



# 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

Todd Parfitt, Director

February 26, 2013

Mr. David Herritt  
Manager  
Huntington Energy, LLC  
908 N. W. 71<sup>st</sup> Street  
Oklahoma City, OK 73116

Re: Notice of Violation

Dear Mr. Herritt:

Enclosed you will find a Notice of Violation (NOV) issued to Huntington Energy, LLC by the Department of Environmental Quality, Air Quality Division for failing to obtain a construction permit prior to construction and operation of the Hanover Canal Battery/Hanover Canal #1 facility located in Washakie County, Wyoming.

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 Ms. Karen Godman, Air Quality Compliance Program Principal, at 307-777-8601 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: Nancy Vehr  
Greg Meeker  
Robert Gill  
Keith Guille



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

**IN THE MATTER OF THE NOTICE OF VIOLATION )  
ISSUED TO HUNTINGTON ENERGY, LLC, ) DOCKET NO. 5132-13  
MR. DAVID HERRITT )  
908 N. W. 71<sup>ST</sup> STREET )  
OKLAHOMA CITY, OK 73116 )**

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found Huntington Energy, LLC (Huntington) 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 for the Hanover Canal Battery/Hanover Canal #1 facility located in Washakie 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. 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. On October 22, 2012, the Division received a permit application from Huntington for the Hanover Canal Battery/Hanover Canal #1 facility located in Washakie County Wyoming. During review and discussion with Huntington, it was discovered that the facility began producing November 3, 2011 and had been flaring all produced sour gas since that time. Emissions from the oil storage tanks were also uncontrolled. During 2012, it is estimated 283.9 tons of sulfur dioxide were emitted from the flaring of produced gas. Also in 2012, the uncontrolled VOC, HAP and H<sub>2</sub>S emissions were estimated to be 310.3 tons, 6.1 tons and 4.4 ton, respectively. The uncontrolled VOC emissions from the storage tanks and sulfur dioxide emissions from flaring produced gas are above major source and PSD limits of 100TPY VOC and 250 TPY VOC, respectively. It was discovered that Huntington Energy, LLC failed to permit the facility prior to construction and production.

6. Said violation consists of the failure to obtain an air quality permit prior to commencing construction of the Hanover Canal Battery/Hanover Canal #1 facility in violation of W.S. 35-11-801 of the Wyoming Environmental Quality Act and Chapter 6, Section 2(a)(i) of the Wyoming Air Quality Standards and Regulations.

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)

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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 26<sup>th</sup> day of FEBRUARY, 2013.

  
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Steven A. Dietrich  
Administrator  
Air Quality Division

  
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Todd Parfitt  
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.)