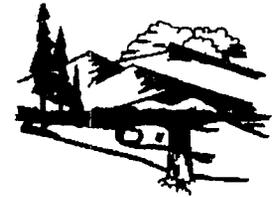




Department of Environmental Quality



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

June 9, 2009

Mr. Darren F. Mulkey
Field Environmental Coordinator
BP America Production Company
P.O. BOX 130
Granger, WY 82934

RE: Notice of Violation

Dear Mr. Mulkey:

Enclosed you will find a Notice of Violation (NOV) issued to BP America Production Company by the Department of Environmental Quality, Air Quality Division, for failing to comply with the permit requirement for routing vapors to the emission control device for the Whiskey Buttes 367-09E facility located in Lincoln County, Wyoming. This violation of permit CT-8060 was observed by Mr. Jared Beck on March 4, 2009.

As the Department and this Division consider the failure to comply with air quality permit conditions 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 Ms. Karen Godman, Air Quality Compliance Program Principal, 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 Ms. Karen Godman.

Sincerely,

Lou M. Bocchino

David A. Finley
Administrator
Air Quality Division

For D.F.

cc: Robert Gill
Tony Hoyt
Nancy Vehr

~~Kenn Gulle~~

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

ADMIN/OUTREACH (307) 777-7937 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 777-5973	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
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BP
W.S.
/09

**BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING**

**IN THE MATTER OF THE NOTICE OF VIOLATION
ISSUED TO BP AMERICA PRODUCTION COMPANY,
MR. DARREN F. MULKEY,
FIELD ENVIRONMENTAL COORDINATOR
PO BOX 130
GRANGER, WY 82934**

)
) **DOCKET NO. 4513-09**
)
)
)
)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found BP America Production Company to be in violation of permit CT-8060 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 at the Whiskey Buttes 367-09E facility located in Lincoln County, Wyoming.

2. W.S. 35-11-801(a) 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-8060 was issued to BP America Production Company on September 23, 2008. Permit CT-8060 dictates control of vent vapors through condition 9 as follows:

Condition 9 states:

"Emission control equipment, including the VOC and HAP emission control system or device, all vent lines, connections, fittings, valves, relief valves, hatches or any other appurtenance employed to contain and collect vapors and transport them to the emission control system or device, shall be maintained and operated during any time the wells are producing such that the emissions are controlled at all times. Records shall be maintained noting dates and durations of times during such operation when any VOC or HAP emissions control system or device or the associated containment and collection equipment is not functioning to control emissions as required by this permit."

5. On March 4, 2009, Mr. Jared Beck, Air Quality Division Engineer/Inspector, observed and heard venting vapors from the enardo valve. Venting vapors from the enardo valve and not routing vapors to the emission control device is a violation of condition 9 of permit CT-8060.

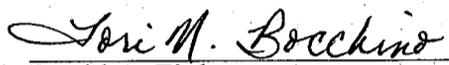
6. Said violation consists of venting vapors from the enardo valve and not routing vapors to emission control device. This is a violation of condition 9 of permit CT-8060.

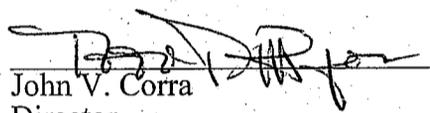
7. Under W.S. 35-11-901(a), any person who violates any provision of 2 of [the Environmental Quality Act] ... or any rule, regulation, standard or permit adopted pursuant to 2 of [the Environmental Quality Act] ... is subject to a penalty not to exceed ten thousand dollars (\$10,000.00) for each violation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

BP America Production Company
Notice of Violation
Page Two

8. 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 15th day of June, 2009.


David A. Finley *for D.F.*
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.)