



# 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

March 7, 2014

Mr. Levi Poe  
Corporate Air Supervisor - COI  
Chesapeake Operating, Inc.  
PO Box 18496  
Oklahoma City, OK 73154-0496

Re: Notice of Violation

Dear Mr. Poe,

Enclosed you will find a Notice of Violation (NOV) issued to Chesapeake Operating, Inc. by the Department of Environmental Quality, Air Quality Division for the failure to control fugitive dust emissions from the Smith Creek 6-32-70-B Pad (1H, 2H, 3H, 4H) located in Converse County, Wyoming in violation of Chapter 3, Section 2 of the Wyoming Air Quality Standards and Regulations. This violation was observed by the Division on October 22, 2013.

As the Department and this Division consider the failure to comply with air quality regulatory 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 issue prior to referral to the Attorney General's office, please contact Ms. Ann Shed, 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 the Notice of Violation, please feel free to contact me or Ms. Ann Shed.

Sincerely,

Steven A. Dietrich  
Administrator  
Air Quality Division

cc: Jeremiah Williamson  
Fred Di Lella  
Chris Hanify  
Keith Guille



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

<b>IN THE MATTER OF THE NOTICE OF VIOLATION</b>	)	
<b>ISSUED TO CHESAPEAKE OPERATING, INC.</b>	)	<b>DOCKET NO. 5383-14</b>
<b>MR. LEVI POE</b>	)	
<b>CORPORATE AIR SUPERVISOR - COI</b>	)	
<b>PO BOX 18496</b>	)	
<b>OKLAHOMA CITY, OK 73154-0496</b>	)	

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found Chesapeake Operating, Inc. to be in violation of W.S. 35-11-201 of the Wyoming Environmental Quality Act and Chapter 3, Section 2 of the Wyoming Air Quality Standards and Regulations in the hauling activities at the Smith Creek 6-32-70-B Pad (drilling site) located in Converse County, Wyoming.

2. W.S. 35-11-201 of the Environmental Quality Act states, "No person shall cause, threaten or allow the discharge or emission of any air contaminant in any form so as to cause pollution which violates rules, regulations and standards adopted by the council."

3. Chapter 3, Section 2(f) of the Wyoming Air Quality Standards and Regulations specifies requirements for fugitive dust control. Chapter 3, Section 2(f)(ii) states, "Any person owning, operating or maintaining a new or existing material storage, handling and/or hauling operation shall minimize fugitive dust from such an operation. Such control measures may include the application of asphalt, oil, water or suitable chemicals on unpaved roads, material stockpiles and other surfaces which can give rise to airborne dust."

4. On October 22, 2013 the Division received complaints regarding excessive fugitive dust emissions at the Smith Creek drilling site, located in Converse County, Wyoming. In response, the Division conducted an inspection of the drilling site and found excessive fugitive dust from trucks contracted to perform operations for Chesapeake Operating, Inc.

5. Said violation consists of the failure to control fugitive dust emissions from the Smith Creek 6-32-70-B Pad (drill site) in violation of Chapter 3, Section 2 of the Wyoming Air Quality Standards and Regulations.

6. 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.

7. This notice is being sent to you pursuant to W.S. 35-11-701(c), which requires that, in any

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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 7<sup>th</sup> day of March, 2014.



Steven A. Dietrich  
Administrator  
Air Quality Division



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, 4th Floor, 122 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393.)