

**FILED**

**JUN 03 2013**

**BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING  
EQC DOCKET NO. 13-3205**

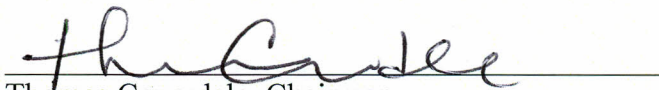
Jim Ruby, Executive Secretary  
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF	)	
VIOLATION AND ORDER ISSUED TO:	)	
Oil Field Disposal Services, Inc.	)	ORDER APPROVING
8185 N. Highway 1416	)	NOV ORDER
Gillette, WY 82716	)	
DEQ DOCKET NO. 5123-13	)	

The above-referenced matter having been considered by the Environmental Quality Council pursuant to the provisions of W.S. 35-11-112(a)(ii), and it appearing to the Council that the time has expired for the filing of an appeal before this body from this order of the Department of Environmental Quality entered herein, and the Council being fully advised in the premises;

IT IS HEREBY ORDERED THAT the order of the Department of Environmental Quality entered herein be and the same hereby is approved.

DATED this 31st day of May, 2013.

  
 Thomas Coverdale, Chairman  
 Environmental Quality Council  
 Room 1714, Herschler Building, 1<sup>st</sup> Floor West  
 122 W. 25<sup>th</sup> Street  
 Cheyenne, WY 82002  
 Phone: 307-777-7170  
 Fax: 307-777-6134

**CERTIFICATE OF SERVICE**

I, Jessica Brown, certify that at Cheyenne, Wyoming, on the 3rd day of June, 2013, I served a copy of the foregoing **ORDER APPROVING NOTICE OF VIOLATION AND ORDER** by electronic mail to the following:

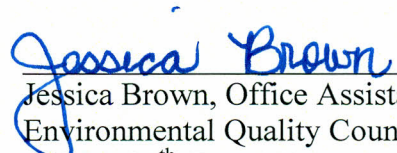
Todd Parfitt  
Director, DEQ  
[Todd.Parfitt@wyo.gov](mailto:Todd.Parfitt@wyo.gov)

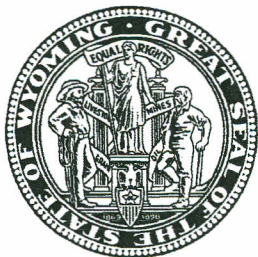
Mike Barrash  
Asst. Attorney General  
[Mike.Barrash@wyo.gov](mailto:Mike.Barrash@wyo.gov)

Kevin Frederick, Administrator  
Water Quality Division  
[Kevin.Frederick@wyo.gov](mailto:Kevin.Frederick@wyo.gov)

and also by United States Mail, postage pre-paid, addressed as follows:

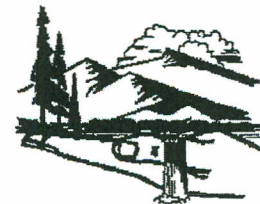
Oil Field Disposal Services, Inc.  
Attn: Reuben R. Tarver  
8185 N. Highway 1416  
Gillette, WY 82716

  
\_\_\_\_\_  
Jessica Brown, Office Assistant  
Environmental Quality Council  
122 W. 25<sup>th</sup>, Rm. 1714  
Herschler Bldg.  
Cheyenne, WY 82002  
Phone: 307-777-7170  
FAX: 307-777-6134



# 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

April 22, 2013

**CERTIFIED MAIL**

Oil Field Disposal Services, Inc.  
Attn: Reuben R. Tarver  
Registered Agent for Oilfield Disposal  
Services, Inc.  
8185 N. Highway 1416  
Gillette, WY 82716

**FILED**

**APR 23 2013**

**RE: Notice of Violation and Order, Docket Number 5123-13  
Pollution Threatening Waters of the State**

Jim Ruby, Executive Secretary  
Environmental Quality Council

Dear Mr. Tarver:

Attached is a Notice of Violation and Order, Docket Number **5123-13**, issued to you for applying an oily waste to the roads at the Oilfield Disposal Services (ODS) facility without a permit and thereby threatening waters of the State.

**ANY APPEALS TO THE ENVIRONMENTAL QUALITY COUNCIL FROM THE ATTACHED ORDER MUST BE MADE IN WRITING WITHIN THE TEN (10) DAY TIME LIMIT PRESCRIBED BY W.S. 35-11-701(c).** Chapter I, Section 3 of the Department of Environmental Quality Rules of Practice and Procedure (<http://soswy.state.wy.us/RULES/5675.pdf>) sets forth the requirements for the initiation of appeal proceedings.

To appeal this Order and request a hearing, you must file two (2) copies of your written petition. The first petition shall be mailed to the Chairman of the Environmental Quality Council at Room 1714, Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition should be sent to Todd T. Parfitt, Director, Wyoming Department of Environmental Quality, Herschler Building, 4th West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

Todd Parfitt  
Director  
Department of Environmental Quality

Kevin Frederick  
Administrator  
Water Quality Division

TP/KF/WCT/rm/13-0292  
Enclosure: Notice of Violation Docket Number **5123-13**  
cc: Dennis Lamb, WWW, Casper  
IPS  
EQC  
Keith Guile, DEQ Public Information Officer



**BEFORE THE**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

13-3205

**STATE OF WYOMING**

**FILED**

**APR 23 2013**

Jim Ruby, Executive Secretary  
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF )  
 VIOLATION & ORDER ISSUED TO: )  
 )  
 )  
 Oil Field Disposal Services, Inc. )  
 Attn: Reuben R. Tarver )  
 Registered Agent for Oilfield Disposal )  
 Services, Inc. )  
 8185 N. Highway 1416 )  
 Gillette, WY 82716 )  
 )  
 )  
 )

**DOCKET NUMBER 5123-13**

**NOTICE OF VIOLATION AND ORDER**

**NOTICE IS HEREBY GIVEN THAT:**

1. Oilfield Disposal Services (ODS) is a commercial oil waste disposal facility (COWDF) located in the SW ½ of Section 17, Township 47 North, Range 89 West in Washakie County, Wyoming.
2. On June 8, 2012 the Wyoming Department of Environmental Quality (WDEQ)/Water Quality Division (WQD) received a proposal to road apply petroleum contaminated material at the ODS facility. The proposal was lacking a Chapter 3 application for a permit to construct, a map showing the roads on which the material was to be applied, analysis of the material to be applied, the source of the material, and a list of all known previous applications of waste to the road(s).
3. On June 29, 2012 the WDEQ/WQD received additional information for the application from ODS. The information contained a map of the roads for application and a composite analysis of the road bed and waste material. The source of the material was still not identified. A review of the application was sent to ODS on July 3, 2012.
4. On August 29, 2012 Ms. Kim Medina (Kim), Senior Geologic Analyst, CBM/Oil and Gas Group, WQD, conducted an inspection of the ODS facility. During that inspection there was what appeared to be petroleum stained material observed on and along the sides of the road bed. These areas were not noted as being stained during an inspection performed in May of 2012. This was the same road bed shown on the map included with the June 8, 2012 road application submittal.
5. DEQ/WQD issued a Letter of Violation (LOV) to ODS on August 30, 2012 for the material that was observed on and along the sides of the road bed the previous day. ODS then replied to the LOV saying that the areas of staining had been there "in the past". No permit to road apply petroleum contaminated soils had been issued to ODS during the period of May to August 29, 2012.
6. On September 27, 2012 Kim and Dennis Lamb, Group Supervisor, CBM/Oil and Gas Group, WQD, conducted a second inspection of the ODS facility. With the consent of Mr. David Stanley, site operator for ODS, samples of the stained material on and along the sides of the road bed were collected. Analysis later confirmed that the material on the road bed was a diesel range hydrocarbon material.
7. Applying oily waste to the roads at the ODS facility without a permit threatens the waters of the State of Wyoming in violation of Wyo. Stat. §35-11-301 (a)(i).
8. 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 DEQ shall cause a written notice to be issued and served on the person alleged to be responsible.

Order

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT ODS:

1. **Submit a complete application pursuant to Chapter 3, Water Quality Rules and Regulations, to the DEQ/WQD for a permit to road apply the oily waste that was dumped on the road bed within forty five (45) days after the date of receipt of this NOV and Order; or**
2. **Remove the oily waste from the road bed, dispose of the material at an approved facility, and provide DEQ/WQD with documentation evidencing removal of the material at an approved facility within forty-five (45) days after the date of receipt of this NOV and Order.**

This ORDER is final unless, not later than ten (10) days after the date of this notice is received it is appealed by filing two written petitions for a hearing before the Environmental Quality Council. If a hearing is requested, the first petition shall be mailed to: Chairman, Wyoming Environmental Quality Council, Room 1714 Herschler Building, 1<sup>st</sup> Floor West, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming, 82002. The second petition shall be mailed to: Director, Wyoming Department of Environmental Quality, Herschler Building, 4<sup>th</sup> Floor West, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming, 82002. Both petitions must be sent via 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 be interpreted as being a condition precedent to any other enforcement action.

Ordered this 22<sup>nd</sup> day of April, 2013.



Todd Parfitt  
Director  
Department of Environmental Quality



Kevin Frederick  
Administrator  
Water Quality Division

**PLEASE DIRECT ALL INQUIRIES TO:** Dennis Lamb, CBM/Oil and Gas Group, Water & Wastewater Section, Wyoming DEQ/WQD, 152 N. Durbin Street, Suite 100, Casper WY, 82601. Telephone 307-473-3452.

TP/KF/WCT/bb/13-0292

cc: IPS  
Dennis Lamb, WWW, Casper  
EQC  
Keith Guille, DEQ Public Information Officer