



# 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

August 3, 2007

Newpark Environmental Services  
2700 Research Drive, Suite 100  
The Woodlands, Texas 77381

*RE: Notice of Violation, Docket Number 4125-07.*

Gentlemen:

Attached is a copy of a Notice of Violation, Docket Number 4125-07, issued to Newpark Environmental Services for violation of the Newpark Water Treatment Facility permits 02-279, 03-234 & 04-483.

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

  
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John V. Corra  
Director  
Department of Environmental Quality

  
\_\_\_\_\_  
John F. Wagner  
Administrator  
Water Quality Division

JVC/JFW/DRM/bb/7-0649.LTR  
*DRM 8-3-7*

Enclosure: Notice of Violation

xc: IPS  
Dennis Lamb > Kim Medina, Casper  
Keith Guile, DEQ Public Information Officer

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

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

IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO: )

Newpark Environmental Services )  
2700 Research Drive, Suite 100 )  
The Woodlands, Texas 77381 )

DOCKET NUMBER 4125-07

**NOTICE OF VIOLATION**

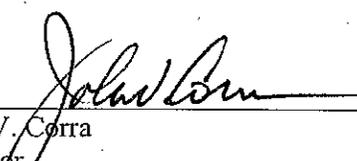
**NOTICE IS HEREBY GIVEN THAT:**

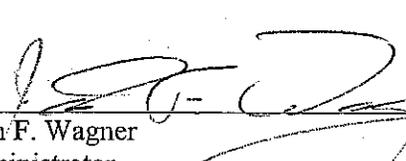
- 1 of 9. Newpark Environmental Services is the permittee for a *Permit to Construct, Newpark Water Treatment Facility*, located in the southwest quarter of Section 32, Township 31 North, Range, 107 West, in Sublette County, Wyoming. The Newpark Water Treatment Facility is a commercial RCRA oil and gas exploration and production exempt waste disposal and treatment facility.
- 2 of 9. The Permit to Construct the Newpark Water Treatment facility was approved on October 16, 2002 under permit 02-279. Modifications to the facility were authorized under Permit to Construct #03-234 (Lot #19 Disposal Pond) and Permit to Construct #04-483 (desalination and reverse osmosis unit).
- 3 of 9. Wyoming Water Quality Rules and Regulations, Chapter 3, Section 5, (c) requires the permittee to operate and maintain the facility as described in the application(s) and permit conditions. Permit conditions require the permittee to submit as-built drawings showing all modifications.
- 4 of 9. An on-site investigation as conducted on March 29, 2007 by Dennis Lamb from the WDEQ Casper field office. During that investigation, numerous pipes and other modifications, not shown on any as-built drawings were identified.
- 5 of 9. Glen Bobnick, with Inberg-Miller Engineers, replied to Mr. Lamb in an email dated May 14, 2007, that as-built drawings were being prepared and were almost completed. The anticipated submittal date was within a week of the email. As of this date of this NOV, as-built drawings of the facility have not been received.
- 6 of 9. Wyoming Water Quality Rules and Regulations, Chapter 3, Section 5, (c) require the permittee to operate and maintain the facility as described in the application(s) and permit conditions. Permit conditions require the permittee to report any leaks to the WDEQ Southwest field office. Additionally, samples are to be pulled from the inspection pipes and the evaporation cell(s) and tested for total petroleum hydrocarbons, chlorides, total dissolved solids, and sulfates. Results are to be reported to WDEQ as soon as they are available.
- 7 of 9. On June 18, 2007, Glen Bobnick, with Inberg-Miller Engineers, reported a leak in Pond #5 to Mark Baron, with WDEQ Southwest District field office. As of the date of this NOV, results of the required sampling have not been reported to WDEQ.
- 8 of 9. This NOV 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 the Department of Environmental Quality (DEQ) shall cause a written notice to be issued and served on the person(s) alleged to be responsible.

9 of 9. 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 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 6 day of August, 2007.

  
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John V. Corra  
Director  
Department of Environmental Quality

  
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John F. Wagner  
Administrator  
Water Quality Division

**PLEASE DIRECT ALL INQUIRIES TO:** Don McKenzie, Water & Wastewater Section Manager, Wyoming DEQ WQD, Herschler Building, 4<sup>th</sup> Floor West, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming 82002 Telephone 307-777-7075.

JVC/IFW/DRM/bb/7-0649.NOV  
SKL 8-3-7

xc: Dennis Lamb, CBM Program, Casper  
IPS  
Keith Guile, DEQ Public Information Officer