAPA 58.01.07.101.02.

Tester's Signature

[Handwritten Signature]

Date

1-17-2025

From: [LITKE Emily * DEQ](#)
To: [UST Duty Officer * DEQ; mike@mwmkt.com](#)
Subject: RE: 5460 - M&W Express Facility Follow-up
Date: Thursday, November 7, 2024 7:38:00 AM
Attachments: [2024-FC-9584 issued to 5460.pdf](#)
[image002.png](#)
[image003.png](#)

Hey Mike,

Can you please provide an update on the payment of the **\$650 fine**, the **deadline was 11/2/24**. Please send payment via check to the DEQ as soon as possible.

And as a reminder, the deadline for the corrective actions is 12/2/24.

Corrective actions:

Violation #1 - Testing all sumps used for interstitial monitoring and submit records of testing/repairs to DEQ prior to 12/2/24

Violation #3 - Complete Oregon DEQ approved operator training course and submit certificate to DEQ prior to 12/2/24

Please send work orders, work invoices, and testing reports to this email thread when complete.



Emily Litke (she/her)

Duty Officer, Underground Storage Tanks
DEQ Headquarters, Land Quality Division
700 NE Multnomah Street, Suite 600
Portland OR 97232-4100
503-806-9516
Emily.LITKE@deq.oregon.gov

F/rom: UST Duty Officer * DEQ
sent: Wednesday, October 2, 2024 12:11 PM
To: mike@mwmkt.com
Subject: RE: 5460 - M&W Express Facility Follow-up

Hey Mike,

I am following up on the inspection completed by Dylan Eckert on 8/26/24 for **facility 5460 M&W Express**

Please review the field citation attached. The deadline for the payment of the \$650 fine is 11/2/24 and the deadline for the corrective actions is 12/2/24.

Please submit documentation of the corrective actions to this email thread before the deadline.



Emily Litke (she/her)

Duty Officer, Underground Storage Tanks

DEQ Headquarters, Land Quality Division

700 NE Multnomah Street, Suite 600

Portland OR 97232-4100

503-806-9516

Emily.LITKE@deq.oregon.gov

From: ECKERT Dylan * DEQ <Dylan.ECKERT@deq.oregon.gov>

Sent: Tuesday, September 3, 2024 10:53 AM

To: mike@mwmkt.com

Cc: UST Duty Officer * DEQ <UST.DutyOfficer@DEQ.oregon.gov>; DROUIN Mark * DEQ <Mark.DROUIN@deq.oregon.gov>

Subject: 5460 - M&W Express Facility Follow-up

Hello Mike -

Thank you for allowing me to inspect your facility. See below for documents confirming piping installation date.

This email has two intended recipients: you (permittee) and our enforcement/follow-up team. Because of this split audience, there might be some jargon used which is for DEQ internal purposes. I'll be asking for paperwork/documentation by a specific time and will state the violation/corrective action if the work is not submitted or was not performed. Please note the deadline for submissions.... After that deadline has passed, the inspection is closed for additional information and a determination will be assessed given the available information. By not submitting the requested documents, you might be assessed citations for items which were completed but DEQ simply does not have evidence for.

Please direct your responses to ust.dutyofficer@deq.oregon.gov

This team will work with me on documents you submit or corrective actions completed to ensure the work is sufficient to close the inspection.

Submit all documents by Thursday - 05sept2024 at 12pm.

Violation

- 1 - Failure to test turbine and under dispenser sumps used for piping release detection required for all piping installed after 01Mar2008 prior to 01oct2020 and every 3 years after that. (c1e)
- 2- Failure to test spill/sumps and overfill prevention equipment prior to 01 Oct 2020. (c1f)
- 3- Failure to have / provide Class A/B operator training certificate (A5a)

Corrective Action.

1. Testing all sumps used for interstitial monitoring and submit records of testing/repairs to DEQ prior to 15 Oct 2024
2. Testing of spills and alarm took place on 02 July 2024. No additional work requested.
- 3 – Complete Oregon DEQ approved operator training course and submit certificate to DEQ prior to 15 oct 2025

I appreciate your cooperation working with DEQ to maintain your system in compliance with the UST Compliance Rules and Statutes.

Phone: <u>541-372-8079</u>		Fax: <u>541-372-8079</u>	
DEQ Facility ID Number: <u>23-5460-2008-ORER</u>			
Work To Be Performed By: <u>Leonard Patrician Equipment</u> (Permitter, Tank Owner, Property Owner or Licensed Service Provider)		License # <u>15019</u> (Service Provider)	
Phone: <u>208-336-1155</u>		Mobile Phone: <u>208-608-6358</u>	

THIS FORM MUST BE SUBMITTED BY THE UST PERMITTEE 30 DAYS BEFORE START OF WORK.

YOU MUST CONTACT YOUR LOCAL DEQ REGIONAL OFFICE
3 DAYS BEFORE STARTING ANY UPGRADE WORK.

(These numbers are listed on Page 2)

Date work is scheduled to begin: 8-25-08

TASK #	100-UST PERMIT #	TANK SIZE IN GALLONS	PRODUCT		DESCRIBE WORK TO BE PERFORMED: (Add separate items if additional upgrade needed; Include Tank Fill Permit #)
			OLD	NEW	
1	UP	12,000			Replaced product piping
2	Super	6,000			Replaced product piping
3	DSL	8,000			Replaced product piping

Permitter: <u>Logan Hamilton</u> (Print Name)	
Signature: <u>[Signature]</u> (Printed)	Date: <u>8-28-08</u>

From: [LITKE Emily * DEQ](#)
To: [Mike Kharrl](#)
Subject: RE: 5460 Nyssa Express
Date: Thursday, January 30, 2025 12:14:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Hey Mike and Harold,

Thank you for sending the containment sump testing – this looks great.

The UST inspection for facility 5460 Nyssa Express located at 101 THUNDEREGG BLVD, NYSSA, Oregon is now complete and officially closed.

Thank you for the communication and keeping your facility in compliance.



Emily Litke (she/her)
Duty Officer, Underground Storage Tanks
DEQ Headquarters, Land Quality Division
700 NE Multnomah Street, Suite 600
Portland OR 97232-4100
503-806-9516
Emily.LITKE@deq.oregon.gov

From: Mike Kharrl <mike@mwmkt.com>
Sent: Wednesday, January 29, 2025 5:45 PM
To: LITKE Emily * DEQ <Emily.LITKE@deq.oregon.gov>
Subject: RE: 5460 Nyssa Express

Hello,
In case Harold didn't already send this to you.

Thank you.

From: LITKE Emily * DEQ <Emily.LITKE@deq.oregon.gov>
Sent: Thursday, January 9, 2025 10:58 AM
To: LITKE Emily * DEQ <Emily.Litke@deq.oregon.gov>
Cc: haroldw@mwmkt.com; Mike Kharrl <mike@mwmkt.com>; UST Duty Officer * DEQ <UST.DutyOfficer@DEQ.oregon.gov>
Subject: RE: 5460 Nyssa Express

Hey Mike and Harold,

Thank you for the update on the containment sump testing. When complete please email the passing records to this email thread for the DEQ to review.

As soon as this action is complete with the appropriate starting water level testing level – then the DEQ can close the UST inspection for this facility.



Emily Litke (she/her)
Duty Officer, Underground Storage Tanks
DEQ Headquarters, Land Quality Division
700 NE Multnomah Street, Suite 600
Portland OR 97232-4100
503-806-9516
Emily.LITKE@deq.oregon.gov

From: LITKE Emily * DEQ
Sent: Tuesday, December 31, 2024 8:59 AM
To: Mike Kharrl <mike@mwmkt.com>
Subject: RE: 5460 Nyssa Express

Hey Mike,

I am following up on **facility 5460 M&W Express located at 101 THUNDEREGG BLVD, NYSSA, Oregon.**

Do you have an update on the re-testing of the containment sumps? Please provide a date for the work to be complete if you already have it scheduled. I believe Diana Foss reached out to you regarding the specifics about the testing.

As soon as this action is complete with the appropriate starting water level testing level – then the DEQ can close the UST inspection for this facility.



Emily Litke (she/her)
Duty Officer, Underground Storage Tanks
DEQ Headquarters, Land Quality Division
700 NE Multnomah Street, Suite 600
Portland OR 97232-4100
503-806-9516
Emily.LITKE@deq.oregon.gov

From: LITKE Emily * DEQ <Emily.LITKE@deq.oregon.gov>

Sent: Wednesday, December 4, 2024 9:31 AM

To: Mike Kharrl <mike@mwmkt.com>

Subject: RE: 5460 Nyssa Express

Hey Mike,

Thank you for sending the testing documents over. After reviewing and comparing with the sump testing procedures...

“Hydrostatics testing of sumps requires that water **be 4 inches above the height requires to active the sensor.**” Do you know the exact depth that the sensor activates? This testing record indicates that the sensor activates at 1/8.

Please reach out to the contractor and have them re-test the containment sumps per required procedures.

Containment Sump Testing							
(passes if water level drops less than 1/8 inch, minimum test time 1 hour)							
☐ Containment sump is double-walled and monitored monthly (must be recorded on 30-day walkthrough inspection form)							
Describe sump (tank number, dispenser number, etc.):	Premium Sump	Diesels Sump	E 10 Sump	1/2 Dispenser	3/4 Dispenser	enser5/6 Disp	7/8 Dispenser
Liquid and debris removed from sump*	☒	☒	☒	☒	☒	☒	☒
☒ DEQ Alternative Test Method used ** (fill out level change info below)							
All sensors were tested confirming positive shutdown	☒	☒	☒	☒	☒	☒	☒
☐ PEI RP 1200 Method (fill out level change info below)							
Water was filled at least 4 inches above the highest penetration fitting	☐	☐	☐	☐	☐	☐	☐
Starting water level height (inches)	3.7/8	4"	4.1/8"	6.1/2"	6"	5.7/8"	6"
Starting test time	11:45	11:30	11:20	12:05	12.:15	12.:25	12.30
Ending test time	13:00	13:00	13:00	14:00	14.:00	14:00	14.00
Ending water level height (inches)	3.7/8	4"	4.1/8"	6.1/2"	6"	5.7/8"	6"
Level change	0	0	0	0	0	0	0
Test Results (P = pass, F = fail)	Pass	Pass	Pass	Pass	Pass	Pass	Pass
Corrective Action							
Description of actions taken if items tested or inspected were not acceptable							
All sumps tested after positive shut down installed each turbine sump will shut down that product .Dispenser 1-6 will shut down every thing. Dispenser 7/8 will shut down Diesel if sensors are triped.							

[Low Liquid Level UST Containment Sump Testing Procedures](#)

Part B – Testing the integrity of a containment sump

Step 1 – If necessary, add more water into the sump until the liquid level is at least 4 inches above the height required to activate the sensor.

- If you are testing other sumps, remove the sensor from this sump now before adding water. Removing the sensor from the liquid allows for testing other sensors in the UST system for functionality and positive shutdown without interrupting the one-hour liquid tightness test of this sump.

Step 2 – Wait 5 minutes.

- Waiting allows the water level sufficient time to settle in case there is sump deflection from the weight of the added water.

Step 3 – Measure and record the liquid height in the sump. Document the level and the current time on the test report form.

Step 4 – Do not disturb the water in the sump for at least one hour.



Emily Litke (she/her)

Duty Officer, Underground Storage Tanks
DEQ Headquarters, Land Quality Division
700 NE Multnomah Street, Suite 600
Portland OR 97232-4100
503-806-9516
Emily.LITKE@deq.oregon.gov

From: Mike Kharrl <mike@mwmkt.com>
Sent: Monday, December 2, 2024 12:21 PM
To: LITKE Emily * DEQ <Emily.LITKE@deq.oregon.gov>
Subject: FW: Nyssa Express

Everything has been corrected. Myself as well as the station manager have both completed the Class A/B operator Training. If you need anything else please let me know.

From: Harold Whitman <haroldw@nwestco.com>
Sent: Wednesday, November 27, 2024 10:54 AM
To: Mike Kharrl <mike@mwmkt.com>; dylan.eckert@deq.oregon.gov
Subject: Nyssa Express

Please see attached. We installed positive shutdown on this site after testing sumps and then tested to make sure it did what it was set up to do.



Harold Whitman
Environmental Spec. Technician
haroldw@Nwestco.com
Office 208-344-6483
Cell 208-890-1823

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**DEPARTMENT OF ENVIRONMENTAL QUALITY
TRANSMITTAL ADVICE
UST EXPEDITED ENFORCEMENT PROG**

CK #	TRAN AMNT	FOR THE ACCOUNT OF	CIVIL PENALTY #
CHECK NAME		REASON FOR PAYMENT	INV # RCPT #
068380	150.00	BYRNES OIL WALLOWA PACIFIC PRIDE	2024-FC-9639
BYRNES OIL COMPANY INC		FIELD CITATION FOR UST VIOLATIONS	FC-9639
068379	1,450.00	ELGIN CARDLOCK	2024-FC-9668
BYRNES OIL COMPANY INC		FIELD CITATION FOR UST VIOLATIONS	FC-9668
11787	650.00	M & W EXPRESS	2024-FC-9584
INTERMOUNTAIN FOOD STORES INC		FIELD CITATION FOR UST VIOLATIONS	FC-9584
104879	300.00	POWELL DISTRIBUTING CO INC	2024-FC-9662
		FIELD CITATION FOR UST VIOLATIONS	FC-9662
2268	100.00	SDS COMPANY	2024-FC-9677
		FIELD CITATION FOR UST VIOLATIONS	FC-9677
2,650.00		TOTAL	



Oregon Department of Environmental Quality

DataBase Connection: **PROD**

Program Enforcement Maintenance



Program Enforcement

Violations List (3)

Corrective Actions (0)

Link Actions

File #

5460

Create PEN

Create OCE Enforcement

Name M&W EXPRESS

Location 101 THUNDEREGG BLVD / NYSSA / MALHEUR

Permit UST General Permit.23-5460-2024-OPER.Active

Recipient Information:

Show Recipient Selection

Name / Title Tate, Doug /

Address 3310 S Gekeler Ln / Boise / ID / 83706-5214

Phone / Fax / Email 208-344-8568 x223 // rich@mwmkt.com

Edit

Delete

Program Enforcement Number 2024-FC-9584

Regulatory Program Underground Storage Tanks

Staff Assigned Diana Foss

Enforcement Type Field Citation

Enforcement Action Issued Date 10/02/2024

Show Calendar

Response Received Date

Show Calendar

Payment Due Date 11/01/2024

Show Calendar

Payment Received Date

11/12/2024

Show Calendar

Penalty Amount \$650.00

Related Items

View Selected

	ID	Name/Reference	Date
Select	SV: 21660	Full Compliance Inspection (FCI)	08/26/2024
Select	PE: 9584	Field Citation	10/02/2024
Select	SV Vio: 20590	(C) Spill and Overfill Prevention - TCR	08/26/2024
Select	SV Vio: 20591	(C) Spill and Overfill Prevention - TCR	08/26/2024
Select	SV Vio: 20592	(A) General Permit Requirements	08/26/2024

Records Found = 5

Legend

ID Type	Description
SV	Site Visit
PE	Program Enforcement
SV Vio	Site Visit Violation

Compliance Events Report

PEN Referral
Date

[Show Calendar](#)

Closed Date

[Show Calendar](#)

Withdrawn Date

[Show Calendar](#)

Link To
Complaint

Comments PD 11/13/24; CK # 11787; \$650.00;
INTERMOUNTAIN FOOD STORES INC

[Edit](#)[Delete](#)

Create By 10/02/2024

Diana Foss

Last Update By 11/13/2024

Tanisha Smith

Record ID 9584

[Create PEN](#)[Create OCE Enforcement](#)



Program Enforcement No. 2024-FC-9584

This section for
DEQ use only**Department of Environmental Quality
Underground Storage Tank Program****Field Citation
For UST Violations**

NOV 12 2024

Page 1 of 3

DEQ Information		UST Facility Information	
Inspection Date:	08/26/2024	Facility ID#:	5460
Inspector:	Dylan ECKERT	Facility Name:	M&W EXPRESS
DEQ Office:	165 E. 7th Ave Ste100	Facility Address:	101 THUNDEREGG BLVD, NYSSA, Oregon 97913
Phone #:	541-686-7517	County:	Malheur

Oregon DEQ inspected the facility listed above and identified the UST violations listed on page 3 of this Field Citation.

Field Citation Issued:	☐ In Person ☒ By Mail ☐ Both	Date Issued: 10/02/2024
Facility Representative Present During Inspection:	☐ Permittee ☐ Owner ☐ Other	
Name of Permittee or Owner:	Nyssa Properties, LLC	
Mailing Address:	3310 S Gekeler Ln , Boise Idaho 83706	

Field Citation Penalty: See Page 3 for detailed description of field citation and penalty.

Check payable to: DEQ Financial Services LBX3615; P.O. Box 3615; Portland OR 97208-3615

This Field Citation is issued in accordance with the requirements for the expedited enforcement of underground storage tank (UST) violations, OAR 340-150-0250.

~~Owner or Permittee should select Option 1 or Option 2 below and~~~~return a signed copy of this form to DEQ by the following date: 11/02/2024~~DEQ Revenue Section
700 NE Multnomah St. #600
Portland, Oregon 97232**Check one option**

- ☒ **Option 1** - I acknowledge that the listed violation(s) have occurred and I am remitting the listed field citation penalty.
- ☐ **Option 2** - I do not want to participate in the expedited enforcement process and understand that my file will be referred to the Department's Office of Compliance and Enforcement for formal enforcement action.

Name:	Jim Tate	Owner / Permittee
Signature:		Date:

Important

Read pages 2 and 3 for more information about your options and a detailed listing of violations and compliance requirements.