



# 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

October 9, 2008

Mr. David Drabek  
Operations Manager  
Pure Petroleum, LLC  
400 South Gillette Ave., Suite 106  
Gillette, Wyoming 82718

*RE: Notice of Violation, Docket Number 4370-08*

Dear Mr. Drabek:

Enclosed is a copy of Notice of Violation, Docket Number 4370-08, for the unpermitted discharge of coal bed methane (CBM) produced water into waters of the state by Pure Petroleum, LLC (Pure). On August 25, 2008, the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) conducted an inspection of the Daly/Ostlund/Blake Facility. A violation noted during the inspection was the observed discharge of CBM produced water from outfall 001, which is an unauthorized outfall under the current permit WY0039268. This is a violation of the Wyoming Environmental Quality Act (Act) and the Wyoming Water Quality Rules and Regulations (WWQRR).

While neither the attached Notice of Violation nor this letter constitutes an order, it is the recommendation of this office that you take action to eliminate the alleged violation as follows:

1. Pure should ensure that CBM produced water is only discharged to waters of the state through permitted discharge points in accordance with the WWQRR. If Pure wishes to add this outfall to the permit, the proper paperwork needs to be completed with the WQD permitting staff.
2. Pure should inform the WQD of the steps taken to prevent this type of an unauthorized discharge from occurring again in the future. This information should be received by the WQD within 21 days of the date of this letter.

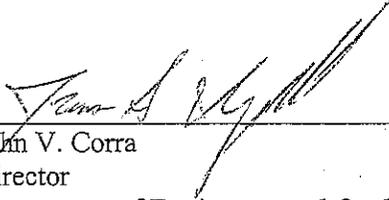
Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

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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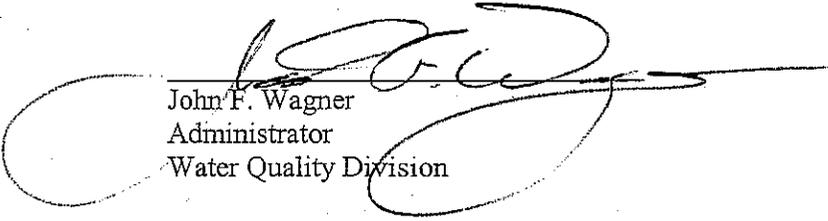


Pure Petroleum, LLC  
October 9, 2008  
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The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by Pure. If Pure wishes to pursue resolution of the previously noted violation through such an agreement, please contact Mr. Kevin M. Wells, WYPDES Compliance & Enforcement Program Coordinator at (307) 777-8669, or Mr. Brian K. Lovett, WYPDES Inspection & Compliance Supervisor at (307) 777-5630, on or before October 31, 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/bb/8-0786

Enclosure: Notice of Violation  
08/25/08 Inspection Report

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)  
James B. Eisenhauer, WYPDES Inspection Coordinator, Sheridan DEQ Office (PDF)  
Bill DiRienzo ► Brian K. Lovett ► Leah J. Krafft (PDF)  
IPS (for scanning) ► Docket 4370-08  
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: )

Pure Petroleum, LLC )  
400 South Gillette Ave., Suite 106 )  
Gillette, WY 82718 )

DOCKET NUMBER 4370-08

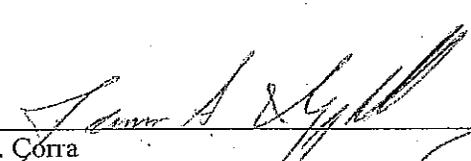
**NOTICE OF VIOLATION**

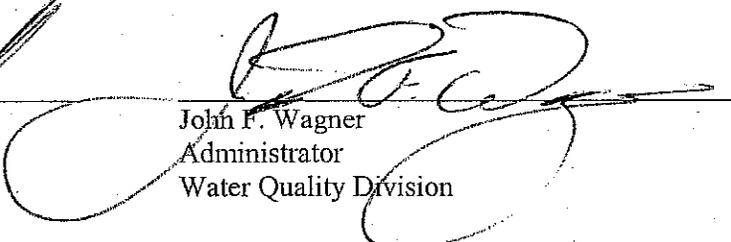
**NOTICE IS HEREBY GIVEN THAT:**

1. Pure Petroleum, LLC (Pure) is the owner/operator of the Daly/Ostlund/Blake Coal Bed Methane (CBM) production facility (SHF) CBM facility located in the Southeast Quarter of the Southwest Quarter of Section 27, Township 51 North, Range 73 West (SE ¼ SW ¼ Sec. 27, T51N, R73W), Campbell County, Wyoming;
2. On August 25, 2008 the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) conducted an inspection of outfalls associated with WYPDES permit WY0039268. During the inspection CBM produced water was observed discharging from outfall 001 which is an unauthorized outfall under the current permit on record. The current permit WY0039268, which became effective April 1, 2008, authorizes discharge from outfalls 003-009 and 011-013. Records indicate outfalls 001 and 002 were removed from the permit in 2004.
3. CBM produced water is considered "pollution" as defined in W.S. 35-11-103 (c)(i);
4. The discharge referenced above entered an unnamed ephemeral tributary (class 3B) to Lone Tree Prong (class 3B), which is tributary to Rawhide Creek (class 3B), which is tributary to the Little Powder River (class 2AB), which are "waters of the state" as defined under W.S. 35-11-103 (c)(vi);
5. The Department of Environmental Quality has no record of permits authorizing the discharge to waters of the state from the location referenced in the case described above;
6. By discharging pollution into waters of the state, Pure is in violation of W.S. 35-11-301 (a)(i) and Chapter 2 of the Wyoming Water Quality Rules and Regulations which state that no person, except when authorized by a permit issued by the Department of Environmental Quality, shall cause, threaten or allow the discharge of any pollution or wastes into the waters of the state;
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 the Department of Environmental Quality shall cause a written notice to be issued and served upon 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 10th day of October, 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 Program Coordinator at the 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/bb/8-0786

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)  
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