



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

September 15, 2009

Mr. Richard King
Eblen Frank Syndicate
SJO 795
PO box 025216
Miami, FL 33102-5216

RE: Notice of Violation, Docket Number 4555-09

Dear Mr. King:

Enclosed is a copy of Notice of Violation, Docket Number 4555-09, for the unpermitted discharge of produced water from an oil production facility into waters of the state by Eblen Frank Syndicate (EFS) in Weston County, Wyoming. The Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) conducted an inspection of the Mush Creek Oil Treater facility on June 9, 2009 and observed the unpermitted discharge. 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 violations as follows:

1. EFS should immediately stop discharging from the unpermitted discharge point located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Sec. 24, T44N, R63W, Weston County, Wyoming. Any well routing produced water to this facility should be shut in until a WYPDES discharge permit has been issued.
2. EFS shall inform the WQD in writing of the steps taken or will be taken to eliminate the unpermitted discharge. This information should be received by the WQD within 30 days of the date of this letter.
3. EFS shall apply for, and receive, authorization to discharge under a Wyoming WYPDES permit prior to commencement of a discharge from this facility.

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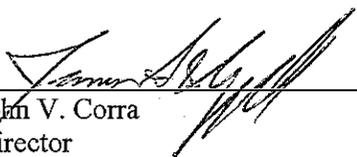
Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

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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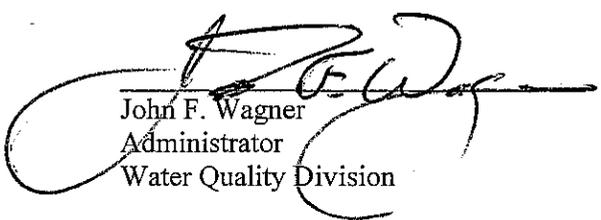


Eblen Frank Syndicate
September 15, 2009
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The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by EFS. If EFS wishes to pursue resolution of the previously noted violations through 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, 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/9-0811

Enclosure: 6/9/09 Inspection Report - unpermitted discharge point

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)
Bill DiRienzo ► Kevin M. Wells (PDF)
IPS (for scanning) ► Docket 4555-09
Keith Guille, DEQ Public Information Officer (PDF File Only)
DEQ Director

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

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

**Eblen Frank Syndicate)
SJO 795)
PO Box 025216)
Miami, FL 33102-5216)**

DOCKET NUMBER 4555-09

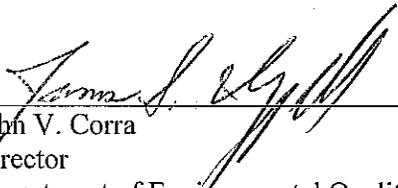
NOTICE OF VIOLATION

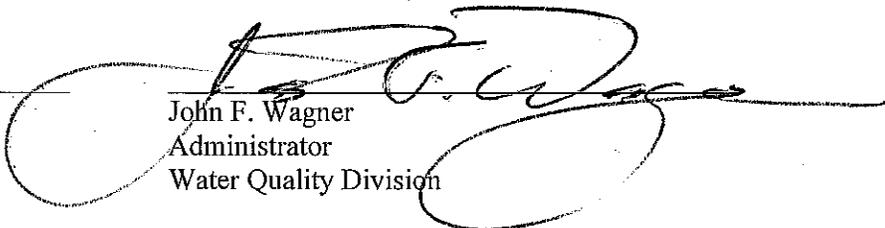
NOTICE IS HEREBY GIVEN THAT:

1. Eblen Frank Syndicate (EFS) is the owner of an oil treater facility located in Section 24, Township 44 North, Range 63 West, Weston County, Wyoming. This facility is located in the Mush Creek Oil Field.
2. On June 9, 2009, the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) conducted an inspection of EFS's Mush Creek oil treater facility in the Mush Creek Oil Field. There were no signs at the facility identifying the WYPDES permit number and WQD records indicate the facility has never had a WYPDES permit. A pipe that discharges into a stock pond was observed along with an area where water from the stock pond flows onto the prairie. This water enters an ephemeral drainage tributary to Mush Creek (class 3B) tributary to the Cheyenne River (class 2 ABWW)
3. Produced water from a conventional oil well is considered "pollution" as defined in W.S. 35-11-103 (c)(i);
4. The discharge from the Mush Creek facility discussed above entered a "water 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 of the referenced facility;
6. By discharging pollution into a water of the state, EFS 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. 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 21st day of September, 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 Coordinator at the Wyoming Department of Environmental Quality, Water Quality Division, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

JVC/JFW/KMW/bb/9-0811

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