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

October 27, 2009

Mr. Don Brooks
FEC/EMS Coordinator Jonah Operations
BP America Production Company
P.O. BOX 270
Farson, WY 82932

RE: Notice of Violation

Dear Mr. Brooks:

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 combustor for the Cabrito 3-25 wellsite facility located in Sublette County, Wyoming. This violation of permit MD-1586 was observed by Ms. Jennifer Frazier on July 23, 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,

David A. Finley
Administrator
Air Quality Division

cc: Robert Gill
Jennifer Frazier
Tony Hoyt
Nancy Vehr
Keith Guille

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION	)	
ISSUED TO BP AMERICA PRODUCTION COMPANY	)	**DOCKET NO.** 4586-09
MR. DON BROOKS,	)	
FEC/EMS COORDINATOR JONAH OPERATIONS	)	
PO BOX 270	)	
FARSON, WY 82932	)	

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 MD-1586 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 Cabrito 3-25 wellsite facility located in Sublette 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 MD-1586 was issued to BP America Production Company on May 30, 2007. Permit MD-1586 dictates control of vent vapors from tanks through conditions 13 & 14 as follows:

Condition 13(A.) states:

> "Upon the First Date of Production of an additional well at the Cabrito 3-25 PAD or upon the date production associated with a well from a separate location is tied into the Cabrito 3-25 PAD, controls for emissions from all existing and new hydrocarbon liquid storage tanks and pressure vessels (flashing/standing/working/breathing losses and any separator flash gas not collected for sales) shall be installed and operational. Emission control systems or devices installed under this condition shall be designed and operated to reduce the mass content of VOCs in the gases vented to the device by at least ninety-eight percent (98%) by weight, and shall meet the requirements of the Chapter 6, Section 2 Oil and Gas Production Facilities Permitting Guidance."

Condition 14 states:

> "Emission control devices installed under condition thirteen (13) including the VOC and HAP emission control systems or devices, reboiler overheads condensers and 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 any of 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 July 23, 2009, Ms. Jennifer Frazier, Air Quality Division Engineer/Inspector, observed continuous significant amounts of vapors venting from a thief hatch and an Enardo valve. Venting vapors from a thief hatch and an Enardo valve and not routing vapors from the condensate tanks to the combustion device are violations of conditions 13 & 14 of permit MD-1586.

6. Said violation consists of venting vapors from a thief hatch and an Enardo valve and not routing vapors from the condensate tanks to the combustion device.

7. 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.

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 4 day of December, 2009.

David A. Finley
Administrator
Air Quality Division

John W. 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.)