

10-3216

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED
MAY 18 2010
Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
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Kevin Smith)
PO Box 1109)
Thermopolis, WY 82443)
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DOCKET NUMBER 4679-10

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Kevin Smith operates the Richards Lease Oil Production Facility in Big Horn County, Wyoming which is permitted to discharge through the Wyoming Pollution Discharge Elimination System (WYPDES), permit number WY0023922. The wastewater from this facility is discharged to Sage Creek (class 2AB) via an unnamed drainage.
2. On March 10, 2010 the Wyoming Department of Environmental Quality/Water Quality Division (DEQ) issued a Letter of Violation (LOV) requiring Kevin Smith to respond within 14 days to the noted permit violation of failure to submit Discharge Monitoring reports for the following reporting periods; 1st and 2nd semester 2008, 1st and 2nd semester 2009, and annual DMR reports for 2008 and 2009. A second LOV was issued to Kevin Smith on April 12, 2010 for the same violations and failure to respond to the first LOV. Failure to respond to both LOVs is also a violation of permit conditions.
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 Kevin Smith will submit a comprehensive plan of action to correct the deficiencies of the permit requirements for DEQ review and approval.
2. If the information is available, Kevin Smith will complete and submit within 30 days from receipt of this Notice the DMRs that are in violation, as noted above, and submit this information to the DEQ. If the information is not available then Kevin Smith will indicate this as well to the DEQ.

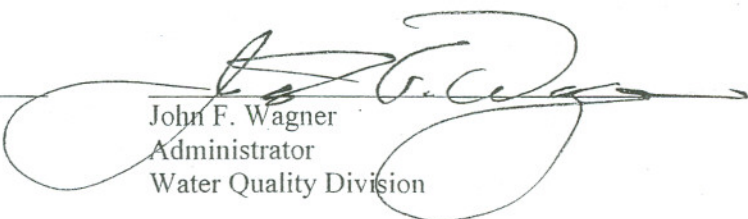
This ORDER is final unless, no later than ten (10) days after the date this notice is received; it is appealed by filing two written requests for a hearing before the Environmental Quality Council. If a hearing is requested, the first hearing petition shall be mailed to the Chairman, Wyoming Environmental 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 10 day of MAY, 2010.


John V. Corra
Director
Department of Environmental Quality


John F. Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Kevin M. Wells, WYPDES Natural Resource Program Manager, 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/10-0384

cc: Natasha Davis, 8ENF-W-NP, EPA Region 8 (PDF)
Bill DiRienzo ► Kevin M. Wells (PDF)
NOV Docket 4679-10
Environmental Quality Council
Director, DEQ
Keith Guille, DEQ Public Information Office (PDF)