Department of Environmental Quality

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

Dave Freudenthal, Governor

John Corra, Director

CERTIFIED MAIL

January 24, 2007

BP America Production Company
Gary L. English
P.O. Box 157
Wamsutter, WY 82336

Richard Weingardt Consultants
David Hargrove, P.E.
9725 East Hampden Ave., Suite 200
Denver, CO 80231

Gensler
Jon Gambrill
1625 Broadway, Suite 400
Denver, CO 80202

RE: Notice of Violation, Docket Number 4001-07

Dear Sirs:

Attached is a copy of a Notice of Violation, Docket Number 4001-07, issued to BP America Production Company, Richard Weingardt Consultants, and Gensler for the construction of both public water supply distribution main and booster pump systems along with a sewer collection main systems without a permit. Richard Weingardt Consultants is the Professional Engineer of Record listed on the construction plans. Gensler is the Professional Architect listed on the construction plans.

The Water Quality Division has the authority to resolve violations with an out-of-court settlement agreement. If the parties desire to pursue resolution of the previously noted violation through such an agreement, please contact Mr. Don McKenzie, P.E., Water and Wastewater Section Program Manager, in writing by February 15, 2007 to set up a meeting to discuss this matter. He can be contacted at Wyoming DEQ/WQD, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002.

John V. Corra
Director
Department of Environmental Quality

John F. Wagner
Administrator
Water Quality Division

JVC/JFW/DRM/MDB/bb/7-0076.LTR
Enclosure: Notice of Violation
xc: IPS
Mark Baron, P.E., W&WW, Lander
Keith Guile, DEQ Public Information Officer

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • http://deq.state.wy.us

ADMIN/OUTREACH	ABANDONED MINES	AIR QUALITY	INDUSTRIAL SITING	LAND QUALITY	SOLID & HAZ. WASTE	WATER QUALITY
(307) 777-7937	(307) 777-6145	(307) 777-7391	(307) 777-7369	(307) 777-7756	(307) 777-7752	(307) 777-7781
FAX 777-3610	FAX 777-6462	FAX 777-5616	FAX 777-5973	FAX 777-5864	FAX 777-5973	FAX 777-5973

BEFORE THE

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:	)	
BP America Production Company **P.O. Box 157** **Wamsutter, WY 82336**	)	
Richard Weingardt Consultants **9725 East Hampden Ave.** **Suite 200** **Denver, CO 80231**	)	**DOCKET NUMBER 4001-07**
Gensler **1625 Broadway** **Suite 400** **Denver, CO 80202**	)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. BP America Production Company is the owner of the BP Wamsutter Field Office public water supply distribution and sewage collection systems, located in the north half of Section 27 of Township 20 North, Range 94 West in Sweetwater County, Wyoming.

2. BP America Production Company submitted a Permit to construct application (06-177) to construct both a public water supply distribution main from an existing 12-inch public water supply distribution main, located south of the new field office, to the new field office along with a sewage collection from an existing sewage collection system southeast of the new office to the new office on March 17, 2006. Richard Weingardt Consultants is the Professional Engineer of Record listed on the construction plans. Gensler is the Professional Architect listed on the construction plans.

3. BP America Production Company also submitted an As Built Permit to construct application (06-044) for the construction a public water supply booster pump system connected to an existing 12-inch public water supply distribution main to supply water to the existing office on January 31, 2006. A permit search was performed for this facility and no permit was found to have been issued. PMPC Civil Engineers is the Professional Engineer of Record listed on the As Built Permit application. PMPC is not known to have been involved in the construction of this facility without a permit.

4. Wyoming Statute (W.S.) 35-11-301(a)(v) requires a permit from the Department of Environmental Quality (DEQ) prior to the construction of a public water supply.

5. Wyoming Statute (W.S.) 35-11-301(a)(iii) requires a permit from the Department of Environmental Quality (DEQ) prior to the construction of a sewage collection system.

6. BP America Production Company constructed both a public water supply distribution main and booster systems as well as a sewage collection main system, prior to June 20, 2006 without receiving a permit to construct from the DEQ. This is a violation of both W.S. 35-11-301(a)(v) and W.S. 35-11-301(a)(iii).

7. This Notice is being sent to you pursuant to W.S. 35-11-701(c)(i), which requires that in any case of the failure to correct or remedy an alleged violation, the Director of DEQ shall cause a written notice to be issued and served on the person alleged to be responsible;

8. Pursuant to Wyoming Statute 35-11-901(a), any person who violates, or any director, officer, or agent of a corporate permittee who willingly and knowingly authorizes, orders, or carries out the violation of any provision of the Environmental Quality Act (Act), or any rule, regulation, standard, or permit adopted hereunder or who violates any determination or order of the council pursuant to this act or any rule, regulation, standard, permit, license, or variance is subject to a penalty not to exceed ten thousand dollars and no cents ($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. The penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming. Nothing herein shall preclude the department from negotiating stipulated settlements involving the payment of a penalty, implementation of compliance schedules, or other settlement conditions, in lieu of litigation.

NOTHING IN THIS NOTICE OF VIOLATION (NOV) shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

Signed this 29th day of JAN, 2007.

John V. Corra
Director
Department of Environmental Quality

John F. Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: DRM 1/23/7 Don McKenzie, P.E., Water & Wastewater Section Program Manager, Wyoming DEQ WQD, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-7075.

JVC/JFW/DRM/MDB/bb/7-0076.NOV

xc: IPS
Mark Baron, P.E., W&WW Section, Lander
Keith Guile, DEQ Public Information Officer