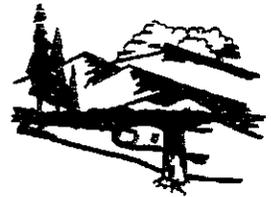




# Department of Environmental Quality



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**

March 18, 2009

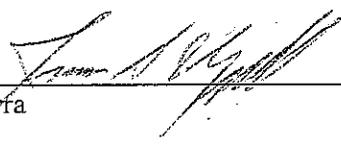
Mr. Bob Dundas P.G.  
Environmental Coordinator  
Belle Fourche Pipeline Company  
P.O. Drawer 2360  
Casper, Wyoming 82601

*RE: Notice of Violation, Docket Number 4445-09*

Dear Mr. Dundas:

Enclosed is a copy of a Notice of Violation, Docket Number 4445-09, issued to Belle Fourche Pipeline Company (BFPL) for an unpermitted release of crude oil into a water of the state. The event was reported to the Wyoming Department of Environmental Quality's (DEQ) Emergency Response Coordinator on July 15, 2008.

The DEQ has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by BFPL. If BFPL 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 within 21 days of the date of this letter 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/9-0219

Enclosure: Notice of Violation

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)  
Jim Eisenhauer, Inspection Program Coordinator, Sheridan DEQ Office (PDF)  
Bill DiRienzo (PDF)  
IPS (for scanning) ► NOV Docket 4445-09  
Keith Guille, DEQ Public Information Officer (PDF)

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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: )

Belle Fourche Pipeline Company )  
P.O. Drawer 2360 )  
455 North Poplar )  
Casper, Wyoming 82602 )  
)  
)  
)

**DOCKET NUMBER 4445-09**

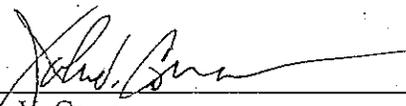
**NOTICE OF VIOLATION**

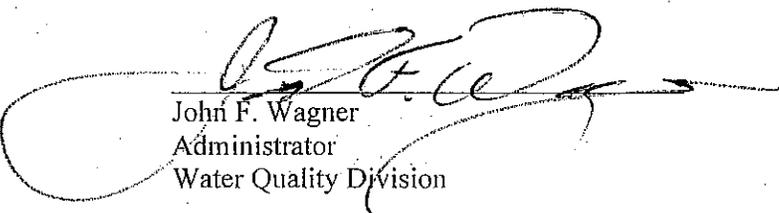
**NOTICE IS HEREBY GIVEN THAT:**

1. Belle Fourche Pipeline Company (BFPL) is the owner/operator of pipeline operations located in Section 23, Township 53 North, Range 72 West, Campbell County, Wyoming.
2. On July 15, 2008 BFPL reported a pipeline release of crude oil from an 8" buried steel pipeline located in Section 23, T53N, R72W, Campbell County, Wyoming. Upon release, the crude oil ran approximately 200 yards down an unnamed dry drainage and entered an unnamed, isolated stock pond. The spill pathway continued another 200 yards down gradient from the stock pond thru a continuation of the dry drainage. Additionally, the release was reported to the National Response Center and the Wyoming Department of Environmental Quality (DEQ) on July 15, 2008, Incident Number 877360.
3. BFPL responded to the spill site along with DEQ personnel on July 16, 2008 to discuss response/cleanup strategies. Following the site visit DEQ received a written report from BFPL, dated July 22, 2008, indicating what cleanup efforts had been implemented and the estimated date of completion.
4. The discharge of crude oil to waters of the state is not permitted under any Department of Environmental Quality permits held by BFPL from the locations referenced above.
5. The stock pond is a "water of the state" as defined under W.S. 35-11-103 (c)(vi);
6. Crude oil is "pollution" as defined in W.S. 35-11-103 (c)(i);
7. By discharging pollution into waters of the state, BFPL is in violation of W.S. 35-11-301 (a)(i) of the Wyoming Environmental Quality Act (Act) and Chapter 2 of the Wyoming Water Quality Rules and Regulations (WWQRR) 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;
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, as appropriate, 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 30th day of March, 2009.

  
\_\_\_\_\_  
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, 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/9-0219

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)  
Jim Eisenhauer, Inspection Program Coordinator, Sheridan DEQ Office (PDF)  
Bill DiRienzo (PDF)  
Yonkee and Toner, LLP, Attorneys at Law, P.O. Box 6288, Sheridan Wyoming 82801  
Keith Guille, DEQ Public Information Officer (PDF)  
DEQ Director