

**BEFORE THE**  
**ENVIRONMENTAL QUALITY COUNCIL**  
**STATE OF WYOMING**

IN THE MATTER OF THE NOTICE OF )  
VIOLATION AND ORDER ISSUED TO: )  
)  
)  
)  
)  
)  
**Mr. Gabriel Holt** )  
**44 Mag Production, Inc.** )  
**4328 Highway 66** )  
**Longmont, CO 80504** )  
)  
)  
)  
**DOCKET NUMBER 4927-11**

**NOTICE OF VIOLATION AND ORDER**

**NOTICE IS HEREBY GIVEN THAT:**

1. **44 Mag Production, Inc** obtained 5C5-1 General Permit coverage for three coal bed methane injection wells located in Campbell County, Wyoming in 2007. A Letter of Violation (LOV) was issued November 17, 2008 for failure to submit quarterly monitoring reports for the following wells:

<b>Facility</b>	<b>Well</b>	<b>General Permit</b>
WYS-005-276	C. Smith 3-12I	5C5-1
WYS-005-00413	Smith 11SR-2-54-75	5C5-1
WYS-005-00472	Smith 3SR-2-54-75	5C5-1

2. 44 Mag Production, Inc is in violation of Underground Injection Control General Permit 5C5-1, Parts IV(B)(1) and IV(B)(2) for failure to adhere to the monitoring and reporting requirements of the permit.
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:**

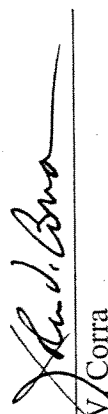
1. Within 30 days from the receipt of this Notice of Violation, 44 Mag Production, Inc will submit all delinquent reports for DEQ review and approval.
2. Within 30 days from the receipt of this Notice of Violation, 44 Mag Production, Inc will arrange for inspection of the facilities by DEQ personnel.

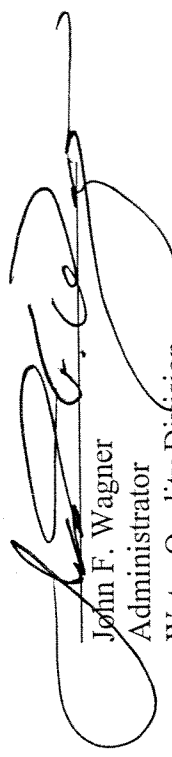
This ORDER is final unless, no later than ten (10) days after the date this notice is received; it is appealed by filing a written request for a hearing before the Environmental Quality Council. If a hearing is requested, the hearing petition shall be mailed to the Chairman, Wyoming

Environmental Quality Council, Room 1714 Herschler Building, 1<sup>st</sup> Floor West, 122 West 25<sup>th</sup> St., Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of the Environmental Quality, Herschler Building, 4<sup>th</sup> Floor West, 122 West 25<sup>th</sup> 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 5<sup>th</sup> day of December, 2011.

  
John V. Corra  
Director  
Department of Environmental Quality

  
John F. Wagner  
Administrator  
Water Quality Division

**PLEASE DIRECT ALL INQUIRIES TO:** John Passehl, UIC Program Geology Supervisor,  
Department of Environmental Quality, Water Quality Division, Herschler Building, 4<sup>th</sup> Floor  
West, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming 82002. Telephone 307-777-5623.

JVC/JFW/KF/JP/bb/rm/11-1031

cc: Steve Pratt, EPA Region 8  
Kevin Frederick, WDEQ  
John Passehl, WDEQ  
NOV Docket 4927-11  
Environmental Quality Council  
Don Fischer, Sheridan DEQ Field Office  
Keith Guille, DEQ Public Information Office (PDF)