

FILED

**BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING
EQC DOCKET NO. 13-3203**

MAR 14 2013

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
McCartney Engineering) ORDER APPROVING
4251 Kipling St., Suite 575) NOV ORDER
Wheat Ridge, CO 80033)
DEQ DOCKET NO. 5079-12)

The above-referenced matter having been considered by the Environmental Quality Council pursuant to the provisions of W.S. 35-11-112(a)(ii), and it appearing to the Council that the time has expired for the filing of an appeal before this body from this order of the Department of Environmental Quality entered herein, and the Council being fully advised in the premises;

IT IS HEREBY ORDERED THAT the order of the Department of Environmental Quality entered herein be and the same hereby is approved.

DATED this 14 day of March, 2013.



Thomas Coverdale, Chairman
Environmental Quality Council
Room 1714, Herschler Building, 1st Floor West
122 W. 25th Street
Cheyenne, WY 82002
Phone: 307-777-7170
Fax: 307-777-6134

CERTIFICATE OF SERVICE

I, Jessica Brown, certify that at Cheyenne, Wyoming, on the 18th day of March, 2013, I served a copy of the foregoing **ORDER APPROVING NOTICE OF VIOLATION AND ORDER** by electronic mail to the following:

Todd Parfitt
Director, DEQ
Todd.Parfitt@wyo.gov

Mike Barrash
Asst. Attorney General
Mike.Barrash@wyo.gov

John Wagner, Administrator
Water Quality Division
John.Wagner@wyo.gov

and also by United States Mail, postage pre-paid, addressed as follows:

McCartney Engineering, LLC
4251 Kipling Street, Suite 575
Wheat Ridge, CO 80033



Jessica Brown, Office Assistant
Environmental Quality Council
122 W. 25th, Rm. 1714
Herschler Bldg.
Cheyenne, WY 82002
Phone: 307-777-7170
FAX: 307-777-6134

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

FILED

FEB 20 2013

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

Jim Ruby, Executive Secretary
 Environmental Quality Council

Ron D. McCartney)
 McCartney Engineering, LLC)
 4251 Kipling Street, Suite 575)
 Wheat Ridge, CO 80033)

DOCKET NUMBER 5079-12

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. **McCartney Engineering, LLC**, hereafter referred to as the Permittee, was issued "Authorization To Discharge Coal Bed Methane Produced Water Into a Class 5C5 Injection Well" under General Underground Injection Control (UIC) Permit 5C5-3 for the facilities listed in **Table 1**:

Table 1: McCartney Engineering, LLC UIC Facilities

Permit	Facility Number	Injection Well
5C5-3	WYS-019-00230	Jones 31-1497D
5C5-3	WYS-019-010	Jones 41-1896D
5C5-3	WYS-019-141	Jones 31-1896D
5C5-3	WYS-019-142	Jones 32-1896D
5C5-3	WYS-019-143	Jones 43-1896D
5C5-3	WYS-019-144	Jones 44-1896D
5C5-3	WYS-019-145	Jones 11-1996D
5C5-3	WYS-019-146	Jones 31-1796D
5C5-3	WYS-019-147	Jones 41-1796D
5C5-3	WYS-019-148	Jones 42-1397D
5C5-3	WYS-019-149	Jones 44-1397D
5C5-3	WYS-019-151	Jones 33-1497D
5C5-3	WYS-029-00168	Jones 43-1896I
5C5-3	WYS-033-092	Jones 42-1896D

2. **The Permittee** was issued Letters of Violation on August 5, 2010 and August 7, 2011 for failure to adhere to the monitoring and reporting requirements of the Coal Bed Methane Produced Water Injection 5C5-3 General UIC Permit for the facilities listed in **Table 1**.
3. **The Permittee** complied with the 2010 and 2011 Letters of Violation. Quarterly reports due for the first quarter, 2012 were submitted on time.
4. **The Permittee** is in violation of Underground Injection Control General Permit 5C5-3, Parts IV(B)(1) and IV(B)(2) for failure to adhere to the monitoring and reporting requirements of the permit. The quarterly monitoring reports for the second and third quarters of 2012 for all the facilities listed in **Table 1** except WYS-019-145 were submitted to the DEQ on December 12, 2012. Second quarter monitoring reports for these facilities were due on August 14, 2012, and third quarter monitoring reports were due on November 14, 2012.
5. The Permittee is in violation of Underground Injection Control General Permit 5C5-3, Parts IV(B)(1) and IV(B)(2) for failure to adhere to the monitoring and reporting requirements of the permit. The quarterly monitoring reports for the second and third quarters of 2012 for facility number WYS-019-145 have not been submitted. These reports were due on August 14, 2012 and November 14, 2012, respectively.

6. 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 DEQ shall cause a written notice to be issued and served on the person alleged to be responsible.

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL – STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

1. **Within thirty (30) days of receipt of this Notice of Violation, McCartney Engineering LLC will submit all delinquent reports and associated laboratory reports for DEQ review and approval.**
2. **Within thirty (30) days of receipt of this Notice of Violation, McCartney Engineering LLC will provide a complete explanation describing why the second and third quarter, 2012 reports were not submitted on time as required by the permit.**
3. **Within thirty (30) days of receipt of this Notice of Violation, McCartney Engineering LLC will provide a plan of action, subject to Underground Injection Control Program staff approval, to ensure timely submission of monitoring report data in the future.**
4. **Within sixty (60) days from the receipt of this Notice of Violation, McCartney Engineering LLC will arrange for inspection of the facilities by DEQ personnel.**

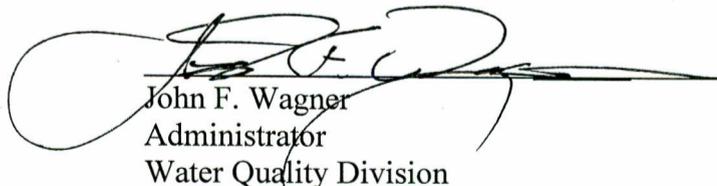
This ORDER is final unless, not later than ten (10) days after the date this notice is received; it is appealed by filing two written petitions for a hearing before the Environmental Quality Council. If a hearing is requested, the first petition shall be mailed to: Chairman, Wyoming Environmental Quality Council, Room 1714, Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming, 82002. The second petition shall be mailed to: Director, Wyoming Department of Environmental Quality, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent via certified mail, return receipt requested.

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

Ordered this 15th day of February, 2013



Todd Parfitt
Director
Department of Environmental Quality



John F. Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Kathy Shreve, Environmental Program Principal, Wyoming DEQ/WQD, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-6682.

TP/JFW/KS/bb/12-1160

cc: Steve Pratt, EPA Region 8
Kevin Frederick, WDEQ
John Passehl, WDEQ
Kathy Shreve, WDEQ
NOV Docket **5079-12**
Environmental Quality Council
Keith Guille, DEQ Public Information Office (PDF)