



Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

February 27, 2006

Bob Ginn

Mr. Edgar T. Foy, Field Environmental Coordinator
BP America Production Company
P.O. Box 130
Granger, WY 82934

RE: Notice of Violation

Dear Mr. Foy:

Enclosed is a Notice of Violation issued to BP America Production Company for failing to obtain a construction permit prior to constructing and operating the Antelope 5-5 facility. This violation was discovered during a review of the permit application for the Antelope 5-5 facility. BP America Production Company constructed and began operating the Antelope 5-5 facility on May 1, 2005. A Notice of Installation for the facility was filed on May 16, 2005 and a permit application was filed on August 28, 2005. During the permit application review process, the Air Quality Division determined that storage tank emission controls were installed on August 3, 2005 and volatile organic compound emissions from the Antelope 5-5 facility exceeded the major source level prior to the installation of controls. By failing to control emissions from the Antelope 5-5 facility to less than major source levels, BP America has not complied with the Oil and Gas Production Facilities Chapter 6, Section 2 Permitting Guidance and is in direct violation of the construction permitting requirements of Chapter 6, Section 2(a)(i) of the Wyoming Air Quality Standards and Regulations.

As the Department and this Division consider the failure to comply with air quality permitting requirements to be a serious matter, I am considering recommending the Department refer this violation to the State Attorney General's office requesting a suit be filed in District Court to recover appropriate penalties. If you would like to discuss settlement of this Notice of Violation prior to referral to the Attorney General's office, please contact Mr. Robert Gill, Air Quality Compliance Program Manager, at 307-777-3774 no later than ten (10) days after receipt of this letter.

Should you have any questions or comments regarding this matter, please feel free to contact me or Mr. Robert Gill.

Sincerely,

Michael Stoll
Administrator
Air Quality Division

cc: Tony Hoyt
Bernie Dailey
Cynthia Madison
Nancy Vehr

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH
(307) 777-7758
FAX 777-3610

ABANDONED MINES
(307) 777-6145
FAX 777-6462

AIR QUALITY
(307) 777-7391
FAX 777-5616

INDUSTRIAL SITING
(307) 777-7369
FAX 777-6937

LAND QUALITY
(307) 777-7756
FAX 777-5864

SOLID & HAZ. WASTE
(307) 777-7752
FAX 777-5973

WATER QUALITY
(307) 777-7781
FAX 777-5973



IN THE MATTER OF THE NOTICE OF VIOLATION)
ISSUED TO BP AMERICA PRODUCTION COMPANY,)
MR. EDGAR T. FOY, FIELD ENVIRONMENTAL)
COORDINATOR, P.O. BOX 130, GRANGER, WY 82934)

DOCKET NO.

3848-06

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found BP America Production Company (BP America) to be in violation of W.S. 35-11-801 of the Wyoming Environmental Quality Act and Chapter 6, Section 2 of the Wyoming Air Quality Standards and Regulations in the construction and operation of the wet gas/condensate production facility Antelope 5-5 located in Sublette County, Wyoming.

2. W.S. 35-11-801(c) states, "A permit to construct is required before the construction or modification of any industrial facility capable of causing or increasing air or water pollution in excess of standards established by the department is commenced."

3. Chapter 6, Section 2 of the Wyoming Air Quality Standards and Regulations prescribes the applicability and procedures for issuing permits to sources under Wyoming's construction and modification permitting program.

4. Chapter 6, Section 2(a)(i) of the Wyoming Air Quality Standards and Regulations states, "Any person who plans to construct any new facility or source, modify any existing facility or source, or to engage in the use of which may cause the issuance of or an increase in the issuance of air contaminants into the air of this state shall obtain a construction permit from the State of Wyoming, Department of Environmental Quality, before any actual work is begun on the facility."

5. The Air Quality Division issued Chapter 6, Section 2 permitting guidance for Oil and Gas Production Facilities in June 1997 with a revision in November 1998, a revision in January 2000, a revision in August 2001, and a revision related to the Jonah/Pinedale area operations dated July 2004. This guidance was developed to familiarize oil and gas production facilities with the Wyoming air quality regulations and to provide guidance to these facilities on what the Air Quality Division would accept as meeting the intent of Wyoming's regulatory requirement to obtain a construction permit prior to the construction or operation of new air emission sources (Chapter 6, Section 2(a)(i) of the Wyoming Air Quality Standards and Regulations). To be eligible for the permitting process under the Oil and Gas Production Facilities Chapter 6, Section 2 Permitting Guidance, a facility is required to submit a complete "Notice of Installation" within 40 days of the first date of production, comply with the "presumptive BACT" requirements (for the Jonah/Pinedale area, install storage tank controls within 90-days of the first date of production), and to submit a complete Chapter 6, Section 2 permit application within 180-days of the first date of production. Additional cautions within the permitting guidance state that facilities cannot emit regulated air pollutants at rates which equal or exceed the major source levels.

6. The Air Quality Division's review of BP America's permit application for Antelope 5-5 indicates that BP America constructed and began operating the Antelope 5-5 facility on May 1, 2005. A Notice of Installation for the facility was filed on May 16, 2005 and a permit application was filed

on August 28, 2005. During the permit application review process, the Air Quality Division determined that storage tank emission controls were installed on August 3, 2005 and volatile organic compound emissions from the Antelope 5-5 facility exceeded the major source level prior to the installation of controls. By failing to control emissions from the Antelope 5-5 facility to less than major source levels, BP America has not complied with the Oil and Gas Production Facilities Chapter 6, Section 2 Permitting Guidance and is in direct violation of the construction permitting requirements of Chapter 6, Section 2(a)(i) of the Wyoming Air Quality Standards and Regulations.

7. Said violation consists of the failure to obtain a construction permit prior to constructing and operating the Antelope 5-5 facility in violation of W.S. 35-11-801(c) of the Wyoming Environmental Quality Act and Chapter 6, Section 2(a)(i) of the Wyoming Air Quality Standards and Regulations.

8. Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of [the Environmental Quality Act] ... or any rule, regulation, standard or permit adopted pursuant to those provisions, or who violates any determination or order of the council pursuant to Article 2 of [the Environmental Quality Act] ... is subject to a penalty not to exceed ten thousand dollars (\$10,000.00) for each violation for each day during which the violation continues, a temporary or permanent injunction, or both a penalty and an injunction.

9. This notice is being sent to you pursuant to W.S. 35-11-701(c), 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.

DATED this 27 day of February, 2006.



Michael Stoll
Administrator
Air Quality Division



John V. Corra
Director
Department of Environmental Quality

Please direct all inquiries to Michael Stoll, Administrator, Division of Air Quality, Department of Environmental Quality, Herschler Building, 4th Floor, 122 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393.)