BEFORE THE

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO:	)	
Mr. Ronald Hando **Western American Resources** **555 17th Street, Suite 1400** **Denver, CO 80202**	)	**DOCKET NUMBER 5522-14**

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Western American Resources (WAR) is owner of an oil treater facility, Federal 1-11 Well, located in SESW Section 11, Township 39N, Range 63W, Niobrara County, Wyoming. The wastewater is discharged to Charlie's Draw (3B) tributary to the Cheyenne River Basin (2ABww). WYPDES discharge permit WY0094650 was issued by the Wyoming Department of Environmental Quality, Water Quality Division (WQD) to WAR with an effective date of January 1, 2013.

2. On December 2, 2014 the WQD conducted a record review at the above mentioned facility. Records reviewed included analytical data for 2nd Semester 2013 and 1st Semester 2014 (including chain of custody forms) and respective discharge monitoring reports (DMRs). The following issues of non-compliance were identified during the review:

    - January-February 2013 – Oil and grease (O&G) was reported as "non-detect" but no supporting analytical data was provided as required by permit WY0094650.
    - March-April 2013 – O&G was reported as "non-detect" but no supporting analytical data was provided as required by permit WY0094650.
    - WAR incorrectly reported data from samples collected in the 1st semester 2014 as samples collected in the 2nd semester 2013. There were no analytical records available from 2nd semester 2013 to review, as required by the permit.
    - Analytical records for samples collected in 1st semester 2014 were reviewed; however, no DMRs were submitted to WQD as required by the permit. This data was incorrectly reported as 2nd semester 2013 data for the required report.
    - Analytical measurement of pH is not being conducted in the field as required under the permit per "Analysis of Pollutants" (40 CFR 136.3, Table IB). This sample should be analyzed within 15 minutes of collection but WAR is having the sample analyzed by a laboratory upon receipt which is an exceedance of the holding times for the sample.

3. The non-compliant issues observed are violations of WYPDES permit WY0094650 requirements, Chapter 2 of the Wyoming Water Quality Rules and Regulations (WWQRR).

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;

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL – STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Within 30 days of receipt of this NOV and Order WAR shall submit the required information to WQD to include; the corrected and missing DMRs for 2nd semester 2013 and 1st semester 2014 (as indicated in the inspection report) and verification that "electronic measurement" will be implemented to analyze pH within 15 minutes of samples collected while in the field.

Within 30 days of receipt of this NOV and Order WAR should arrange with the WQD Inspection Supervisor, Mr. Jim Eisenhauer (307-675-5636), a training session on proper completion and submittal of Discharge Monitoring Reports, and discuss sampling procedures to ensure future samples are collected and analyzed as required by the permit.

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 25th day of February, 2015.

Todd Parfitt
Director
Department of Environmental Quality

Kevin Frederick
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Kevin M. Wells, WYPDES 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/KF/KMW/bb/15-0163

cc: Kacy Sable, 8ENF-W-NP, EPA Region 8 (PDF)
Bill DiRienzo ► Kevin Wells (PDF)
NOV Docket 5522-14
Environmental Quality Council
Landon Brown, DEQ Admin (PDF)
Connie Osborne, DEQ Admin (hard copy)