

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
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, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming, 82002. The second petition shall be mailed to: Director, Wyoming Department of Environmental Quality, Herschler Building, 4th Floor West, 122 West 25th 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 22nd 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