



Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matthew H. Mead, Governor

John Corra, Director

December 1, 2011

CERTIFIED MAIL

Mr. Gabriel Holt
44 Mag Production, Inc.
4328 Highway 66
Longmont, CO 80504

RE: Notice of Violation and Order, Docket Number 4927-11

Dear Mr. Holt:

Attached is a Notice of Violation and Order, Docket Number 4927-11, for failure to submit quarterly monitoring reports in violation of Underground Injection Control General Permit 5C5-1 for the following facilities located in Campbell County, Wyoming:

Facility Number	Well	General Permit
WYS-005-276	C. Smith 3-12I	5C5-1
WYS-005-00413	Smith 11SR-2-54-75	5C5-1
WYS-005-00472	Smith 3SR-2-54-75	5C5-1

ANY APPEALS TO THE ENVIRONMENTAL QUALITY COUNCIL FROM THE ATTACHED ORDER MUST BE MADE IN WRITING WITHIN THE TEN (10) DAY TIME LIMIT PRESCRIBED BY W.S. 35-11-701(c). Chapter I, Section 3 of the Department of Environmental Quality Rules of Practice and Procedure (<http://soswy.state.wy.us/RULES/5675.pdf>) sets forth the requirements for the initiation of appeal proceedings.

To appeal this Order and request a hearing, you must file two (2) copies of your written petition. The first petition shall be mailed to the Chairman of the Environmental Quality Council at Room 1714, Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition should be sent to John V. Corra, Director, Wyoming Department of Environmental Quality, Herschler Building, 4th West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

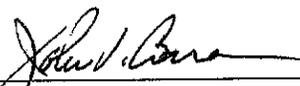
Herschler Building · 122 West 25th Street · Cheyenne, WY 82002 · <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7758 FAX 777-7682	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-6937	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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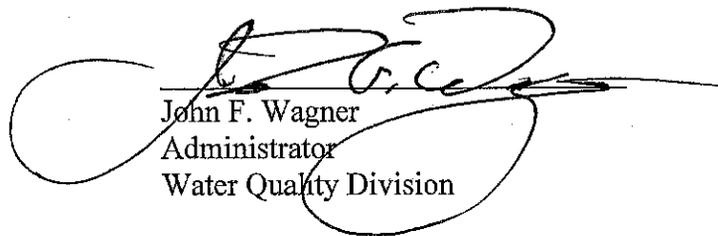


44 Mag Production, Inc.
December 1, 2011
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PLEASE DIRECT ALL INQUIRIES TO: Mr. John Passehl, UIC Program Geology Supervisor, Department of Environmental Quality, Water Quality Division, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone (307) 777-5623.



John V. Corra
Director
Department of Environmental Quality



John F. Wagner
Administrator
Water Quality Division

JVC/JFW/KF/JP/bb/rm/11-1031

Enclosure: Notice of Violation and Order

cc: Steve Pratt, EPA Region 8
Kevin Frederick, DEQ
John Passehl, DEQ
NOV Docket **4927-11**
Environmental Quality Council
Don Fischer, DEQ
Keith Guille, DEQ Public Information Officer (PDF File Only)

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
 VIOLATION AND ORDER ISSUED TO:)

Mr. Gabriel Holt)
 44 Mag Production, Inc.)
 4328 Highway 66)
 Longmont, CO 80504)

DOCKET NUMBER 4927-11

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. **44 Mag Production, Inc** obtained 5C5-1 General Permit coverage for three coal bed methane injection wells located in Campbell County, Wyoming in 2007. A Letter of Violation (LOV) was issued November 17, 2008 for failure to submit quarterly monitoring reports for the following wells:

Facility	Well	General Permit
WYS-005-276	C. Smith 3-12I	5C5-1
WYS-005-00413	Smith 11SR-2-54-75	5C5-1
WYS-005-00472	Smith 3SR-2-54-75	5C5-1

2. 44 Mag Production, Inc is in violation of Underground Injection Control General Permit 5C5-1, Parts IV(B)(1) and IV(B)(2) for failure to adhere to the monitoring and reporting requirements of the permit.
3. 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 (DEQ) shall cause a written notice to be issued and served upon the person alleged to be responsible.

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL – STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

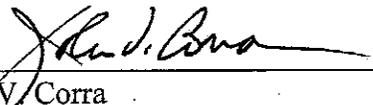
1. Within 30 days from the receipt of this Notice of Violation, 44 Mag Production, Inc will submit all delinquent reports for DEQ review and approval.
2. Within 30 days from the receipt of this Notice of Violation, 44 Mag Production, Inc will arrange for inspection of the facilities by DEQ personnel.

This ORDER is final unless, no later than ten (10) days after the date this notice is received; it is appealed by filing a written request for a hearing before the Environmental Quality Council. If a hearing is requested, the hearing petition shall be mailed to the Chairman, Wyoming

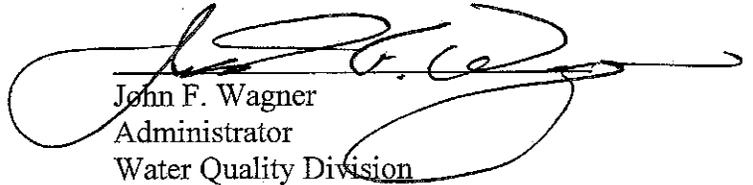
Environmental Quality Council, Room 1714 Herschler Building, 1st Floor West, 122 West 25th St., Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of the Environmental Quality, Herschler Building, 4th Floor West, 122 West 25th St., Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

NOTHING IN THIS NOTICE OF VIOLATION (NOV) AND ORDER shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV AND ORDER be interpreted as being a condition precedent to any other enforcement action.

Ordered this 5th day of December, 2011.



John V. Corra
Director
Department of Environmental Quality



John F. Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: John Passehl, UIC Program Geology Supervisor, Department of Environmental Quality, Water Quality Division, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-5623.

JVC/JFW/KF/JP/bb/rm/11-1031

cc: Steve Pratt, EPA Region 8
Kevin Frederick, WDEQ
John Passehl, WDEQ
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Environmental Quality Council
Don Fischer, Sheridan DEQ Field Office
Keith Guille, DEQ Public Information Office (PDF)