



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

May 11, 2010

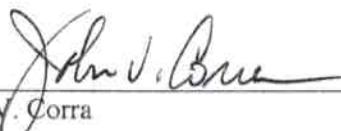
Mr. Bob Dundas P.G.
Environmental Coordinator
Belle Fourche Pipeline Company
P.O. Drawer 2360
Casper, Wyoming 82601

RE: Notice of Violation, Docket Number 4682-10

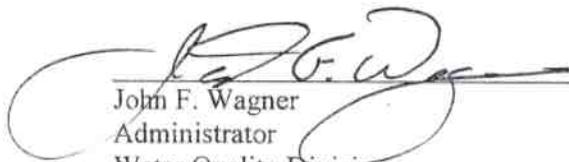
Dear Mr. Dundas:

Enclosed is a Notice of Violation, Docket Number 4682-10, 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 March 16, 2009.

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 Natural Resource Program Manager, 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/10-0393

Enclosure: Notice of Violation

- cc: Natasha Davis, 8ENF-W-NP, EPA Region 8 (PDF)
Jim Eisenhauer, Inspection Program Coordinator, Sheridan DEQ Office (PDF)
Bill DiRienzo ► Kevin Wells (PDF)
IPS (for scanning) ► NOV Docket 4682-10
Keith Guille, DEQ Public Information Officer (PDF)



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)
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)
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DOCKET NUMBER 4682-10

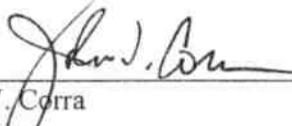
NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

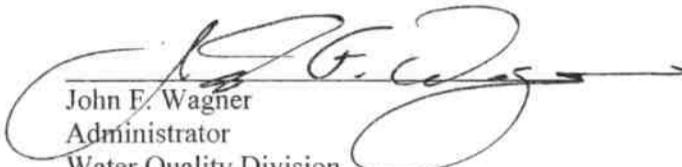
1. Belle Fourche Pipeline Company (BFPL) is the owner/operator of the Raven Creek pipeline operations located in Section 22, Township 48 North, Range 69 West, Campbell County, Wyoming.
2. On March 16, 2009 BFPL reported a release of crude oil from a pipeline located in Section 22, Township 48 North, Range 69 West, Campbell County, Wyoming. Upon release, the crude oil ran approximately 70 feet down an unnamed dry drainage and entered the Belle Fourche River (class 2 ABWW). Additionally, the release was reported to the National Response Center and the Wyoming Department of Environmental Quality (DEQ) on March 16, 2010, Incident Number 900-089.
3. Upon detection, BFPL responded to the site and installed containment booms and absorbent booms below the impacted area. Two siphons were installed across the Belle Fourche River along with two drum skimmers to collect the release product. They also received a burn permit from the Wyoming Department of Environmental Quality/Air Quality Division and burned 80-90% of the impacted shoreline.
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 Belle Fourche 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 20 day of May, 2010



John V. Corra
Director
Department of Environmental Quality



John E. Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Kevin M. Wells, WYPDES Natural Resource Program Manager, 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/10-0393

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DEQ Director