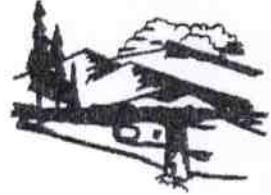




# Department of Environmental Quality



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 19, 2010

Mr. Carl Nordstrand  
Nordstrand Engineering  
3229 Damico St. #20  
Houston, TX 77019-1908

*RE: Notice of Violation, Docket Number 4683-10*

Dear Mr. Nordstrand:

Enclosed is a Notice of Violation, Docket Number 4683-10 issued to Nordstrand Engineering (Nordstrand), for an unpermitted discharge from a re-injection line at the AG Farms unit. The released production water entered Donkey Creek which is a water of the state. This unpermitted discharge was reported to the Department of Environmental Quality/Water Quality Division (WDEQ/WQD) on April 19, 2010. This unpermitted discharge 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:

Nordstrand should inform the Water Quality Division (WQD) in writing of the steps taken to eliminate unpermitted releases from the property without proper authorization or treatment. This information should be received by the WQD within 30 days from the date of this letter.

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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

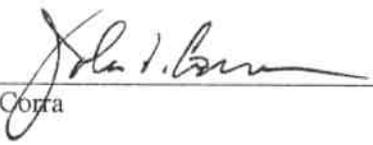
SOLID & HAZ. WASTE  
(307) 777-7752  
FAX 777-5973

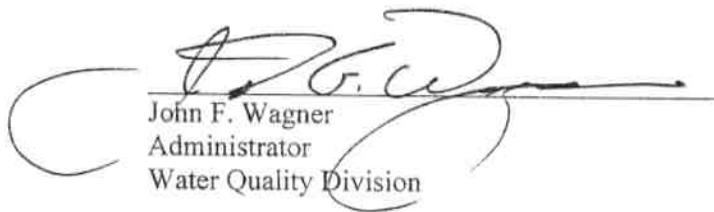
WATER QUALITY  
(307) 777-7781  
FAX 777-5973



*Nordstrand Engineering*  
*May 19, 2010*  
*Page 2*

The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by Nordstrand. If Nordstrand wishes to pursue resolution of the previously noted violations through such an agreement, please contact Mr. Kevin M. Wells, WYPDES Natural Resource Program Manager at (307) 777-8669, or Mr. Brian K. Lovett, WYPDES Natural Resource Program 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/10-0419

Enclosure: Notice of Violation

cc: Natasha Davis, 8ENF-W-NP, EPA Region 8 (PDF)  
Bill J. DiRienzo ► Kevin M. Wells (PDF)  
IPS (for scanning) ► Docket 4683-10  
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: )

Nordstrand Engineering )  
3229 Damico St. #20 )  
Houston, TX 77019-1908 )

DOCKET NUMBER 4683-10

**NOTICE OF VIOLATION**

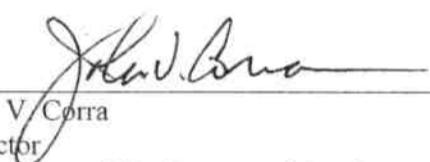
**NOTICE IS HEREBY GIVEN THAT:**

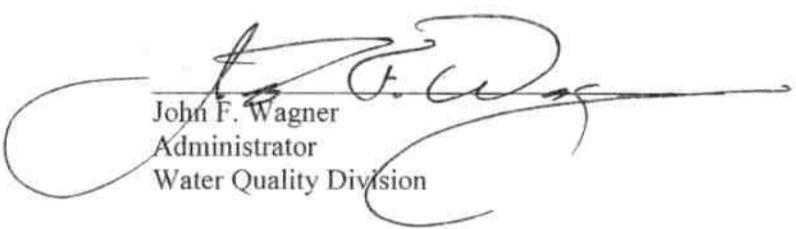
1. Nordstrand Engineering (Nordstrand) operates numerous re-injection lines and well stations serving oil and gas operations at the AG Farms Unit in Campbell County, Wyoming.
2. On April 19, 2010, the Department of Environmental Quality (DEQ), Water Quality Division (WQD) was informed by a concerned citizen of a release due to a water leak from a re-injection line located in Campbell County, Wyoming. DEQ personnel responded to the site on this same date and observed the discharge had reached Donkey Creek (class 3B), a water of the state in the Belle Fourche drainage.
3. At the time of the release Nordstrand did not have authorization under any WYPDES discharge permits to allow for the release at this location. This unpermitted release occurred on April 16, 2010. Total spill volume and duration of the spill was not known at the time of the report and no further information has been submitted.
4. Oil and gas produced waters contain "pollution" as defined in W.S. 35-11-103 (c)(i).
5. The releases referenced above entered or threaten to enter "waters of the state" as defined under W.S. 35-11-103 (c)(vi).
6. The Department of Environmental Quality has no record of permits authorizing discharge from the observed locations.
7. By discharging pollution into waters of the state, Nordstrand 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.
8. 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;
9. 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 20 day of May, 2010.

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

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

**PLEASE DIRECT ALL INQUIRIES TO:** Kevin M. Wells, WYPDES Natural Resource Program Manager 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/10-0419

cc: Natasha Davis, 8ENF-W-NP, EPA Region 8 (PDF)  
Bill J. DiRienzo ► Kevin M. Wells (PDF)  
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DEQ Director