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 27, 2010

Ft. Union Resources, LLC
Ms. Denise Wise
PO Box 631991
Littleton, CO 80163

RE: Notice of Violation, Docket Number 4751-10

Dear Ms. Wise:

Attached is a copy of a Notice of Violation, Docket Number **4751-10**, issued to Ft. Union Resources, LLC. (Ft. Union), by the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) for a violation of WYPDES permit WY0026417. Failure to submit Discharge Monitoring Reports (DMRs) is a violation of the permit conditions. While neither the attached Notice of Violation nor this letter constitutes an order, this office strongly urges you to take action to immediately eliminate the alleged violations as follows:

1. Ft. Union should comply with WYPDES permit requirements for monitoring and reporting the discharge associated with the permitted facility. The DMRs should be completed and received by the DEQ on July 28 and January 28 following each 6 month monitoring period for the life of the permit.

2. Ft. Union should immediately submit the complete and accurate delinquent reports to the WQD. This information should be received by the WQD no later than 20 days from the date of this NOV.

The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by Ft. Union. If Ft. Union wishes to pursue resolution of the previously noted violations through such an agreement, please contact 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.

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

ADMIN/OUTREACH	ABANDONED MINES	AIR QUALITY	INDUSTRIAL SITING	LAND QUALITY	SOLID & HAZ. WASTE	WATER QUALITY
(307) 777-7937	(307) 777-6145	(307) 777-7391	(307) 777-7369	(307) 777-7756	(307) 777-7752	(307) 777-7781
FAX 777-3610	FAX 777-6462	FAX 777-5616	FAX 777-5973	FAX 777-5864	FAX 777-5973	FAX 777-5973

John V. Corra
Director
Department of Environmental Quality

John F. Wagner
Administrator
Water Quality Division

Enclosure: Notice of Violation

JVC/JFW/KMW/bb/rm/10-0959

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)
Bill J. DiRienzo ► Kevin M. Wells (PDF)
IPS (for scanning) ► Docket **4751-10**
Keith Guille, DEQ Public Information Officer (PDF File)
DEQ Director

BEFORE THE

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:	)	
Ft. Union Resources, LLC **PO Box 631991** **Littleton, CO 80163**	)	**DOCKET NUMBER 4751-10**

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Ft. Union Resources, LLC (Ft. Union) is the operator of an oil production facility located in the NW ¼ of the SE ¼ of Section 36, in Township 49 North, Range 91 West in Big Horn County, Wyoming. WYPDES permit WY0026417 was renewed for this facility on April 1, 2009.

2. Part I of the above referenced permit, under the Monitoring and Reporting Requirements, requires that effluent monitoring results obtained during the previous six month(s) shall be summarized and reported on a Discharge Monitoring Report (DMR). The DMRs are to be submitted to the Department of Environmental Quality (DEQ) and postmarked no later than the 28th day of the month following the completed reporting period. To date the DEQ/Water Quality Division (WQD) has not received the First Semester 2010 DMR.

3. DEQ has issued 2 previous Letters of Violation (LOV) to Ft. Union for failure to submit DMRs. Failure to submit DMRs is a violation of permit requirements.

4.. 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;

5. 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 DEQ from negotiating stipulated settlements involving the payment of a penalty, implementation of compliance schedules or other settlement conditions.

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 1 day of NOV, 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 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/rm/10-0959

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DEQ Director