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

December 8, 2014

Mr. Charles W. Lock
EHS Manager
Kaiser-Francis Oil Company
6733 South Yale Avenue
Tulsa, OK 74136

RE: Notice of Violation

Dear Mr. Lock:

Enclosed you will find a Notice of Violation (NOV) issued to Kaiser-Francis Oil Company by the Department of Environmental Quality, Air Quality Division, for failing to control emissions, conduct monitoring, and report emissions at the State of Wyoming No. 1 facility located in Converse County, Wyoming. The State of Wyoming No. 1 facility became operational February 26, 2013 and was modified June 9, 2014. In accordance with the September 2013 Oil and Gas Production Facilities Permitting Guidance, within 60-days of the modification, flashing emissions containing greater than or equal to 10 TPY of VOCs shall be controlled by at least 98%. Oil tank flashing emissions based on the reported production rate of 126.2 BPD were calculated to be 19.6 TPY of VOCs. The oil tank emissions should have been controlled by August 8, 2014. The oil tank emissions at the facility are not controlled; therefore the emissions control and monitoring requirements under the Oil and Gas Production Facilities Permitting Guidance have also not been met. This is in direct violation of the construction permitting requirements of Chapter 6, Section 2(a)(i) of the WAQSR.

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. 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 Ms. Ann Shed.

Sincerely,

Steven A. Dietrich

Steven A. Dietrich
Administrator
Air Quality Division

cc: Fred Dilella, Ann Shed, Chris Hanify, Elizabeth Lyon, Landon Brown

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION	)	
ISSUED TO KAISER-FRANCIS OIL COMPANY	)	**DOCKET NO. 5512-14**
MR. CHARLES W. LOCK	)	
6733 SOUTH YALE AVENUE	)	
TULSA, OK 74136	)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Kaiser-Francis Oil Company to be 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 (WAQSR) in the construction and operation of the State of Wyoming No. 1 facility located in Converse 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 WAQSR 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 WAQSR 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. The Air Quality Division issued the Chapter 6, Section 2 permitting guidance for Oil and Gas Production Facilities in June 1997 with revisions in November 1998, January 2000, August 2001, August 2007, March 2010, and September 2013. This guidance was developed to familiarize oil and gas production facilities with the Wyoming air quality regulations and to provide guidance to these facilities on what the Air Quality Division would accept as meeting the intent of Wyoming's regulatory requirement to obtain a construction permit prior to the construction or operation of new air emission sources (Chapter 6, Section 2(a)(i) of the WAQSR). Companies may follow the Oil and Gas Production Facilities Chapter 6, Section 2 Permitting Guidance, or must, prior to construction of a new air emission source, obtain a Chapter 6, Section 2 permit. A permit application must be filed within 90 days after the first date of production. In addition the Chapter 6, Section 2 guidance requires a continuous pilot monitoring system for emissions monitoring and emissions reporting.

6. The State of Wyoming No. 1 facility became operational February 26, 2013 and was modified June 9, 2014. In accordance with the September 2013 Oil and Gas Production Facilities Permitting Guidance, within 60-days of the modification, flashing emissions containing greater than or equal to 10 TPY of VOCs shall be controlled by at least 98%. Oil tank flashing emissions based on the reported production rate of 126.2 BPD were calculated to be 19.6 TPY of VOCs. The oil tank emissions should have been controlled by August 8, 2014. The oil tank emissions at the facility are not controlled; therefore the emissions control and monitoring requirements under the Oil and Gas Production Facilities Permitting Guidance have also not been met. By failing to control emissions, conduct monitoring, and report emissions, Kaiser-Francis has not followed the Oil and Gas Production Facilities Chapter 6, Section 2 Permitting Guidance and is in direct violation of the construction permitting requirements of Chapter 6, Section 2(a)(i) of the WAQSR.

7. Said violations consist of the failure to control emissions, conduct monitoring, and report emissions at the State of Wyoming No. 1 facility in violation of W.S. 35-11-801(c) of the Wyoming Environmental Quality Act and Chapter 6, Section 2(a)(i) of the WAQSR.

8. 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.

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 9th day of DECEMBER, 2014.

Steven A Dietrich

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)