



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

May 8, 2014

Ms. Shanda Caldwell
Field Environmental Advisor
BP America Production Company
P.O. Box 157
Wamsutter, WY 82336

RE: Notice of Violation

Dear Ms. Caldwell:

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 permit requirements for maintaining smokeless combustors at the Frewen Unit 18-100D PAD facility, located in Sweetwater County, Wyoming. These are violations of permit CT-15710. These violations were observed by Mr. Jeff Wendt on March 13, 2014.

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 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 this matter, please feel free to contact me or Ann Shed.

Sincerely,

Steven A. Dietrich
Administrator
Air Quality Division

cc: Fred Di Lella
Tony Hoyt
Ann Shed
Elizabeth Lyon
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. 5416-14
MS. SHANDA CALDWELL)
FIELD ENVIRONMENTAL ADVISOR)
P.O. BOX 157)
WAMSUTTER, WY 82336)

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-15710 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 Frewen Unit 18-100D PAD 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-15710 was issued to BP America Production Company on March 4, 2014 for the Frewen Unit 18-100D PAD facility. Permit CT-15710 dictates that the facility maintain combustors to be smokeless through condition 16 as follows:

"The combustion devices shall be designed, constructed, operated and maintained to be smokeless ..."

5. On March 13, 2014, Mr. Jeff Wendt, Air Quality Division Engineer/Inspector, observed three combustors smoking continuously. The emission of smoke from the combustors is a violation of condition 16 of permit CT-15710.

6. Said violation consists of the emission of smoke from three combustors at the Frewen Unit 18-100D PAD facility located in Sweetwater County, Wyoming. The emission of smoke from the combustors is a violation of permit CT-15710.

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 8th day of MAY, 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, 2nd Floor, 122 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393)