

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED
MAR 26 2008
Terri A. Lorenzon, Director
Environmental Quality Council

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

High Energy, Inc.)
PO Box 668)
Buffalo, WY 82834)

DOCKET NUMBER 4218-08

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. High Energy, Inc. (HEI) is the owner of a coal bed methane production facility in Wyoming which is permitted to discharge through the Wyoming Pollution Discharge Elimination System permit WY0045888.
2. Part I of the above referenced permit, under the Monitoring and Reporting section, requires effluent monitoring results to be summarized and reported on a Discharge Monitoring Report (DMR) form. The WQD sent a Letter of Violation (LOV) to HEI on December 8, 2007 instructing them to send in all delinquent DMRs to the WQD. The WQD did not receive a response to the LOV and did not receive any delinquent DMRs.
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 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. HEI shall immediately submit complete and accurate delinquent DMRs to the WQD. This information shall be received by the WQD no later than 60 days after the receipt of the NOV by HEI.
2. HEI shall submit to the WQD a plan of action to ensure all DMRs are filled out correctly and submitted in a timely manner in the future.

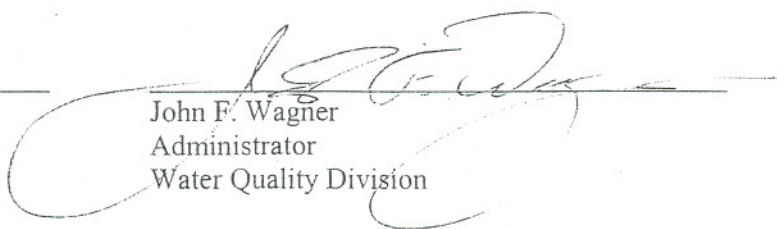
This ORDER is final unless, no later than ten (10) days after the date this notice is received; it is appealed by filing two written requests for a hearing before the Environmental Quality Council. If a hearing is requested, the first hearing petition shall be mailed to the Chairman, Wyoming Environmental 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 13 day of MARCH, 2008.



John V. Corra
Director
Department of Environmental Quality



John F. Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Kevin M. Wells, WYPDES Compliance & Enforcement Program Coordinator, 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/8-0181

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)
Jim Eisenhower, WYPDES Inspection Program Coordinator (PDF)
Bill DiRienzo ► Brian K. Lovett ► Leah J. Krafft (PDF)
NOV Docket 4218-08
Environmental Quality Council
Director, DEQ
Keith Guille, DEQ Public Information Office (PDF)