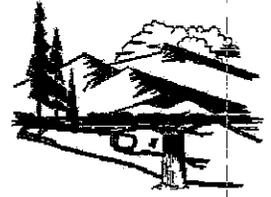




# Department of Environmental Quality

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



Matthew H. Mead, Governor

John Corra, Director

March 14, 2012

Mr. Srikishan V. Koniki  
Air Specialist  
BP America Production Company  
501 Westlake Park Blvd.  
Houston, TX 77079-3092

RE: Notice of Violation

Dear Mr. Koniki:

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 to control emissions and not maintaining and operating the combustion device during any time the wells are producing at the Eight Mile 13-10D PAD, Latham Draw 29-40D PAD, Red Wash 11-40D PAD and Tierney II 28-120PAD facility located in Sweetwater County, Wyoming.

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,

Steven A. Dietrich  
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. 4974-12  
MR. SRIKISHAN V. KONIKI, )  
AIR SPECIALIST )  
501 WESTLAKE PARK BLVD. )  
HOUSTON, TX 77079-3092 )

**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 permits CT-9430, CT-7999, CT-9774 and CT-7454 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 Eight Mile 13-10D PAD, Latham Draw 29-40D PAD, Red Wash 11-40D PAD and Tierney II 28-120PAD facility located in Sweetwater 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-9430 was issued to BP America Production Company for the Eight Mile 13-10D PAD on July 28, 2009. Permit CT-7999 was issued to BP America Production Company for the Latham Draw 29-40D on August 26, 2008. Permit CT-9774 was issued to BP America Production Company for the Red Wash 11-40D PAD on October 6, 2009. Permit CT-7454 was issued to BP America Production Company for the Tierney II 28-120PAD on May 6, 2008. All of these permits require control of emissions through a condition which 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..."

5. During inspections conducted and subsequent review of pilot flame records furnished by BP America Production Company, it was discovered that the pilot flame on these facilities was not functional for various amounts of time in 2011. The lack of a pilot flame indicates that the combustors were not functional and vapors were not combusted, but rather vented through the combustor to atmosphere. Venting vapors and not maintaining and operating the combustion device during any time the wells are producing are violations of permits CT-9430, CT-7999, CT-9774 and CT-7454.

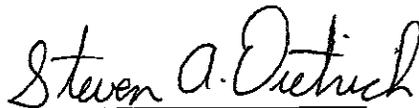
6. Said violation consists of venting vapors and not maintaining and operating the combustion device during any time the wells are producing in violation of permits CT-9430, CT-7999, CT-9774 and CT-7454.

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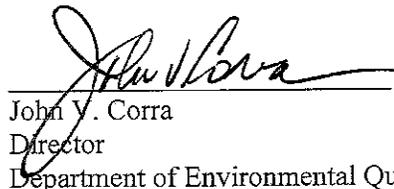
7. Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of [the Environmental Quality Act] ... or any rule, regulation, standard or permit adopted pursuant to those provisions, or who violates any determination or order of the council pursuant to Article 2 of [the Environmental 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 14<sup>th</sup> day of MARCH, 2012.



Steven A. Dietrich  
Administrator  
Air Quality Division



John Y. Corra  
Director  
Department of Environmental Quality

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