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

July 1, 2008

Mr. Ross Goff
Burlington Resources Oil & Gas Company LP
PO BOX 5
Lysite, WY 82642

Re: Notice of Violation

Dear Mr. Guff,

Enclosed you will find a Notice of Violation (NOV) issued to Burlington Resources Oil & Gas Company LP for the failure to comply with SO_2 mass emission limits, sulfur recovery efficiency and continuous operation of the Carbonyl Sulfide (COS) monitor for Train III as required by permit CT-1946A. This was discovered during the 2008 Annual Inspection, to include the Division's review of Continuous Emission Monitoring (CEM) Reports submitted by Burlington Resources Oil & Gas Company LP for the Lost Cabin Gas Plant. Review of the reports showed SO_2 mass emission limits were exceeded for the 1st quarter 2008 at 5.3% . These reports also showed that sulfur recovery efficiency did not meet requirements for 2nd and 3rd quarter 2007 and the 1st quarter 2008. The sulfur recovery efficiency fell below the required 98% efficiency for 3.9% for the 2nd quarter 2007, 5.3% during 3rd quarter 2007 and 7.3% of the reporting period for the 1st quarter 2008. Noncompliance with SO_2 mass emission limits and sulfur recovery efficiency are violations of conditions 9 & 12 of permit CT-1946A. Also, Burlington Resources Oil & Gas Company LP failed to comply with requirement to operate and maintain a continuous Carbonyl Sulfide (COS) emission monitor as directed by condition 15 b) of permit CT-1946A.

As the Department and this Division consider the failure to comply with air quality permit requirements to be a serious matter, I am recommending that 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 issue prior to action on the referral by the Attorney General's office, please contact Ms. Karen Godman, Air Quality Compliance Program Principal, at 307-777-8601 no later than ten (10) days after receipt of this letter.

Sincerely,

David A. Finley
Administrator
Air Quality Division

cc: Robert Gill, Karen Godman, Greg Meeker, Nancy Vehr, Keith Guille

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED	)	
TO BURLINGTON RESOURCES OIL & GAS COMPANY LP	)	**DOCKET NO.**
MR. ROSS GOFF, ENGINEERING SUPERVISOR	)	4305-08
PO BOX 5	)	
LYSITE, WY 82642	)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Burlington Resources Oil & Gas Company LP to be in violation of permit CT-1946A issued in accordance with 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 operation of the Lost Cabin Gas Plant located in Fremont County, Wyoming.

2. W.S. 35-11-801 states, "In granting permits, the director may impose such conditions as may be necessary to accomplish the purpose of this act which are not inconsistent with the existing rules, regulations and standards."

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. Permit CT-1946A was issued to Burlington Resources Oil & Gas Company LP on September 18, 2002. This permit is a specific modification for the 180MMSCFD sour gas plant, known as Train III at the Lost Cabin Gas Plant. Conditions 9 & 12 defines Train III allowable emission rates as 312 pounds per hour for SO_2 the sulfur recovery efficiency at a minimum 99.8 percent and the average temperature of the gas leaving the combustion zone of the incinerator shall not be less than 1000° F based on a 12-hour rolling average calculated using the arithmetic average of the previous 1-hour averages.

5. During the 2008 Annual Inspection, to include the Air Quality Division's review of Continuous Emission Monitoring (CEM), it was discovered that Burlington Resources Oil & Gas Company LP had failed to comply with SO_2 mass emission limits and sulfur recovery efficiency for Train III. Review of the reports showed SO_2 mass emission limits were exceeded for the 1st quarter 2008 at 5.3%. These reports also showed that sulfur recovery efficiency did not meet requirements for the 2nd and 3rd quarters of 2007 and the 1st quarter 2008. The sulfur recovery efficiency fell below the 98% efficiency for 3.9% for the 2nd quarter 2007, 5.3% during the 3rd quarter 2007 and 7.3% of the reporting period for the 1st quarter of 2008. Noncompliance with SO mass emission limits and sulfur recovery efficiency are violations of conditions 9 & 12 of permit CT-1946A.

6. Permit CT-1946A was issued to Burlington Resources Oil & Gas Company LP on September 18, 2002. This permit is a specific modification for the 180MMSCFD sour gas plant, known as Train III at the Lost Cabin Gas Plant. Condition 15 b) defines Train III monitor expectations for the monitoring of Carbonyl Sulfide (COS) in the statement that LL&E shall install, certify operate and maintain a continuous COS emission monitor and a flow rate monitor on the CO_2 vent stack.

7. During the 2008 Annual Inspection Report, Air Quality Division's review of monitoring records, showed that during 3rd Quarter 2007 the Train III COS monitor was unavailable for 25.9% of the reporting period. This is a violation of the requirement to operate and maintain a continuous COS emission monitor as directed in condition 15 b) of permit CT-1946A.

8. Said violations consist of the failure to: 1) comply with the SO_2 mass emission limits and sulfur recovery efficiency as required by conditions 9 & 12 of permit CT-1946A and 2) operate and maintain a continuous COS emission monitor as directed in condition 15 b) of permit CT-1946A.

9. 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.

10. This notice is being sent to you pursuant to W.S. 35-11-701(c), which requires that, in any case of 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 9th day of July, 2008.

David A. Finley
Administrator
Air Quality Division

John V. Corra
Director
Department of Environmental Quality

Please direct all inquiries to David A. Finley, Administrator, Division of Air Quality, Department of Environmental Quality, Herschler Building, 2nd Floor, 122 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393)