



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

Todd Parfitt, Director

CERTIFIED MAIL

May 30, 2014

Mr. Bruce Workman
BW Oil LLC
149 Hamel Road, PO Box 231
Hamel, MN 55340

RE: Notice of Violation, Docket Number 5410-14

Dear Mr. Workman:

Attached is a Notice of Violation, Docket Number 5410-14, issued to BW Oil LLC, (BW Oil), for violations of permit conditions associated with WYPDES permits WY0028011, WY0034100, WY0052434, and WY0052981. Department of Environmental Quality, Water Quality Division (DEQ/WQD) data base records indicate numerous effluent and reporting violations of permit requirements for the WYPDES permits held by BW Oil. Compliance inspections of the permitted facilities have also documented both effluent and administrative violations of permit requirements in 2014. Results of the site visits are included in the Notice of Violation Docket Number 5410-14 accompanying this letter.

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. BW Oil should maintain compliance with all conditions established in the above referenced WYPDES permits.
2. BW Oil should provide the WQD with a written report indicating the steps taken to prevent these violations from occurring again in the future. The report should be received by the WQD within 30 days of the date of this letter.

The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by BW Oil. If BW Oil wishes to pursue resolution of the previously noted violations through such an agreement, please contact Mr. Kevin M. Wells, Natural Resource Program Supervisor, at (307) 777-8669 within 21 days of the date of this letter to set up a meeting to discuss this matter.

Todd Parfitt
Director
Department of Environmental Quality

Kevin Frederick
Administrator
Water Quality Division

TP/KF/KMW/bb/14-0473

Enclosure: Notice of Violation

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)
Bill DiRienzo ► Kevin M Wells (PDF)
NOV Docket 5410-14
Keith Guille, DEQ Public Information Officer (PDF file only)
Director, DEQ

Page L-1

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 777-5973	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
--	---	---	---	--	--	---



BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:)
)
Mr. Bruce Workman)
BW Oil, LLC)
149 Hamel Road, PO Box 231)
Hamel, MN 55340)
)
)
)
)

DOCKET NUMBER 5410-14

NOTICE OF VIOLATION

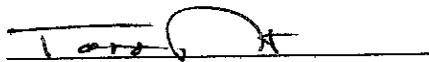
NOTICE IS HEREBY GIVEN THAT:

1. BW Oil, LLC (BW Oil) is the owner of numerous oil treater facilities located in Crook and Weston Counties, Wyoming. WYPDES discharge permits WY0094404, WY0028011, WY0034100, and WY0052434 were issued on April 1, 2011 and WY0052981 was issued on September 1, 2013 by the Wyoming Department of Environmental Quality, Water Quality Division, (DEQ/WQD), to BW Oil. All requirements associated with the permits became the responsibility of BW Oil on these dates. All the facilities discharging have the potential to impact surface waters of the state if permit limits are exceeded.
2. On April 14, 2014 the WQD conducted a records review inspection for WYPDES permit **WY0034100** which includes a review of Discharge Monitoring Reports (DMR), analytical results, field parameters, and any other field notes or documentation of the facility completed by BW Oil for the second semester of 2012 and all of 2013. Violations of permit conditions noted during the inspection included holding times for pH analysis which were exceeded for every sampling event conducted in 2012 and 2013, analytical report sheets did not contain all the required header information, and a pH analysis was not performed every two months during the monitoring periods reviewed.
3. On April 17, 2014 the WQD conducted a records review inspection for WYPDES permit **WY0052434** which includes a review of Discharge Monitoring Reports (DMR), analytical results, field parameters, and any other field notes or documentation of the facility completed by BW Oil for the second semester of 2012 and all of 2013. Violations of permit conditions noted during the inspection included holding times for pH analysis, and a compliant pH sample was not collected for the monitoring periods of 2012 and 2013 as required by Part I.A.2.a of the permit.
4. On February 12, 2014 the WQD conducted a compliance inspection for WYPDES permit **WY0052981**. Field parameters for effluent pH, Temperature, Specific Conductance, and Flow were recorded and an effluent sample was collected. The returned analysis of the effluent sample had an Oil and Grease content of 16 mg/L which exceeds the permit limit for this parameter of 10 mg/L.
5. On March 28, 2014 the WQD conducted a records review inspection for WYPDES permit **WY0052981** which includes a review of Discharge Monitoring Reports (DMR), analytical results, field parameters, and any other field notes or documentation of the facility completed by BW Oil for the second semester of 2013. Violations of permit conditions noted during the inspection included holding times for pH analysis and failure of taking the sample without electronic measurement, failure to sample for Oil and Grease and Chlorides for September-October 2013, and failure to sample for Chlorides for November and December 2013.

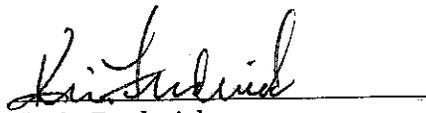
6. On February 12, 2014 the WQD conducted a compliance inspection for WYPDES permit **WY0094404**. Field parameters for effluent pH, Temperature, Specific Conductance, and Flow were recorded and an effluent sample was collected. Discharge from the facility was very cloudy with an oily residue apparent in the livestock water tank that captured the discharge. The returned analysis of the effluent sample had an Oil and Grease content of 629 mg/L which exceeds the permit limit for this parameter of 10 mg/L. Since the date of this inspection the permit has been transferred to PGC, LLC.
7. On April 16, 2014 the WQD conducted a records review inspection for WYPDES permit **WY0094404** which includes a review of Discharge Monitoring Reports (DMR), analytical results, field parameters, and any other field notes or documentation of the facility completed by BW Oil for the 2012 production year and first semester of 2013. Violations of permit conditions noted during the inspection included holding times for pH analysis and failure of taking the sample without electronic measurement, improper DMR reporting values to include using values for more than one sample result over the course of the monitoring periods reviewed, and laboratory analysis data sheet violations that included: no sample locations, missing dates of analyses, missing information of who performed the analyses, and failure to provide required information on chains of custody.
8. Letters of Violation (LOV) have been issued to BW Oil for numerous violations of permit conditions for WYPDES permit **WY0028011** during 2012 and 2013. Violations at this facility included effluent exceedances for Oil and Grease, failure to sample for Chloride, exceedances for pH holding time, (all for outfall 001), and failure to submit DMRs from discharges at outfall 001. These results can be reviewed in the attached table with this Notice. The discharges all entered "waters of the state" as defined under W.S. 35-11-103 (c)(vi) and all the listed parameters are defined as "pollution" in W.S. 35-11-103 (c)(i).
9. Letters of Violation (LOV) have been issued to BW Oil for numerous violations of permit conditions for WYPDES permit **WY0034100** on 1/30/2012, 8/22/2012, and 3/26/14. Violations included: failure to submit DMRs, missed samples, and improper signage requirements at the facility.
10. Letters of Violation (LOV) have been issued to BW Oil for numerous violations of permit conditions for WYPDES permit **WY0052434** during 2013. Violations at this facility included failure to submit DMRs for first semester 2012 and missed samples of Chlorine, Aluminum, and Iron during the required sampling periods.
11. Letters of Violation (LOV) have been issued to BW Oil for numerous violations of permit conditions for WYPDES permit **WY0094404**, which was previously issued to BW Oil during 2011. Violations at this facility included effluent exceedances for Chlorides, Specific Conductance, and Sodium Absorption Ratios from discharges at outfall 001. These results can be reviewed in the attached table with this Notice. The discharges all entered "waters of the state" as defined under W.S. 35-11-103 (c)(vi) and all the listed parameters are defined as "pollution" in W.S. 35-11-103 (c)(i).
12. The effluent exceedances to the stream channels are violations of WYPDES permit requirements, section 5(i)(C) of Chapter 2 of the Wyoming Water Quality Rules and Regulations (WWQRR) and section 35-11-301 (a)(i) of the Wyoming Environmental Quality Act (Act);
13. 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 2nd day of June, 2014.



Todd Parfitt
Director
Department of Environmental Quality



Kevin Frederick
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Kevin M. Wells, Natural Resource Program Supervisor, Wyoming Department of Environmental Quality, Water Quality Division, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

TP/KDF/KMW/bb/14-0473

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)
Bill DiRienzo ► Kevin M Wells (PDF)
NOV Docket 5410-14
Keith Guille, DEQ Public Information Officer (PDF file only)
Director, DEQ