



# 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

February 11, 2008

Mr. Michael Harrison  
7134 South Yale Avenue, Suite 430  
Tulsa, OK 74136-6351

*RE: Notice of Violation, Docket Number 4174-07*

Dear Mr. Harrison:

Attached is a copy of a Notice of Violation (NOV), Docket Number 4174-07, issued to Primary Natural Resources (PNR) for recurring violations of WYPDES permit requirements as of December 31, 2006. Violations were identified through Discharge Monitoring Reports (DMRs) and compliance inspections. The DEQ has also sent Letters of Violation (LOVs) to PNR for previous compliance issues with regards to permit requirements.

While neither the attached Notice of Violation nor this letter, constitute an order, this office strongly urges you to take action to immediately eliminate the alleged violations as follows:

1. PNR should maintain compliance with all conditions established in their WYPDES permits.
2. PNR should provide the WQD with an inventory of identified violations, actions to be taken to achieve compliance with permit requirements, and a compliance schedule for completion of each identified action. The report should include documentation of laboratory data, maintenance records, and modifications or repairs to the treatment systems for the time period referenced in the NOV. The report should be presented to the WQD during discussion to settle this NOV.

The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a stipulated penalty and agreement to an enforceable compliance schedule by PNR.

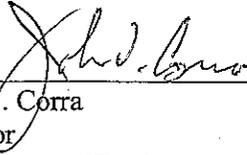
Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

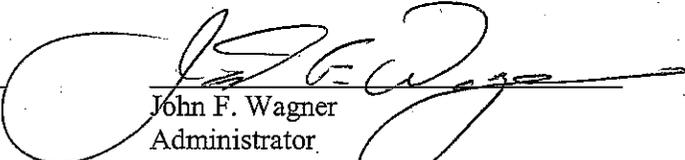
ADMIN/OUTREACH (307) 777-7937 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5973	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973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



*Primary Natural Resources, Inc.*  
*February 11, 2008*  
*Page 2*

If PNR wishes to pursue resolution of the previously noted violations through such an agreement, please contact Mr. Kevin M. Wells, WYPDES Compliance & Enforcement Coordinator at (307) 777-8669, or Mr. Brian K. Lovett, WYPDES Inspection & Compliance Supervisor at (307) 777-5630 on or before February 29, 2008 to set up a meeting to discuss this matter.

  
\_\_\_\_\_  
John V. Corra  
Director  
Department of Environmental Quality

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

JVC/JFW/KMW/rm/8-0115

Enclosure: Notice of Violation

cc: Aaron Urdiales, 8ENF-W-NP, EPA Region 8 (PDF)  
Jim Eisenhauer, Sheridan DEQ Office (PDF)  
Bill J. DiRienzo ► Brian K. Lovett ► Leah J. Krafft (PDF)  
IPS (for scanning) ► Docket # 4174-07  
Keith Guille, DEQ Public Information Officer (PDF file only)

**BEFORE THE**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**STATE OF WYOMING**

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

**Primary Natural Resources, Inc.  
7134 South Yale Avenue, Suite 430  
Tulsa, OK 74136**

**DOCKET NUMBER 4174-07**

**NOTICE OF VIOLATION**

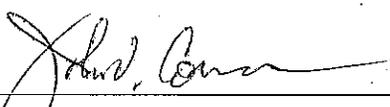
**NOTICE IS HEREBY GIVEN THAT:**

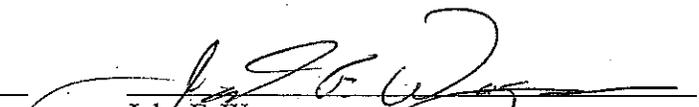
1. Primary Natural Resources, Inc. (PNR) operates numerous oil treater facilities in Campbell County, Wyoming which are permitted through the Wyoming Pollution Discharge Elimination System (WYPDES) in Wyoming. The WYPDES permits were issued by the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD).
2. As of December 31, 2006 PNR has had numerous instances of recurring WYPDES permit violations. Violations were identified through Discharge Monitoring Reports (DMRs) and compliance inspections. The DEQ has also sent Letters of Violation (LOVs) to PNR for previous compliance issues with regards to permit requirements.
3. PNR has five WYPDES permits that have had four or more recurring violations since December 31, 2006. The violations occurred under the following WYPDES permits: WY0026531, WY0033791, WY0034070, WY0037354, and WY0048445.
4. On September 27, 2007 the WQD conducted a compliance inspection of the Central Highlight Unit Battery #2-1, WYPDES permit WY0026476. Violations resulting from the inspection include, effluent exceedances for Oil and Grease of 15.0 mg/L and 18.0 mg/L (duplicate sample), effluent exceedances for dissolved iron of 2500µg/L and 2200µg/L (duplicate sample), effluent exceedances for Selenium of 55 µg/L for all samples collected, degradation to the creek channel from a black oil staining discharge at and below the permitted outfall, and lack of freefall from the discharge pipe to allow for proper sample collection. These are violations of both Chapter 1 and Chapter 2 of the Wyoming Water Quality Rules and Regulations.
5. The oil staining in the channel downstream of the permitted outfall is a violation of WYPDES permit WY0026476, Chapter 1 of the WWQRR and W.S. 35-11-301 (a)(ii) of the Act;
6. 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 the Department of Environmental Quality shall cause a written notice to be issued and served on the person alleged to be responsible;
7. 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 DEQ from negotiating stipulated settlements involving the payment of a penalty, implementation of compliance schedules or other settlement conditions.

**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 12 day of Feb, 2008.

  
\_\_\_\_\_  
John V. Corra  
Director  
Department of Environmental Quality

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

**PLEASE DIRECT ALL INQUIRIES TO:** Kevin M. Wells., WYPDES Compliance & Enforcement Coordinator, Wyoming Department of Environmental Quality, Water Quality Division, Herschler Building, 4<sup>th</sup> Floor West, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

JVC/JFW/KMW/SW/rm/8-0115

- cc: Aaron Urdiales, 8ENF-W-NP, EPA Region 8 (PDF)  
Jim Eisenhauer, Sheridan DEQ Office (PDF)  
Bill J. DiRienzo ► Brian K. Lovett ► Leah J. Krafft (PDF)  
IPS (for scanning) ► Docket 4174-07  
Keith Guille, DEQ Public Information Officer (PDF file only)  
DEQ Director